

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV- 2020—CHC-

I MUA I TE KOOTI TAI AO AOTEAROA

IN THE MATTER

of an appeal under Clause 14 of the First
Schedule of the Resource Management
Act 1991

AND IN THE MATTER

of the proposed Marlborough
Environment Plan

BETWEEN

**THE ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW ZEALAND
INCORPORATED**
Appellant

AND

MARLBOROUGH DISTRICT COUNCIL
Respondent

**NOTICE OF APPEAL BY THE ROYAL FOREST AND BIRD PROTECTION SOCIETY OF
NEW ZEALAND INCORPORATED**

8 May 2020

To: The Registrar
Environment Court
Christchurch

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated ('Forest & Bird'; 'the Society') appeals against decisions of Marlborough District Council on the proposed Marlborough Environment Plan ("PMEP").
2. Forest & Bird made a submission and a further submission on the proposed plan.
3. Forest & Bird is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Forest & Bird received notice of the decision on or about 21 February 2020. The Resource Management Act 1991, schedule 1 stipulates that the normal period is 30 working days from the date of notification. On 26 March 2020, the Environment Court issued a Minute extending the appeal period to 8 May 2020
5. The decision was made by the Marlborough District Council.
6. Forest & Bird is willing to participate in alternative dispute resolution.

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

7. A large part of the decision that Forest and Bird is appealing, the reasons and the relief are set out in Table 1. These relate to the provisions regarding primarily indigenous biodiversity and the coastal environment, and includes consequential amendments to other plan provisions as necessary for consistency and to give effect to relief sought as set out in the Table 1 below.
8. Also, in general Forest and Bird is generally supportive of the indigenous biodiversity objectives, policies and rules. Forest and Bird supports the Threatened Environment Overlay ("TEOs") to the pMEP. However, Forest and Bird submits that the voluntary, non-regulatory approach and its difference to the National Environmental Standard on Plantation Forestry for the management of indigenous biodiversity to areas outside of the TEOs does not fulfill the Marlborough District Council's obligations to protect significant indigenous biodiversity, and to maintain indigenous biodiversity under RMA,

ss 6(c), 30 and 31 of the New Zealand Coastal Policy Statement, obj 2, policy 7, and policy 11. Forest and Bird seeks the following relief:

- a. Include a map layer identifying “potential SNAs” to capture significant natural areas outside of the TEOs;
 - b. Include rules that require a resource consent when indigenous vegetation is proposed in the “potential SNAs”;
 - c. As part of the resource consent process or through landowner requests ecological assessments are undertaken to determine if the area contains significant indigenous biodiversity values;
 - d. Include objectives and policies that require SNAs are mapped if an assessment determines an area has significant indigenous biodiversity values;
 - e. Irrespective of the above identify and map SNAs for the coastal environment;
 - f. In addition to proposed indigenous vegetation rules, include rules that apply to SNAs;
 - g. Include objectives and policies that set out the approach council will undertake to identify the SNA’s in the southern Marlborough area; and
 - h. That the Plan is amended to include provisions to direct and support the identification of SNA’s to be identified within the Plan in the future.
9. In addition to the reasons set out above and in the table below, the general reasons for Forest & Bird’s appeal are that the provisions appealed against:
- i. do not give effect to the National Policy Statement on Fresh water management (NPSFM);
 - j. do not give effect to the New Zealand Coastal Policy Statement (NZCPS);
 - k. are not consistent with Part 2 of the Resource Management Act (‘the Act’);
 - l. do not implement the Council’s functions under s 30 of the Act;
 - m. do not represent best resource management practice; or

- n. Any combination of the above matters.
10. Where specific wording changes are proposed by way of relief, Forest & Bird seeks in the alternative any wording that would adequately address the reasons for its appeal.

Attachments

11. The following documents are attached to this notice of appeal:
- a. A copy of Forest and Bird’s original submission (Appendix A); and
 - b. A copy of Forest and Birds further submission (Appendix B).
12. Not attached is a a list of submitters served or a copy of the Marlborough District Council’s decision, the PMEP. The Minute (dated 15 April 2020) waived the requirement to serve a copy of this Notice of Appeal on all the submitters to the plan and increased the period for lodging appeals and s 274 notices. However, the pMEP is large and there is an online copy of the plan on the Marlborough District Council’s webpage. Forest & Bird will seek clarification from the Court as to whether it is required to file a copy of the pMEP and will do so if required.

Dated: 8 May 2020



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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

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

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

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

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

How to obtain copies of documents relating to appeal

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

Advice

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

TABLE 1 - PART OF DECISION APPEALED, REASONS FOR APPEAL AND RELIEF SOUGHT

	PROVISION	REASONS FOR APPEAL	APPEAL – RELIEF SOUGHT
	Volume 1 Chapter 5 - Allocation of Freshwater Resources (previously Allocation of Public Resources)		
1.	Introduction	The amendments to the Introduction are commendable to recognise that allocation flows may change in the PMEP lifetime through climate change. However, it doesn't go far enough in recognising that instream flow requirements may also change through allocation of the water resource and adjustments to native fish or plant classifications (i.e. some species may obtain "threatened" status and their flow requirements may be more stringent than the current flow regimes provide for) or both. This review process will help ensure the PMEP retains its aspirations of an allocation regime that exceeds the environmental bottom lines as set out in the NPS-FM.	Amend by adding the following sentence: <u>Future flow assessments will occur as set out in the policies to ensure any future allocations retains the necessary instream flows for indigenous vegetation and habitat of indigenous species is protected.</u>
2.	Policy 5.2.11	This new policy is good to have in the pMEP and gives clear direction to the Marlborough Region that the Council will undertake this work. However, the date for implementation is too far away and the Council can do better to implement it sooner. A lot of values and more consents can be lost or changed in the period. The Policy should give a clear unequivocal date that it will notify the plan change to implement this Policy	Amend to include a specific date that it will notify any future plan by and bring this date forward from 2024.
3.	Policy 5.2.14	Forest & Bird supported the policy as notified. The decisions version amended it slightly. It now refers to Policies 5.2.4 and 5.2.8. However, the s42A report recommended it refer to	Amend: 5.2.8 <u>5.2.10</u>

		Policy 5.2.11 (now 5.2.10 decisions version). The reference to 5.2.8 makes no sense which is all about having regard to adverse effects. 5.2.10 decisions version is the equivalent to 5.2.4 (setting environmental flows) which is for setting minimum levels.	
4.	Policy 5.3.16	<p>Avoid means “not allow” or “prevent the occurrence of”. The words seek to avoid could be taken to mean something else something less and that an individual may not have to actually avoid the effect but just try as hard as possible to avoid.</p> <p>Also the purpose of the policy is to prevent a reduction in the seven day mean annual low flow by no more than 5%. The Hearings Panel decided to delete the reference to “carbon sequestration Forestry (non-permanent)” for no other reason than consistency with their decisions on the use of the term in the Panel’s broader decision on forestry issues. Sequestration is not mentioned anywhere else in Chapter 5. This type of forestry will have just as much impact on flow as plantation forestry.</p>	<p>Amend: “and seek to avoids”</p> <p>And reintroduce term: “... <u>and carbon sequestration forestry planting...</u>”</p>
Volume 1 Chapter 6 - Natural Character			
5.	Policy 6.2.2	The term freshwater bodies in the added paragraph is unclear. Does it include wetlands, lakes and rivers. The Section 42A report explains that wetlands are dealt with in the indigenous biodiversity chapter. Wetlands is not included in this chapter. Either add a definition of freshwater bodies or list the bodies of water that are included. Other policies also use the term freshwater bodies. Fresh water and water bodies are defined in the RMA and a user of the plan could be confused by the use of the term of “freshwater bodies” in the plan particularly when it is proposed that does not include “wetland” in chapter 6	Add a definition of “freshwater bodies” or list the bodies of water meant to be covered in the policy

Volume 1 Chapter 7 - Landscape			
6.	Policy 7.1.1	The policy is supported but it lacks clarity. The decisions versions now refers to “the following factors” then goes on to list factors and values. It also states identify and assess values ... using the following factors ... values and consultation...” this could be clarified. Forest & Bird asked that it refer to values and characteristics in its submission. Policy 15(c) of the NZCPS uses both factors and values. Appendix 1 uses the term “values” which corresponds to the list in Policy 7.1.1	<i>Amend: “Identify and assess the values of Marlborough’s landscapes and features using the following factors:”</i>
7.	Policy 7.1.3	This Policy in conjunction with Policy 7.1.1 is unclear. Policy 7.1.1 assesses and identifies values and then again in Policy 7.1.3 it assesses and identifies the values in Policy 7.1.1 Policy 7.1.1 and 7.1.3 both use “identify and assess values” in the first sentence. Policy 7.1.3’s explanation clearly states that once an assessment is undertaken under Policy 7.1.1 then a determination is to be made as to whether they warrant ONL or ONF status. Policy 7.1.3 only fulfils this ambition in part. There is no explanation about the “how” it will make its determination.	Amend: “Use the identification and assessment of values process undertaken in Policy 7.1.1 to determine” And then add a new part to the policy following (c): “In determining what is outstanding the following criteria will be used: [list Criteria from the Marlborough Landscape Study August 2015] a) b)...”
8.	Policy 7.2.2	Policy is inconsistent with the NZCPS, the Wairau Dry Hills High Amenity Landscape was deleted from Policy 7.2.7. There is no guidance that will ensure significant adverse effects are avoided and that other adverse effects will be avoided, remedied, or mitigated.	Amend the Policy such as: “Avoid activities that have potential to degrade... by : (a) setting permitted...consistent with <u>no more than minor effects on existing landscape values</u> .. (b) controlling existing activities and new activities, with potential for more than minor adverse effects, to avoid remedy of mitigate adverse effects; and (c) avoiding new activities which have significant adverse

			effects”
9.	Policy 7.2.5	Does not give effect to RMA, s 6(b) the protection of ONFL’s. The policy jumps straight to remedy. The policy requires redrafting to give effect to the hierarchy of management tools, avoid, mitigate and then remedy	Amend: “...adverse effects are <u>mitigated or remedied in that order</u> ”
10.	Policy 7.2.6	This policy is confusing. Does Regionally Significant Infrastructure include the National Grid. RSIs are not defined in the pMEP. Also the explanation keeps referring to “a) to C)” when c) has been deleted. The explanation also says the policy does not apply to the Coastal Environment but this is not carried through in the wording of the Policy and 7.2.6(a) clearly says in the “coastal environment”. Also the NPS ET, policy 8 says that development of transmission systems should seek to avoid adverse effects on ONL, high natural character areas and amenity. This policy only seeks to avoid adverse effects in ONFLs	Rewrite this policy to eliminate confusion; and to provide direction consistent with s6(b) of the RMA and NZCPS, policy 15; and to align with Policy 7.2.6’s explanation; and to provide direction consistent with NPS ET, policy 8
11.	Policy 7.2.7	There is no management regime for the Wairau Dry Hills to ensure adverse effects are avoided, remedied or mitigated or give effect to RMA, s 7(c)	Reintroduce Wairau Dry Hills High Amenity Landscape or accept relief sought for Policy 7.2.2
Volume 1 – Chapter 8 Indigenous Biodiversity			
12.	General	See reasons in paragraph 8 above It’s also important that SNAs are mapped because the permitted rule structure in the NES for Plantation Forestry relies to a degree on mapped SNAs. Additionally the pMEP may be more stringent than the NESPF and provide for setbacks from SNAs. Without this protection afforestation may occur right next to an SNA. There are also further requirements on plantation owners to remove wilding conifers that result from afforestation where they establish in	See relief in paragraph 8

		SNAs and wetlands.	
13.	Introduction	<p>The last sentence in the last paragraph makes no sense. The paragraph is about non-indigenous species.</p> <p>Another paragraph should be added at the end of the introduction to state why it is important to protect remaining biodiversity as lead in to the provisions of this chapter.</p>	<p>Move the last sentence to its own paragraph and amend as follows: <u>“Marlborough has a range of indigenous biodiversity but it has also lost some indigenous biodiversity. It is important that Council continues to undertake its statutory obligations and protect significant indigenous biodiversity and maintain and enhance other indigenous biodiversity.</u> “However, it <u>It is also important to acknowledge recognise and provide for that the remaining areas of indigenous biodiversity, still which continue to contribute significantly to Marlborough’s heritage value social, economic and environmental wellbeing.”</u></p>
14.	Objective 8.1	<p>Does not give effect to RMA, s 6(c) and the NZCPS, policy 11.</p> <p>This Objective says it applies to biodiversity in terrestrial, freshwater and marine environments. This means it applies to the Region not just the District.</p> <p>The pMEP uses the term Freshwater differently. In Volume 1 Chapter 6 it says freshwater does not include wetlands. There is no definition of freshwater. It needs to be made abundantly clear that Obj 8.1 also pertains to wetlands. Policy 8.1.1 does, it says wetlands and Appendix 3 says wetlands.</p> <p>It is not clear where the Threatened Environments Overlay (“TEO”) comes from or gains its policy direction. TEO makes its first appearance in this chapter in 8.M.2.</p>	<p>Delete: “The intrinsic values of”</p> <p>Replace in first paragraph of explanation: “District’s Region’s”</p> <p>Add “wetlands”</p> <p>Amend to clarify that the Landscape Overlay of Threatened Environments comes from the statement of priorities.</p> <p>Include policy direction to apply the Threatened Environments classification as an overlay</p>

15.	Policy 8.1.1	<p>Sustainability,¹ size and shape and adjacent catchment modifications should not be used as part of the filter criteria for significance assessments. Whether a site is or is not sustainable makes no difference as to the value of any indigenous biodiversity that may exist on the site. The same can be said for adjacent catchment modifications and size and shape. They could be said to help inform the ecological context and rarity assessments. However, the proposed wording is significantly different to that in the Draft National Policy Statement on Indigenous Biodiversity (“dNPSIB, Appendix 1. Further there is no reference to what is ecological context. In the dNPSBI, D1 size and shape, and connectivity are part of the ecological context. Also there is no guidance in the policy about how to inform rarity or distinctiveness.</p> <p>Appendix 3, has 2 definitions one for ecological district and one for biogeographical area. These definitions should be move to the definitions chapter in the pMEP.</p> <p>NZCPS, policy 7 requires identification in the map, and policy 11 requires protection of terrestrial indigenous biodiversity in the coastal environment. Even though SNAs would provide only a partial picture of the biodiversity values to be protected under Policy 11, the pMEP does not identify and map SNAs on the landward side of the coastal environment. See also appeal point on policy 13.1.1</p> <p>As drafted does not give effect to the Council’s requirements</p>	<p>Delete: (e) size and shape ... g) sustainability; ... (h) adjacent catchment modifications</p> <p>Amend: “... (d) distinctiveness; and Management Criteria (e) size and shape; (f) connectivity / ecological context; g) sustainability; ... (h) adjacent catchment modifications</p> <p>Then a new paragraph: <u>“The context for any significant indigenous biodiversity value assessment is the ecological district and, as part of the rarity assessment, the biogeographical area in which it is located.”</u></p> <p>Amend policy or add another that requires an assessment, identification and mapping of SNAs on the landward side of the coastal environment.</p> <p>Council should also insert provision to ensure the full suite of protection provided by Policy 11 in the coastal environment.</p>
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¹ See Royal Forest and Bird Protection Society of New Zealand Incorporated v New Plymouth District Council [2015] NZEnvC 219

		under RMA, s6(c) or the NZCPS	
16.	Policy 8.1.2	It's great this policy says that all significant wetlands and coastal marine sites will be mapped. Appendix 27 maps the significant marine sites. The pMEP should also have an appendix with the wetlands. Does not give effect to RMA, s 6(c) or the NPSFM or the NZCPS	Add a reference in the explanation to the Appendix that contains the maps for the significant marine sites and the wetland areas.
17.	Policy 8.2.2	Does not give effect to RMA, s 6(c) and the NZCPS, policy 11 The voluntary approach does have its merits but it cannot be the primary mechanism for protecting significant biodiversity. Regulatory mechanisms are usually more effective at preventing loss of significant biodiversity than voluntary mechanisms. Plus a great deal of biodiversity can be lost within a 10 year time frame.	Amend Plan to include policy direction for mapping SNAs.
18.	Policy 8.2.5	Support the policy but it either requires amendments or a new policy is required. Voluntary mechanisms should sit alongside regulatory measures. The pMEP needs direction for the mapping of identified SNAs. Does not give effect to RMA, s 6(c) or the NZCPS	Provide wording or a new policy that provides for voluntary assessments, aerial surveys and desktop analysis of significant indigenous biodiversity on private and public land and inclusion on a schedule and mapped into the pMEP through future plan changes.
19.	Policy 8.2.8	Areas that are identified for monitoring are likely to be significant indigenous biodiversity sites. Simply monitoring these sites does not protect them. Particularly with a 10 time lag for re assessment. Does not give effect to RMA, s 6(c) or the NZCPS	Amend to include wording or a new policy that provides for provides for voluntary assessments, aerial surveys and desktop analysis of significant indigenous biodiversity on private and public land and inclusion on a schedule and mapped into the pMEP through future plan changes.
20.	Policy 8.2.10	Does not give effect to RMA, ss 30 and 31 'Promote the maintenance' is something less than just saying	Delete: " Promote the maintenance, enhancement or restoration of "

		<p>“maintain”. The wording as notified was clear and gave plan users clear direction.</p> <p>Also needs to recognise the habitat of threatened and at risk species</p>	<p>Reinsert: “<u>Maintain, enhance or restore</u>”</p> <p>Add: “<u>(x) habitat of threatened or at risk species</u>”</p>
21.	Policy 8.3.5	<p>Does not give effect to the RMA, s 6(c) or the NZCPS</p> <p>This policy refers to ESMSs but these are not listed in Appendix 27, they are mapped but there is no correspondence between policy 8.3.5 and the sites on the map.</p> <p>The Forest & Bird report (2014) also identifies more bird colonies in the sounds that require protection.</p>	<p>Include the ESMSs listed in policy 8.3.5 in Appendix 27 and have a buffer zone attached to it to accommodate and protect the habitat of the King Shag</p> <p>Include all other Important Bird Areas (Forest & Bird 2014) not already mapped.</p>
22.	Policy 8.3.6	<p>Does not give effect to RMA, S 6(c) or NZCPS or NPSFM.</p> <p>The policy applies to biodiversity in general rather than significant indigenous biodiversity. And as worded it only applies to significant residual adverse effects. The policy does not allow for offsetting for less than significant residual adverse effects. This may create perverse outcomes.</p> <p>There should be a preference for offsets to last in perpetuity. Many proposed offsets such as pest management only provide temporal relief and the relief is generally lost shortly after any pest management ceases.</p> <p>‘Biodiversity offsetting’ is not ‘environmental compensation’, the explanation mixes the language and it is important that the two are not confused.</p> <p>The Auckland Plan is silent on whether environmental compensation can be provided for. Forest & Bird suggest that the pMEP make this abundantly clear.</p>	<p>Amend: “... <u>mitigate significant</u> ... (a) ... <u>significant</u>...”</p> <p>Reinsert: “<u>(d) there is a strong likelihood that the offsets will be achieved in perpetuity;</u>”</p> <p>Delete reference to ‘environmental compensation’ in explanation.</p>

23.	Policy 8.3.8	<p>Does not give effect to RMA, S 6(c) or NZCPS</p> <p>The word vulnerable adds a degree of uncertainty to the pMEP despite the explanation stating that vulnerable sites are those evaluated as such. There is no explanation in Appendix 27 about which sites are vulnerable and there is only a Category A and a Category B. As it reads presumably all of them. To that end it is difficult to understand the purpose of the term “vulnerable” in the policy. The only distinctive difference in terms of the 16.7.5 that flows on from this is the prohibition of anchoring.</p> <p>The s42A report and the hearing report clarifies the position but this hasn’t flowed through to the pMEP. The s42A report also recommended that another category is added to Appendix 27 a category C that is not vulnerable to seabed disturbance for areas designated for marine mammals etc.</p> <p>Also the s 42A report identified that the <i>‘Reassessment of selected significant marine sites (2014-2015) and evaluation of protection requirements for significant sites with benthic values’</i> identified a total of 129 ESMSs, of those 81 are potentially vulnerable to bed disturbance. The s 42A recommended a Category C listing for ESMSs not vulnerable to bed disturbance.</p>	<p>Delete: Vulnerable</p> <p>Add: Appendix 27 – a Category C listing all the ESMSs not vulnerable to bed disturbance.</p>
Volume 1 – Chapter 13 Use of Coastal Environment			
24.	Policy 13.1.1	Does not give effect to the NZCPS, policy 7 requires identification in the map, and policy 11 requires protection of terrestrial indigenous biodiversity in the coastal environment.	Amend policy or add another that requires an assessment, identification and mapping of SNAs on the landward side of the coastal environment

		It does not identify and map SNAs on the landward side of the coastal environment	
25.	Policy 13.2.1	Lacks clarity	Delete in (f) “generally experienced”
26.	13.M.4	Does not give effect to NZCPS and RMA, ss 30 and 31	Amend first and second sentence as follows: “A range...where there are <u>activities would likely have</u> minimal adverse effects on the environment. These activities will be subject to standards, including amenity based standards, <u>to ensure adverse effects will be no more than minor.</u> ”
27.	Policy 13.3.2	Does not give effect to NZCPS, The coastal marine area does not include the landward side of the coastal environment. It is not clear what this policy is trying to achieve, the public is already permitted to navigate virtually anywhere in the coastal marine area. The explanation clearly explains that the policy is meant to apply to whole of the coastal environment not just the CMA. The policy itself should also be clear	Amend to apply across coastal environment.
28.	Policy 13.5.3	The intent of this policy is not entirely clear when read in conjunction with the explanation and it seems to contradict Policy 13.5.2 which encourages residential and subdivision activities to take place in the Coastal Living Zone. It is not clear how this policy gives effect to the NZCPS, particularly the explanation which specifies that Coastal Environment Zone has allotments that do not have a dwelling on them.	Delete and amend: “ <u>Provide guidance to support appropriate residential development with areas zoned Coastal Living Zone</u> ” Delete references to Coastal Environment Zone in the explanation.
29.	13.AER.1	Does not give effect to RMA, s 6(c) or the NZCPS	Amend to provide for mapped areas of significant indigenous biodiversity on the landward side of the coastal environment

Volume 2 – Chapter 2 General Rules			
31.	Standard 2.8.1.5	The standard does not adequately accommodate the breeding season of birds that nest in riverbeds	Retain and amend Standard 2.8.1.5 “During the period of 1 September to <u>1 February</u> in any...”
Volume 2 – Chapter 3 Rural Environment Zone Rules			
32.	Standard 3.3.7 and 3.3.8	This standard has been mostly deleted deferring to the NES on plantation forestry (“NESPF”). The NESPF does not provide for any setbacks from SNAs. Currently the pMEP has no mapped SNAs. However, Forest & Bird is seeking that the pMEP map SNAs	Unless SNAs are mapped then reinstate as notified with additional protection for setbacks
Volume 2 - 3.3.12, 4.3.10, 7.3.7, 17.3.2, 18.3.3, 19.3.3, 20.3.5			
34.	Standards Indigenous vegetation clearance 3.3.12, 4.3.10, 7.3.7, 17.3.2, 18.3.3, 19.3.3,	Does not adequately give effect to RMA, ss 6(c), 30 and 31, or the NZCPS. Also it is noted that the TEO does not cover all areas of significant indigenous biodiversity. The permitted rule and standard allows for the clearance of an enormous amount of indigenous vegetation and some of that may be significant. There needs to be a standard or rule that triggers an assessment of site. If the site meets the significance criteria in Policy 8.1.1 then the clearance of the indigenous vegetation should be non-complying. In chapters where forestry is excluded from this rule that should be reversed and forestry included. The NESPF provides for setbacks from the CMA and prevents clearance of SNAs. But the pMEP does not identify any SNAs and plantation forestry is not subject to the TEO restriction which means a plantation forest activity could, under NESPF, reg 93, clear a 1 ha or 1.5% (whichever is the greater) of the total area of indigenous	Amend and strengthen Remove thresholds for clearance of indigenous vegetation per Computer Register. Remove rules permitting clearance standards of indigenous vegetation specifically around matagouri and indigenous vegetation dominated by Manuka, kanuka, tauhinu, braken fern and silver tussock that has grown naturally from previously cleared land. Forestry activities should be subject to rules / standards that provide for the identification, assessment and mapping of SNAs.

		<p>vegetation (which may or may not be not a SNA).</p> <p>The thresholds for indigenous vegetation are far too high and would allow for a large amount of indigenous vegetation to be cleared before an assessment of significance would even be required. This will likely result in the loss of significant indigenous biodiversity.</p> <p>The maintenance of roads, cycle ways and fence lines is far too subjective and requires clearly defined objective constraints.</p> <p>The pMEP does not give full effect to the NZCPS, policy 11(b). It does have a significance criteria within policy 8.1.1 but within the coastal environment NZCPS, policy 11(b) requires plan users to avoid, remedy or mitigate significant adverse effects on other indigenous biodiversity. The pMEP does go some way to giving effect to policy 11(b) with standards such as 4.3.10.4 but then on the other it allows for the outright removal of what could be a large amount of indigenous forest and vegetation based on each computer register of title.</p> <p>Where there is a list of habitats like in 3.3.12.4 there needs to be a corresponding standard for outside of the coastal environment and TEO.</p>	<p>Add another standard similar to x.3.x.4 for outside of the TEO and coastal environment</p>
35.	<p>New Standard or rules</p> <p>3.3.12, 4.3.10, 7.3.7, 17.3.2, 18.3.3, 19.3.3, 20.3.5</p>	<p>Once SNAs are mapped there needs to be a raft of rules or standards that apply to SNAs.</p>	<p>Add new rules or standards for mapped SNAs</p>

36.	Discretionary Activities 3.3.12, 4.3.10, 7.3.7, 17.3.2, 18.3.3, 19.3.3, 20.3.5	Does not give effect to the RMA, ss 6(c) and 30 and 31	Create new Non-Complying status for indigenous vegetation clearance that does not comply with the applicable standards
Volume 3 – Appendix 3			
37.	Appendix 3	<p>Forest & Bird has sought a raft of amendments to policy 8.1.1. This may require amendments to Appendix 3 to give effect to those amendments.</p> <p>Further the definitions found in Appendix 3 should be in Volume 2.</p> <p>Also there does not seem to be any biogeographic areas identified for Marlborough’s terrestrial environment. Perhaps the pMEP should use the language as used in the dNPSIB for ecological district and land environment</p>	<p>Amend to give effect to relief sought in policy 8.1.1</p> <p>Move definitions to Volume 2</p> <p>Add biogeographical Areas to Marlborough’s terrestrial environment</p>



Submission to the proposed Marlborough Environment Plan

1 September 2016

To: Proposed Marlborough Environment Plan
Attention: Planning Technician
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Blenheim 7240

Email: MEP@marlborough.govt.nz

From: Royal Forest and Bird Protection Society NZ (Forest & Bird)
PO Box 2516
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Attention: Natasha Sitarz

Email: n.sitarz@forestandbird.org.nz
Telephone: 03 940 5520

Forest & Bird could not gain an advantage in trade competition through this submission.

Forest & Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.

INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation with 70,000 members and supporters. Forest & Bird originally set out to protect New Zealand's unique flora and fauna. In more recent years Forest & Bird's role has extended to protecting and maintaining the environment surrounding the flora and fauna. Establishing wildlife reserves, initiating protection campaigns and promoting general public awareness of what is happening in and around New Zealand is all central to Forest & Bird's establishing principle of flora and fauna protection.
2. Forest & Bird has for many years expressed a strong interest in the Marlborough, particularly the Sounds. This has including advocating for greater protection of indigenous species, on land and in freshwater and in protecting and enhancing the health function and integrity of indigenous ecosystems. Marlborough Forest and Bird Branch along with the community at Picton have installed a predator proof fence at Kaipupu Point protecting a small peninsula from animal pests. The hope is that birds will spill out of the reserve for Picton residents to appreciate and enjoy.
3. This is a submission on all provisions of the Proposed Marlborough Environment Plan (PMEP).
4. For the purposes of this submission, relief sought includes such other relief, including consequential changes, as is necessary to give effect to the relief sought.

5.

Key issues for this submission

Natural Character

6. Forest and Bird is generally supportive of the provisions for Natural Character in the Plan. We consider that the approach taken is appropriate to recognise and provide for these areas under the s6(a) of the RMA and to give effect to Policy 13 and 14 of the NZCPS. We support the retention of these provisions with minor changes as set out in the submission table below.

Landscapes

7. Forest and Bird does not have confidence that the PMEP policy framework for outstanding features and landscapes will achieve protection from inappropriate subdivision and development as required under s6(b) RMA.
8. The policies for identifying these features and landscapes are unclear and largely do not provide direction for rules and resource consent processes. In part due to inconsistent terminology. Not clear how the values of these features and landscapes were determined and how this contributes to determining “outstanding” or “high”. The terminology in the policies, in Appendix 1 and on the Landscape overlays is different. There is no policy direction to assess the effects of an activity against the values identified in Appendix 1. Further there is no guidance on how this section of the plan relates to the coastal environment chapter in terms of delivering on Policy 15 of the NZCPS. Policy 7.1.4 is particularly confusing as it implies some areas will not be included on the Landscape overlay maps, but then the two areas identified in Appendix 1 as “Areas with high amenity landscape values” are identified, but using the area names rather than “Landscapes with high amenity value” as provided for the policy. It is also unclear whether all the “areas with Outstanding landscape values” are included on the map layer. Forest and Bird consider that it is very important to include all such areas on the maps.
9. The inclusion of identification and protection of high value landscapes is supported by Forest and Bird as this recognises the many special landscapes of Marlborough and provides for s7(c) of the RMA. However we do not support the exclusion of landscapes not sensitive to change as it is not clear how this has been determined and does not provide for an assessment against the values identified in Appendix 1.
10. Forest and Bird seeks that council amend these provisions to:
 - a. Incorporate the identification of outstanding natural features and outstanding natural landscapes as set out in Policy 15 of the NZCPS
 - b. Explain the relationship between this Chapter, Chapter 6 Natural character, Chapter 8 Indigenous Biodiversity and Chapter 13 Coastal environments.
 - c. Set clear policy direction for the identification of Outstanding and High amenity landscapes, referring to the relevant values and prioritisation consistent with that undertaken in assessment undertaken by council in developing this plan. And consistent with Appendix 1.

- d. Set clear policy direction that Appendix 1 is to be considered in the consent process in terms of identifying whether an activity is inappropriate to achieve Policy 15 (a) and (b) of the NZCPS.
- e. Set policy direction for activities which may be considered appropriate in terms of s6(b) and Policy 15 NZCPS.
- f. Set policy direction for activities which are anticipated and would have adverse effects no more than minor to be permitted with relevant standards.

Water Management

- 11. The allocation of water resources is a major issue for the region given its relatively hot and dry climate and the full or almost full allocation of each catchment. We support the overall allocation approach to remove over allocation and provide for improved utilisation.
- 12. However further assessments of flow requirements are needed to ensure allocation is not based on inadequate information giving rise to unanticipated adverse effects. Many of the larger rivers and streams do not have basic flow needs assessments completed, and over allocation would result in inadequate instream flows and compromised water quality affecting both natural and human use values. Flow assessments are the basic first step in any allocation process to ensure water resources are always used wisely. A recent Cawthron report suggested that in many rivers the minimum flow requirements salmon and trout and including native fish, are much higher than previously thought. The report concluded that greater consideration needs to be given to life supporting flow regimes at summer low flows and at times when the demands for water are high.
- 13. Forest and Bird is not confident that the current provisions adequately provide for native freshwater species including long fin, shortfin eels and whitebait species. Many of these species have a wide ranging habitat requirements in order to complete life cycle process that include rivers, wetlands, estuaries and coastal waters. Changes in flow can create physical barriers to seasonal native fish migration which also need to be identified and removed or modified to allow the free movement of fish up and down waterways at all times.
- 14. Forest and Bird seeks that further of allocate water is not provided until about basic flow requirements to protect freshwater biodiversity is obtained on a river and catchment basis.
- 15. Forest and Bird Water is generally supportive of the provisions to protect water quality including the identification of point source and non-point source potential contaminations. However the current provisions for setbacks in relation to intensively farmed livestock and plantation forestry are inadequate to protect water quality.
- 16. Forest and Bird also has concerns about the adequacy of nutrient management provisions in terms of the requirements of the NPS FM. We consider that increased setbacks from waterbodies and riparian management require further provision in the plan to support the limits on nutrient inputs and ensuring a precautionary approach to protect water quality.
- 17. Of particular concern is the provisions relating to plantation forestry.
- 18. Plantation forestry is a major land use in the region that is heavily reliant on the climate, soils and local infrastructure to allow the business of continue and prosper. However the relatively

short rotation of pine species exposes soils to high levels of disturbance on a relatively frequent interval of around 30 years. It is this soil disturbance, skid formation and tracking by harvest vehicles that carries a risk of sediments escaping into stream and waterways while soils are exposed to heavy rainfall events when its physical strength of the soils is at its weakest. All of the Marlborough Sounds has been identified as an outstanding natural landscape and more can be done to reduce the risk of sediments escaping into the adjoining coastal waters where they can disrupt the life supporting capacity of the immediate coastal marine environment. Forest and Bird consider that current riparian buffers around streams, wetlands and coastal margins are inadequate to stabilize stream margins and help protect both freshwater and coastal water quality. Greater setbacks are required for protection of sensitive sites. The Plan provisions should also seek to encourage or direct where necessary, retirement of land from forestry (including opportunities for permanent carbon sinks) where soils are particularly vulnerable to erosion and unsuitable for forestry. Council should continue to work with the forest industry to encourage innovatively for solutions that could involve voluntarily harvesting smaller portions of a catchment at any one time to minimize the risk of catastrophic sediment mobilization in the event of a 1 in 30 year storm/flood event while the soils are exposed for the couple of years after harvest.

19. The Plan currently lists twenty two rivers (Issue 15B) that are either degraded or close to being degraded. Forest and Bird is concerned that it is not clear how a holistic restoration process will be undertaken as only specific values for improvement have been identified. Forest and Bird seeks that the Plan include methods for council to develop individually customised plans for each catchment or river system, these plans should also identify potential sources of contamination and response.

Indigenous Biodiversity

20. Forest and Bird requests that the provisions in Chapter 8 are coded appropriately to [RPS], [C], [R] and [D].
21. Forest and Bird supports the overall policy approach to management of subdivision, use and development for the protection of indigenous biodiversity. We support the need to change past approaches to land use to ensure current and new practices do not continue to contribute to further loss of indigenous biodiversity.
22. In particular Forest and Bird supports the identification of marine biodiversity sites and protection from disturbance of the bed in these areas as included in the Plan.
23. Forest and Bird supports the inclusion of the Threatened Environments overlay for protection of indigenous biodiversity. Given the lack of identified significant natural areas on private land this provides an appropriate trigger (where it applies) for resource consent for vegetation clearance to enable council to achieve 6(c) of the RMA and give effect to Policy 11 of the NZCPS in the coastal environment. However these requirements for land owners are possibly poorly understood and council will need to promote the approach taken to ensure lack of understanding does not result in un-consented clearance in these areas.
24. However, we are concerned that outside the Threatened Environments overlay, there are limited requirements for consent for indigenous vegetation clearance.
25. Forest and Bird have considered the Council's voluntary programme for identification and protection of significant natural areas (SNA's) (as representative of s6(c) RMA and Policy 11

NZCPS). We understand that the southern high county area of the region has not been included in this programme to date. Of the north and south parts of the region that have been included 25% of landowners did not let council staff on their land. Of the landowners that did and sites of significant biodiversity were identified, 75% of those have joined the council protection programme and a total of 708 sites have been identified. So far about 100 areas have undertaken active protection such as fencing and/or pest control with another 600 yet to undertake any active protection. It is unclear how many unidentified SNA's may exist on properties which were not included in the surveys of north and south Marlborough.

26. We understand that not all landowners who had SNA sites identified joined the council's landowner assistance programme however staff included those properties in their follow up monitoring. We also understand that feedback from at least one land owner included plans to clear vegetation from a SNA. Such clearance would not be consistent with requirements of the RMA to protect significant indigenous vegetation or the intent of the Plan. It is also not clear whether this area is within the Threatened Environments sites and if so whether the resource consent requirements were explained. Given the council's voluntary and non-regulatory approach there seems to be a disconnect between enforcement of Council's Plans and staff knowledge of proposals to breach those provisions.
27. Forest and Bird is not satisfied with this voluntary approach to SNA protection for a number of reasons:
 - a. Case law sets out that SNAs should be identified and be protected
 - b. The NZCPS sets out specific requirements for protection of biodiversity within the coastal environment.
 - c. The Threatened Environments layer in the Plan is not sufficient on its own to identify significant indigenous biodiversity. For example much of the Marlborough Sounds, which council has described as the "jewel in the crown" is not included, despite having indigenous vegetation and habitat that would meet the Plan's significance criteria.
 - d. Given the requirement to "protect" under both s6 of the RMA and Policy 11 of the NZCPS, there is a need for regulation.
 - e. Council has not attempted to identify SNA's in the South Marlborough area
 - f. Crown pastoral lease land should be included as it is managed for purposes other than conservation.
28. Forest and Bird is concerned that the non-regulatory approach is seen as a way to get around the requirements of the RMA; that landowners perceive it is okay to destroy potentially significant indigenous vegetation if it has not been identified in a council plan or under covenant protection. Under this approach it also appears that council remains unaware, or unwilling to acknowledge, clearance/destruction of significant vegetation and habitats where landowners have not sought consent. Council states that very few resource consents for the clearance of significant vegetation have been sought in recent years; this is not a true reflection of protection of significant biodiversity.
29. Of significant concern is landowners thinking that it is okay to clear significant vegetation and habitats, because the council doesn't know where they are and cannot enforce clearance on

currently identified areas due to the voluntary approach. While there seems to be some hesitation from land owners about having areas identified on maps as that would lead to regulation we consider this is a misnomer, as some regulation is already in place such as within the Threatened Environments sites.

30. While we accept that the current information on SNA's gained voluntarily may not be appropriate to use in regulation, reliance on the Threatened Environments is not sufficient to ensure protection of indigenous biodiversity which meets other values for significance. For those reasons Forest and Bird request that the Plan be amended to:
- a. Include a map layer identifying "potential SNAs" using aerial photography and desk top assessment of other publically available information to capture significant natural areas outside the Threatened Environments sites. And that this is used as a trigger for consent requirements for indigenous vegetation clearance rules.
 - b. That where SNA's are confirmed through consent processes or by landowner request results of assessments are accurately recorded so that it can support a future specific regularity approach that provides more certainty to land owners and for the environment that will be protected in terms of s6.
 - c. That the plan include rules to protect indigenous vegetation cover including low stature vegetation, grass lands, herb lands, shrub lands as this is inadequately provided for by the Threatened Environments Sites and may not be readily identified through aerial surveys.
 - d. Set out the approach council will undertake to identify the SNA's in the southern Marlborough area.
 - e. That the Plan is amended to include provisions to direct and support the identification of SNA's to be identified within the Plan in the future.

Coastal environment

31. Forest and Bird is supportive of the approach for a separate Coastal Environment chapter. We also support the approach of separate chapters for Natural Character, Natural Features and Landscapes and Indigenous Biodiversity including policy direction for the identification of these matters in the coastal environment as well as throughout the region. If this relationship between the chapters were clearly set out in the introduction sections of each chapter this would improve use of the Plan. The Plan would also be improved by including any other coastal objective and policy direction outside of those chapters within the coastal chapter.
32. Forest and Bird is concerned that the Plan does not provide a robust approach to ensure the protection of indigenous bird nesting and feeding habitat. While some sites are on private land many are within the coastal environment and margins of lakes, rivers and wetlands, where activities, particularly access and land disturbance can have significant adverse effects. We would like to see the Plan include some clear policy direction and matters for discretion to ensure that disturbance activities will seek to identify nesting sites and avoid bird breeding period. Forest and Bird published New Zealand Seabirds report in 2014 which identifies a number of important bird areas (IBA's) within the Marlborough Sounds and along the east coast as far south as Kaikoura. We also ask that the council provide direction through inclusion

of policies and methods within the Plan that they will restrict access to during bird breeding period where necessary to protect indigenous bird species.

Submission on specific provisions

Proposed Plan provision	My submission is	The decision I seek from Council is
4. Natural & Physical Resources		
Introduction	<p>Support in part</p> <p>Forest and Bird would support a policy approach for the integration of physical resources. However as written this chapter is very limited in terms of the matters covered and it is not clear whether the purpose of the separate chapter is to help provide integration or for some other purpose.</p> <p>While the discussions under the objective and policies provide some context of how the use and development of primary industry, tourism and public infrastructure topics integrate and the management approach taken in the PMEP, this is not clearly captured by the Policy wording.</p> <p>Further the method of implementation for Issue 4C provisions that the policies will be implemented through other policies, effectively makes the inclusion of policies in this chapter irrelevant or of very little weight.</p> <p>Overall the chapter appears to capture matters that are also addressed, at least to a large extent, in other chapters.</p>	<p>Amend the chapter so that it provides a clear purpose within the plan and avoid duplication or unnecessary separation of similar matters between chapters.</p> <p>Or delete the chapter ensuring that the provisions are captured appropriately within other chapters.</p>

Issue 4A	Issue 4A – primary industry and tourism For better integration the provisions should be included within other chapters such as rural environment and coastal environment chapters.	delete
Issue 4B	Issue 4B relates to operation and protection of existing Regionally Significant Infrastructure. The provisions relating to this issue would be better incorporated within the Transportation and Energy Chapters of the Plan	delete
Issue 4C	Issue 4C and related objective, policy and methods can be incorporated into the Natural Character Chapter.	Delete
5. Allocation of Public Resources		
general	The terms “public resources” implies a lot of other matters (such as air, parks etc) which are not mentioned. While water and occupation of space in the CMA are key matters for Regional Councils to consider in terms of allocation under s30 of the RMA, this requirement is not explained. As such the title and the introduction to the chapter are misleading. This chapter provides a comprehensive consideration of water allocation issues. The focus of the chapter is on water, this is clear from the AER all of which address water. It is not clear why occupation of space in the CMA is	Rename the chapter: “Freshwater Use and Allocation” Amend the introduction to align with the content of the chapter and how fresh water provides for the social and economic welfare of the community as well as life supporting capacity for the natural environment. Explain that marine water issues are addressed in the Coastal Environment Chapter. Move Issue 5J, Objective 5.1 and Policies and methods to the Coastal Environment Chapter. Merge and combine with provisions within the coastal environment chapter where possible to improve clarity and reduce repetition.

	<p>included here as opposed to the coastal environment chapter. It is also not clear whether these provisions are consistent with other provisions in the Coastal Environment.</p> <p>The CMA related Issue 5J, Objective 5.10 and related provisions should be moved to the Coastal Environment Chapter.</p>	
Introduction	<p>Support in part.</p> <p>Forest and Bird is concerned that the current allocation regime proposed exceeds the environmental bottom lines which require waterways retain 80% of the 5 year mean annual low flow in the National Policy Statement for Freshwater Management. As written there appears to be inadequate consideration of the risk under s32(2)(c) of the RMA and the need for a precautionary approach as recognised in the findings of the Cawthorn report in terms of an appropriate approach to further allocation.</p>	<p>Amend the introduction to recognise that further flow assessments are needed to ensure any future allocation retains necessary instream flows for indigenous vegetation and habitat of indigenous species.</p> <p>Amend the policies and methods to set out a process for council to review the flows of all major streams and rivers in Marlborough in order to understand what water can be subsequently allocated and to stay within those limits.</p>
Issue 5A	support	retain
Objective 5.1	support	retain
Policy 5.1.1	<p>Support the tailored approach to each water resource. We agree with the identification of FMU (freshwater management units) for the various rivers and streams within the district. However there is a need to undertake a science based flow needs assessment for each significant river so that better water allocation decisions can be made.</p>	<p>Retain the policy and amend the explanation to the policy to state that this will include a flow needs assessment for rivers.</p>
Policy 5.1.2	Support the consenting approach	retain
Issue 5B	This is an important issue for the recognition of fresh water biodiversity needs	retain
Objective 5.2	Support this objective to safe guard and protect	retain

	water flows to provide for freshwater biodiversity	
Policies 5.2.1 - 5.2.3	Support the provisions for natural and human use values	retain
Policies 5.2.4 – 5.2.12	Support the setting of environmental limits to ensure minimum flows provide adequately for freshwater biodiversity	retain
Policies 5.2.13 – 5.2.17	Support the provisions for allocation of water to ensure over allocation does not occur and to manage water take to ensure freshwater biodiversity is protected.	retain
Policies 5.2.18 – 5.2.19	Support the provisions for diversion of water to provide for fish passage and avoid and mitigate adverse effects on biodiversity.	retain
Policies 5.2.20 – 5.2.22	Support the provisions for damming of water to provide for fish passage and avoid and mitigate adverse effects on biodiversity.	retain
Policies 5.2.23 – 5.2.25	Support the provisions for water shortage management to ensure adequate flows for biodiversity values	retain
Objective 5.3	Support in principle where this also ensures biodiversity values are protected	retain
Policy 5.3.1	It appears that the policy is intended to provide for the reasonable needs of an individual’s animals drinking water needs consistent with section 14 (3)(b)(ii) rather than all water needs.	Amend Policy 5.3.1 to refer to “stock drinking water”
Policy 5.3.1 – 5.3.14	Support in principle where this also ensures biodiversity values are protected	Retain
Policy 5.3.15	Support the approach that any new commercial plantation forest or woodlots over 5 hectare’s will require a resource consent. This will ensure that effects on surface water flows can be appropriately considered where larger lots have a greater effect	Retain

	on water flows. It is well known that water yields change during the life cycle of a commercial plantation forest so appropriate restrictions on new plantings need to take this into account so that cumulative effects of these changes in combination with other downstream allocation does not have adverse effects on instream species and habitat.	
Policy 5.3.16	Support in part the direction provided to address cumulative effects however providing for potentially more than a 5% reduction could have significant effects on instream biodiversity.	Amend as follows: When considering....and seek to avoid any cumulative reduction..."
Issue 5D	Support the recognition of this issue. This issue needs carefully management and monitoring to check for unanticipated adverse effects, especially for fully allocated water resources	Retain
Objective 5.4	Support objective The explanation doesn't really add much as a user would need to be familiar with the NPSFM to understand it.	Amend the explanation to make it clear what the implications are.
Policies 5.4.1 – 5.4.6	Support the approach to utilisation of allocated resources. However the policy direction seems to be lacking guidance on efficiency my meeting irrigation standards and best practice. Improvising utilisation should also include direction to avoid waste of water by requiring irrigation to be contained within the command/irrigation area. This is important both to improve utilisation but also to avoid adverse effects on indigenous species which are not adapted to irrigation. Irrigation also increases weed and pest plant growth in riparian margins which then outcompetes indigenous	Add policy direction for efficient irrigation and the avoidance of irrigating outside the command area, avoidance of irrigation on areas of significant indigenous vegetation, riparian area (other than to establish riparian plantings) and waterways or wetlands.

	species.	
Issue 5E	Support the recognition of this issue. This issue needs carefully management and monitoring to check for unanticipated adverse effects, especially for fully allocated water resources	retain
Objective 5.5.1	Support. It is critical that any over allocation is identified and stopped as soon as possible. Council should also check for unanticipated environmental effects and initiate review of consents to resolve this.	Retain and add policy direction for review of consents in any catchment where allocation has unanticipated environmental effects.
Policies 5.5.1 – 5.5.5	Support the restrictive policy direction to avoid any further over allocation and resolve existing occurrences.	Retain
Issue 5F	Support the recognition of this issues	
Objective 5.6	Support in part the recognition of groundwater abstraction on river flows however less than significant adverse effects of river flows could have significant adverse effects on instream biodiversity.	Retain this objective and add another objective to set out expectations for effects of groundwater abstraction on instream flows where this may where the change in flow is less than significant.
Policies 5.6.1 – 5.6.2	Support the management approach set out. Consider inclusion of police direction to set back from other sensitive surface water bodies including wetland areas.	Retain
Issue 5G	Support recognition of this issue.	
Objective 5.7	Support in part. This objective should also recognise efficient use of water, so that the rate or volume required is based on efficient delivery of water.	Amend to include requirement for the rate required to be based on efficient irrigation/best practice.
Policies 5.7.1 – 5.7.11	Support in part. Best practice requirements for efficient use needs to be a requirement of these policies	Retain and amend to address submission
Issue 5H	Support in principle. Water allocation should take these period into account so that instream biodiversity values are not compromised.	Retain

Objective 5.8	Oppose. This objective does not adequately provide for protection of biodiversity.	Amend the objective to recognise that limits include adequate provision for instream biodiversity during low flows
Policies 5.8.1 – 5.8.5	Support where this ensures instream flows provide for biodiversity	Retain
Issue 5I, Objective 5.9 and Policies	Support in principle	Retain
Issue 5J	Support the recognition of this issue. However consider that it is better addressed in the Coastal Environment Chapter of the Plan.	Move to the Coastal Environment Chapter
Objective 5.10	Support in principle where this does not adversely affect the requirements of the NZCPS	Move to the Coastal Environment Chapter
Policies 5.10.1 – 5.10.8	Support in principle where this does not adversely affect the requirements of the NZCPS	Move to the Coastal Environment Chapter
Methods	Support a regulatory approach to water allocation	Move method 5.M.11 to the coastal environment chapter
Anticipated Environmental Results	Support the outcomes for water allocation on instream flows	Retain
6 Natural Character		
Introduction	<p>The Introduction helpfully explains that the individual components that contribute to natural character. However as worded the introduction indicates that these components are addressed within other chapters of the plan. It is not clear what is addressed in this chapter.</p> <p>If the purpose of the chapter is intended to be the primary chapter for natural character, addressing all the components of natural character, this should be clearly explained.</p> <p>Forest and Bird supports the use of a six level grading framework of natural character as a way of identifying and protecting areas of high, very high or outstanding natural character. The use of maps as</p>	<p>Amend the introduction to provide clear outline and expectation of what is addressed in the chapter, for example by including the following:</p> <p>“This chapter provides for the identification and protection of natural character to recognise and give effect to s6(a) of the RMA and Policy 13 and 14 of the NZCPS. For this reason the chapter includes policies and methods to guide activities within both the coastal and freshwater environments. The natural character areas identified under this chapter are included in Appendix 2 (coastal), Appendix 5 (freshwater) in Volume 3 and Riparian Natural Character Management Areas in Volume 4 (see the overlays).”</p>

	the primary tool for protection is supported. However the grading system and values need to be included in a policy so that they have legal effect.	
Issue 6A	Support in principle	Amend to clarify that “The NZCPS, Policies 13 and 14, sets a similar objective for further direction and guidance on preservation and restoration of natural character within the coastal environment.”
Objective 6.1	<p>The objectives should clearly reflect the achievement of the s6(a) RMA. Policy guidance is appropriate to determine/establish the areas and values which require preservation.</p> <p>It is unclear why wetlands are not specifically included in this objective. This objective explanation refers to council having used an “integrated process of assessing wetland values” however there is no policy guidance on what this is or the values assessed. Forest and Bird considers that provisions to guide the identification of natural character in wetlands should be included in this chapter and we suggest amendments to do this. However, if the natural character of wetlands is not addressed in this chapter, this should be clearly explained in the introduction to the chapter.</p>	<p>Amend to read: <u>“Identify areas and values of Natural Character which require preservation in the coastal environment, and in wetlands, lakes and rivers and their margins.”</u></p> <p>Add a new policy under objective 6.1 which sets out the criteria or values used to assess the natural character of wetlands.</p> <p>Explanation to new policy refer to where in the plan wetlands have been listed or mapped and how these is integrated with s6(a) in terms of significant vegetation. And if appropriate refer to the relevant policies in the biodiversity chapter which address the preservation of natural character in wetlands.</p>
Policy 6.1.1	Support	retain
Policy 6.1.2	<p>Support in part</p> <p>This policy sets out how to identify the coastal environment rather than attributes of Natural Character. To this extent it belongs in the coastal environment chapter. And may be referenced by policies in this chapter is needed.</p>	Move this policy to the coastal environment chapter. Amend the text under the policy to more clear explain how the identification of the extent of the coastal environment is necessary for implementing the NZCPS, not just s6(a) RMA.
Policy 6.1.3	While the policy explanation sets out that Appendix	Amend this policy (or add a new policy) to include guidance on the

	2 identifies values contributing to high and very high natural character there is no clear policy direction to support this. Possibly this is intended to be supported by Policy 6.1.1 however Appendix 2 refers to “values” a term which is not used in either policy 6.1.1. or 6.1.3. It is therefore unclear whether the values in Appendix 2 can be considered in the same way as policy in setting rule framework and resource content applications.	values that contribute to natural character and establishing which areas have high and very high natural character. “In addition to Policy 6.1.3 and 6.1.5 recognise the following values in determining high or very high natural character: [list the generic type values considered in appendix 2]”
Policy 6.1.4	Support	Retain as notified.
New policy	There is no clear policy to provide guidance in determining “outstanding natural character” as required by policy 13(1)(a).	Add a new policy to guide the determination of “outstanding natural areas”.
Policy 6.1.5	While the explanation to this policy provides good explanation of how to determine the degree of natural character, the list of matter “the follow” could do with being identifies as a criteria or values within the policy wording. This is because other policies and references in the plan use a variety of different terms, for example Appendix 2 list “values” while method 6.M1 refers to attributes.	Amend the policy as follows: “Determine the.... to the following <u>values</u> :...” Amend the explanation to clarify if the list of matters in the policy are guidance on the values, as identified in Appendix 5. Amend the explanation to clarify whether this policy provides guidance on determining areas of “outstanding” natural character. Or Add a new policy to guide determination of “outstanding natural character”.
Policy 6.1.6	Support in part The plan needs to set out policy guidance on how the areas in appendix 5 where identified/determined. If the same values as identified in policy 6.2.5 where used then refer to	Retain the policy and amend the explanation to recognise that this policy applies “outside the coastal environment” as Policy 13 and 14 NZCPS would capture any rivers, wetland within the coastal environment. Amend the policy or add a complementary policy to provide guidance on the values used to determine the areas identified in Appendix 5.

	this policy and amend policy 6.1.5 to clarify that it applies outside the coastal environment.	Retain the approach of identifying natural character areas on maps.
Objective 6.2	Support	Retain
Policy 6.2.1	The explanation to this policy refers to wetlands but they are not explicitly included in the Policy wording.	Retain
Policy 6.2.2	Support	Retain
Policy 6.2.3	Support Use of the term “freshwater bodies” is unclear and this term is not defined in the Plan.	Retain the policy and add a definition
Policy 6.2.4	Support in part however it would be clearer if the reference to Policy 6.2.1 and 6.2.2 was included	Amend policy to refer to policies 6.2.1 and 6.2.2
Policy 6.2.5	Support	Retain
Policy 6.2.6	Support	Retain as notified
Policy 6.2.7	Support the policy direction to assess cumulative effects on Natural Character. This policy should also provide for wetlands	Retain and Amend to Include wetlands
Policy 6.1.8	Support This policy should also provide for wetlands	Retain and Amend to Include wetlands
Policy 6.2.9	Support Support the inclusion of wetlands in this policy	Retain as notified
Methods	Support methods	Add method to indicate financial or staff resource support towards restoration
Anticipated environmental result	Support in part It is disappointing that restoration of natural character is not included in the results anticipated. However given the lack of commitment in the methods for council to undertaking or supporting others in restoration of natural character, measureable results are unlikely .	Retain 6.AER.1 as a minimum. If justified by changes to policies add results which recognise improved (restored) natural character.

7 Landscape		
Introduction	<p>We support the identification of five distinctive landscape areas.</p> <p>The introduction states that any reference to landscape within the Plan (MEP) includes these “water environments” (lakes, rivers, wetlands or the sea), however this does not seem to be clearly captures on the Landscape overlays.</p>	<p>Amend the introduction to include an explanation of how the natural character values/criteria contribute to identification of ONL/Fs and how the provisions of the plan address any overlap in terms of identifying specific areas or features.</p> <p>Include guidance on the relationship between the provisions in this chapter and the Coastal Environment chapter.</p>
Issue 7A	<p>Support in part Agree that the issue captures the intent of s6(a) and s7 of the RMA.</p> <p>However the wording in the explanation referring to “significant landscapes” is inconsistent with the terminology of the RMA and confusing in terms or RMA requirements for significant indigenous vegetation.</p> <p>Further is unclear whether the issue is intended to capture the direction of Policy 15 of the NZCPS which provides for “outstanding natural features and outstanding natural landscapes”, and the avoidance of significant adverse effects on “natural features and natural landscapes”.</p> <p>Policy 13.1.1 directs that adverse effects on outstanding natural features and outstanding natural landscapes be avoided. Policy 13.1.2 then states that these areas will be identified and mapped to provide certainty to users and decision</p>	<p>Amend the explanation of issue 7A by replacing references to significant landscapes with outstanding natural landscapes and landscapes with high amenity.</p>

	makers. It is unclear how these areas are identified outside the coastal environment and why a different approach would achieve the same certainty for users and decision makers.	
Objective 7.1	Support	Retain
Policy 7.1.1	<p>Support the inclusion of values (a) to (c) for assessing landscapes. However amendment is needed to improve application and clarity of the policy by clarifying that the list of (a) to (c) are “values,” as stated in the explanation to the policy and referred to by Policy 7.1.3. Also to clarify that these are used for landscape characterisation (aligning with terminology guidance provided through the NZCPS for coastal landscape assessment). Further the term “criteria” is not appropriate to the policy as written because there is no requirement or standard to be met or achieved. The explanation to the policy indicates that the “Marlborough Landscape Study August 2015” assessed these values against some criteria.</p> <p>Explanation says that council will use these values as the basis for any assessment of the landscape. However it is not clear if this includes when assessing the effects of a proposed activity on the landscape.</p>	<p>“When assessing the <u>characteristics values</u> of Marlborough’s landscaped, the following <u>values criteria</u> will be <u>considered used</u>:</p>
Policy 7.1.2	As stated above use of the term “significant” in relation to landscapes creates inconsistency with s6(c) of the RMA terminology and in terms of	Define the boundaries of <u>different significant</u> landscapes <u>with different characteristics</u> using the following methods:

	<p>“significant effects” on natural landscapes under Policy 15(b) of the NZCPS</p> <p>It is also unclear why the policy is needed in the plan.</p>	
Policy 7.1.3	<p>It is unclear what “not sensitive to change” means. If this is the approach adopted by council then the plan needs to include clear guidance on how to establish whether an activity is sensitive to change.</p> <p>Forest and bird suggest that clause (c) is deleted and a new policy added which guides assessment of whether activities should be considered “inappropriate subdivision, use or development”</p> <p>Forest and bird supports the policy in setting out identification of features and landscapes to achieve s6(b) of the RMA and landscapes to achieve s7(c) RMA. We consider that an additional clause is required to set out the identification of natural features and natural landscapes consistent with Policy 15 of the NZCPS.</p> <p>However it is not clear how an assessment of the values will determine “outstanding” or “high amenity”</p>	<p>Amend Policy 7.1.3 by deleting Clause (c)</p> <p>Add a new clause <u>“the characteristics of natural features and natural landscapes in the coastal environment, including whether a natural feature or natural landscape is outstanding in terms of Policy 15 of the NZCPS.”</u></p> <p>New policy: in determining what is outstanding the following criteria will be used: [list Criteria from the Marlborough Landscape Study August 2015]</p> <p>a) b)...”</p>
Policy 7.1.4	<p>This policy is confusing as it refers to a criteria however the policy as written does not set out a criteria to determine “outstanding” or “high amenity value”</p>	<p>Delete policy 7.1.4.</p> <p>New policy – Protect outstanding landscapes by: (a) Requiring resource consent of activities which are likely to have an impact on the values identified for landscapes in appendix 1.</p>

	<p>Direction to establish Appendix 1 is not really required as it's already there. However direction on how it was developed and how it is to be used would be helpful.</p> <p>It is not clear why mapping is only needed for the Landscapes sensitive to change. This appears inconsistent with giving effect to the NZCPS.</p> <p>It is not clear how the appendices and maps are to be applied by in the Plan.</p>	<p>(b) providing standards for permitted activities within outstanding natural features and outstanding natural landscapes identified on Planning maps to avoid adverse effects in the Coastal Environment</p> <p>(c) providing standards for permitted activities within outstanding natural features and landscapes identified on Planning maps and ensure they are no more than minor outside the Coastal Environment.</p>
Policy 7.1.5	<p>Support in part the refinement and accuracy of areas and that these are mapped on the Landscape Overlays.</p> <p>Forest and Bird consider that this policy should include capacity to add new outstanding features/landscapes or high amenity values landscapes.</p>	<p>Amend policy 7.1.5 as follows: “Refine <u>and update</u> the boundaries values and areas of <u>outstanding natural features and outstanding natural landscapes</u>, outstanding natural features and landscapes and landscapes with high amenity values as set out in Appendix 1 and shown on the <u>Landscape Overlays maps</u> in response to:</p> <p>(a)...</p> <p>(b) <u>...; or</u></p> <p>(c) <u>new information.</u>”</p>
7.M.1	<p>This method appears redundant as there is it does not indicate any further implementation requirements.</p> <p>If there is further consultation required prior to adding areas to the MEP then this should be clearly set out along the process of adding these areas to the MEP.</p> <p>If there are a large number of areas not included then further policy guidance may be required until those areas are added by way of plan change.</p>	Delete
7.M.2	The method is written in the past and does not provide for any ongoing provision of information or	Amend: “ The Council will continue to make has made available information on

	implementation actions.	Marlborough’s diverse landscape character and the results of any evaluations of landscapes significance (following consultation with relevant landowners). This information will be a useful reference document generally, but can also be used by <u>information will be a useful reference document generally, but can also be used by</u> made available to resource consent applicants to assist in any assessment of adverse effects on landscape values.”
Objective 7.2	Support in part. The explanation to the objective sets out that the provisions of the plan “do not anticipate that there will be no landscape change”. While Forest and Bird supports this in principle, as changes can be appropriate where they achieve protection as required under s6(b) of the RMA, clear policy direction is required to ensure inappropriate activities do not occur.	Clarify the explanation in terms of Objective 15(a) and (b) of the NZCPS.
Policy 7.2.1	Policy should be to ensure that activities have no more than minor adverse effect on ONL/Fs Explanation talks about sensitivity to change, however RMA and NZCPS do not talk about change, they say “adverse effects”. Explanation should be consistent with the policy wording “effects on landscape values” and should also include “characteristics” Reference to coastal environment in this policy explanation implies that coastal environment is addressed through this policy however it is not clearly stated elsewhere in this chapter.	Amend the policy wording to include NZCPS Policy 15 “natural landscapes and natural features” in the coastal environment.
Policy 7.2.2	Support in part Forest and bird considers that the Wairau Dry Hills Landscape should be identified as an “Outstanding	Amend the Policy such as:

	<p>Landscape” in the MEP. The dry tawney rolling hills are a key defining characteristic of this landscape and these need to be protected from activities including commercial plantation forestry and woodlots, wind farms or solar farms that can be visually intrusive.</p> <p>As such the policy provisions should be to protect the values and characteristic of this landscape. The current approach provides does not provide sufficient direction for activities which are acknowledged to have potentially significant adverse effects and is contrary to “protection” required under s6(b). Further if s7(c) is applied, as council has identified as appropriate to this landscape, the activities with potentially significant adverse effects are not appropriate to “maintain and enhancing amenity values”.</p>	<p>“Avoid activities that have potential to degrade... by :</p> <p>(a) setting permitted...consistent with <u>no more than minor effects on existing landscape values...</u></p> <p>(b) controlling existing activities and new activities, with potential for more than minor adverse effects, to avoid remedy of mitigate adverse effects; and</p> <p>(c) avoiding new activities which have significant adverse effects”</p>
Policy 7.2.3	<p>Oppose</p> <p>This policy appears inconsistent with the NZCPS Policy 15(b) to “avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment.”</p>	<p>Delete the policy or amend to set out clear guidance that the approaches (a) to (c) will ensure significant adverse effects are avoided and that other adverse effects are avoided, remedied, or mitigated on natural features and natural landscapes in the coastal environment.</p>
Policy 7.2.4	<p>Support in part</p> <p>It is not clear what having “regard to the potential effects” is intended to achieve.</p> <p>Policy 15 NZCPS requires that adverse effects are avoided on outstanding natural features and outstanding natural landscapes. Thus any activity which has an adverse effect on the values would be</p>	<p>Amend this policy or another applicable policy to set out the requirements of Policy 15(a) and (b) and achieve protection as required by s6(b).</p>

	<p>inappropriate in terms of Policy 15(a). Similarly the requirement to protect outstanding natural features and landscapes under s6(b) of the RMA means that adverse effects inconsistent with protection identify inappropriate activities.</p>	
Policy 7.2.5	<p>Oppose</p> <p>This policy does not provide for protection as required by s6(c). Relying on remedy when adverse effects cannot be avoided could have significant adverse effects on outstanding natural features and landscapes. The policy should be rewritten to ensure protection of these features and landscapes by avoiding, mitigating and then considering remediation of adverse effects.</p>	
Policy 7.2.6	<p>This policy would potentially allow windfarms and other structures in Outstanding landscapes</p> <p>While Forest and Bird would support the inclusion of policy guidance for regionally significant infrastructure consistent with NPS on Electricity Transmission and for the operation and maintenance of existing activities regionally significant infrastructure where adverse effects would be no more than minor, development renewable electricity generation including where the “method of generation is reversible” is not sufficient to ensure adverse effects are acceptable. The NPS ET specifically sets out to avoid adverse effects on Outstanding landscapes in the rural</p>	<p>Rewrite this policy to provide direction consistent with s6(b) of the RMA and policy 15 of the NZCPS.</p>

	environment.	
Policy 7.2.7	Support in part however some of these requirements are not in keeping with “protect” as set out in the policy. Encouraging activities such as plantation forest which could have significant adverse effects is contrary to s6 of the RMA and the NZCPS policy 15. This policy is also inconsistent with achieving the objectives of this plan.	Amend the policy as follows: “Protect the values ...by <u>only considering granting resource consents for activities where:...</u> ” Amend the clause by changes “encourage” to “requiring” .
Policy 7.2.8	It is unclear why this policy is necessary as these activities would have been considered when the assessment of the values was undertaken and there is already policy direction recognising existing activities. Where primary industries form part to the existing landscape and add value to it in terms of s6(b) and Policy 15, this should be captured within Appendix 1.	Delete
Policy 7.2.9	Support in principle In addition the policy should include consideration of setbacks from those outstanding areas	Amend to include setbacks
Policy 7.2.10	Support in part, it is not clear why this policy limited to wilding pines	Retain the policy and consider including other pest plants and the control of pest which detract from landscape values.
Policy 7.2.11	This policy reads as a method	Include this as a method
Policy 7.2.12	Support as this policy could guide consent conditions	Retain
Methods of implementation		
7.M 6 Incentives	Forest and bird support these incentives and	Retain and amend to methods to include support for wilding pine control

	encourage council to support pine control programmes and community initiatives where it leads to further enhancement of natural landscape qualities in the Sounds and helps to stop the spread of wilding pines into indigenous forests from commercial forestry or from farm shelter belts.	initiatives
7.M.7 Investigation	Forest and Bird supports the investigation into identification of potential sites for permanent forest carbon sink initiatives around sensitive areas such as coastal margins, rivers, streams and wetlands. Such initiatives can support the retention and enhancement of landscapes, especially in the coastal environment in terms of Policy 15 of the NZCPS	Retain and amend methods as required to provide for identification of sites for permanent carbon sink initiatives to support the retention and enhancement of landscapes and natural landscapes.
7.M.8 Information	While Forest and Bird support the information provision on Marlborough’s landscape characteristics and values, we consider that to achieve the anticipated environmental result, council needs to undertake proactive promotion and engagement with land owner to achieve willing compliance with provisions in this plan and to encourage uptake of incentives such as in 7.M.6.	Retain and include methods which provide for a proactive programme to increase public awareness of landscape values and requirements to protect these values to achieve compliance with permitted standards and seeking consent when needed as well as covenant incentives.
7.AER.1	Support in principle, however consider that as written it does not capture requirements on NZCPS to provide for enhancement.	Amend “Marlborough’s... are protected from degradation.”
Chapter 8 Indigenous Biodiversity		
Introduction	As stated under key issues (paragraphs 20-30) above, Forest and Bird considers that a primarily non-regulatory approach to identification and protection of significant areas is not sufficient. With that in mind, in addition to the overall amendment	Amend the introduction to explain biodiversity requirements under the NZCPS and explain relationship between this chapter and costal environment chapter in achieving protection of biodiversity. Amend the last sentence as follows “ However, it It is important to

	<p>sought for Indigenous Biodiversity protection set out above, we have included specific amendments within the detailed submission points on this chapter.</p> <p>Forest and Bird supports the introduction in part, to the extent that it provides a general description of the indigenous biodiversity topic for Marlborough and reference to the relevant sections of the RMA. However, the introduction fails to refer the requirements under the NZCPS or explain how the Plan is structured in terms of addressing indigenous biodiversity. It is therefore not clear whether indigenous biodiversity in the coastal environment is addressed in this chapter.</p> <p>The last sentence of the introduction fails to indicate why the plan includes an Indigenous Biodiversity Chapter. The wording is inconsistent with the RMA and the reference to heritage values in this context is confusing as the plan only defined “heritage resource” in relation to historic heritage. This sentence should state why it is important to protect remaining biodiversity as lead in to the provisions of this chapter.</p>	<p>acknowledge recognise and provide for that the remaining areas of indigenous biodiversity, still <u>which continue to contribute significantly to Marlborough’s heritage value social, economic and environmental wellbeing.”</u></p>
Issue 8A	<p>Support in part While the description/explanation of the issue provides a comprehensive picture of the loss that has occurred it does not clearly set out the urgency to respond now or why this loss is a problem.</p>	<p>Retain and amend the explanation to state why this is of concern.</p>

<p>Objective 8.1</p>	<p>Support in principle The objective is consistent with achieving Policy 11 NZCPS however the explanation does not clearly set this out. Objectives do not “help to achieve” or “help to protect”, as implementation is achieved through policy directions and methods including rules.</p> <p>Third paragraph The term “natural heritage” is used in Chapter 8 introduction and explanation text with reference to wetlands, biodiversity, indigenous vegetation and habitat’s of significant fauna all contribute to Marlborough’s natural heritage. As it is not used elsewhere it is unclear what other matters contribute to “natural heritage” or what relevance that has in terms of the role of the plan.</p> <p>As written it is not clear why natural character s6(a) is mixed into the explanation of this objective. The third paragraph as suggests an overlap in how the plan provides for 6(a) and 6(c), however it is not clear what this means in terms of how the plan has addressed this. We have suggested an amendment along the line of what may help improve clarity.</p> <p>(we note that the term “natural heritage” is used once in Chapter 10 but it is considered that this is in error as that chapter deals with “historicheritage”)</p> <p>It is not clear that the Governments 2007 statement is used to apply the Threatened Environments layer</p>	<p>This Objective needs to be identified as RPS, Regional, Coastal and District Plan</p> <p>Amend the first paragraph of the explanation in two places “..this objective <u>gives effect to</u> helps to achieve...” “This objective also <u>gives effect to</u> helps to achieve...”</p> <p>Amend the second paragraph of the explanation “This objective also helps <u>sets out the intent to protect</u>...”</p> <p>Replace the third paragraph: “<u>There is a relationship between this objective and objective 6.2 in Chapter 6 in terms of the protection of natural character under s6(a) of the RMA and Policy 13 and 14 of the NZCPS. This is because indigenous biodiversity is also a component determining natural character. For this reason polices in this chapter that provide for the protection of indigenous biodiversity in the coastal environment, wetlands, rivers, lakes and their margins in giving regard to both s6(a) and (c) of the RMA and achieving Policies 13 and 14 of the NZCPS. Areas identified for protection of both natural character and indigenous biodiversity include the Riparian Natural Character Management Areas on the Overlay Maps. ”</u></p> <p>Amend to clarify that the Landscape Overlay of Threatened Environments comes from the statement of priorities.</p> <p>Include policy direction to apply the Threatened Environments classification as an overlay</p>
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	<p>in the Maps. Further there does not appear to be policy direction to give effect to this objective in terms of the Threatened Environments Landscape Overlay.</p>	
Objective 8.2	<p>Support in principle</p> <p>It is not clear restoration restricted to areas of “degradation” as it would also be appropriate to enhance an area of regeneration.</p>	<p>This Objective needs to be identified as RPS, Regional, Coastal and District Plan</p> <p>Retain</p>
Policy 8.1.1	<p>Support in part</p> <p>Forest and bird support the use of criteria however, “sustainability” is not a valid significance criterion, and the restrictions in the policy on applying the criteria are inappropriate. Specifically:</p> <ul style="list-style-type: none"> • Criteria (a) to (d) are appropriate. • Criterion (f) (connectivity) should also be used to assess significance. • It is not clear how criteria (e) and (g) – (h) are intended to be applied, as they are listed as significance criteria, but then the explanation says only (a) to (d) are used. • It is not appropriate to apply management-related “filters” – which is what (e), (g) and (h) appear to be - to assess whether a site is significant. • Criteria (g) “sustainability”. It is not appropriate to apply sustainability as one of the means to assess significance. It is a management criterion not an ecological one The Environment Court 	<p>This policy needs to be identified as RPS</p> <p>Retain and amend to address submission</p>

	has rejected the use of management matters as significance criteria.	
Policy 8.1.2	<p>Forest and Bird supports the identification of these areas in the plan. We consider that further areas should be identified and added to the plan over time.</p> <p>It is not clear where these areas have been identified in the plan, or if they are yet to be identified whether they will be included in an Appendix or a map layer.</p> <p>The Plan acknowledges that few wetlands remain and only fragments of the original indigenous vegetation cover remains. Forest and Bird supports the provisions for identifying wetlands having significant indigenous biodiversity values in the Plan. However this may not capture all wetlands with important environmental values as remaining fragments of native vegetation may not meet the criteria for significance. For example the Para Swamp may be seen as a low priority as it has degenerated significantly, but it has the potential to be a locally and nationally important wetland. Forest and Bird encourages Council to look for ways to identify and protect other wetlands for rehabilitation and enhancement opportunities.</p> <p>Forest and Bird supports the identification and inclusion of significant ecological marine sites in the Plan. We consider that it is critical to identify to</p>	<p>This policy needs to be identified as RPS and District Plan</p> <p>Add reference in the policy explanation to where in the plan these areas are identified.</p> <p>Amend the plan to provide policy directions and methods to provide for further wetland and marine sites to be identified for protection.</p>

	enable effective protection. We are keen to see direction or methods within the plan to grow this list of sites over time and also identify medium to high value sites where protection is also needed,	
Policy 8.1.3	Assessing the “impact on”, is quite different to “protecting” biodiversity. As the first is reactive and could result in findings of significant loss. Where as protection requires proactive policy direction.	This policy needs to be identified as RPS and District Plan Amend the Policy to require assessment of potential adverse effects rather than “impacts”.
Policy 8.2.1	Support the policy in principle Could be clearer than just stating regulation, as in the context with a list of largely non-regulatory methods is not clear that it would mean rules in this plan. In other chapters there has been specific reference to resource consent requirements. Say “permitted standards and resource consent requirements.”	This policy should be identified as RPS Retain and amend to address submission
Policy 8.2.2	Support in principle As set out in our discussion on indigenous biodiversity under key issues (paragraphs 20 - 30), the importance of voluntary/partnership methods to achieve Indigenous Biodiversity protection is acknowledged. However, a prioritisation of voluntary over regulatory methods for remaining biodiversity on private land is not justified. Private land contains many of the most threatened and least protected land environment types (LENZ, Threatened Land Environments). Regulatory methods are usually more effective at preventing loss and physical disturbance of habitat than	Amend the plan to include policy and method direction such that significant indigenous biodiversity areas can ultimately be identified in schedules or maps within the plan.

	<p>voluntary methods, where-as voluntary methods are likely to be more effective at addressing impacts of pests and weeds. The requirement to recognise and provide for the protection of significant indigenous vegetation and significant habitat of indigenous fauna is not met by prioritising voluntary methods.</p>	
<p>Policy 8.2.3</p>	<p>Support council identifying significant biodiversity as a priority for funding from council, however there needs to be certainty that this funding is used for long term protection.</p> <p>However have concern that the focus is on those where landowners are willing to provide alternative legal protect leaves other areas vulnerable and creates a high level of uncertainty such that it is not clear council is meeting the requirements of s6(c) RMA.</p> <p>Policy 8.2.3 says that priority will be given to the protection, maintenance and restoration of habitats, ecosystems and areas that have significant indigenous biodiversity values, particularly those that are legally protected. What this means (according to the explanation) is that funding will be aimed primarily at those areas. This is an acceptable approach given that outcomes are better able to be secured where sites are legally protected. However the policy is about “protection, maintenance and restoration” not funding. Priority should not be given to legally protected sites for protection, maintenance and restoration, as this will continue the pattern of protecting the better protected sites identified in the Threatened Land Environments</p>	<p>Amend the policy to clarify that this is intended to provide direction for funding.</p>

	classification. If the policy is concerned with funding allocation, it should say so.	
Policy 8.2.4	Support However it is not clear how this policy will be used in terms of any regulatory approach. In terms on non-regulatory methods such as financial support from council it appears that this policy could conflict with Policy 8.2.3 Using word “enhancement” links better with 7(f) RMA which this policy appears to be implementing.	Could be amended to: “ <u>Encourage the re-establishment and enhancement</u> of indigenous biodiversity in Marlborough’s lowland environments.
Policy 8.2.5	Support this policy however voluntary measures should be encouraged alongside regulatory measures (not in place of). Council can provide support for active management of areas that are required by regulation to be retained in indigenous vegetation.	Provide a similar policy for the voluntary assessment of significant indigenous biodiversity on private land and inclusion on a schedule (and or map) into the MEP through future plan change with priority for support towards active management from Council.
Policy 8.2.6	Support	Retain
Policy 8.2.7	Support in principle Forest and Bird recognises Councils current contribution to predator control projects in Marlborough. However, the draft Plan provisions are appear too limited to do more than provide direction for pest control on high value sites. We consider that further non-regulatory methods are required to provide for a wider commitment to pest control.	Retain and add further methods for (a) MDC to develop a strategy, which would include staff and funding, to work with central government on its Predator Free New Zealand. (b) Areas of high value to be recognised in the Plan, including the following: Blenheim sewage ponds, Grovetown lagoon, Taylor Dam, Wairau Lagoons, Pelorus River Estuary, top of Grove Arm, Kaipupu Point Sanctuary, and Pelorus Bridge Scenic Reserve and Para Swamp. And that pest control plans be developed for these areas.
Policy 8.2.8	Support However FB are concerned that this would not	Retain and amend or include a new policy for the aerial identification of potential Significant indigenous biodiversity sites. These sites should be

	include all areas of significant biodiversity as land owners may refuse access to assess areas. Also we understand council has yet to start identifying significant biological diversity in the south of Marlborough. Further if areas are clearly mapped then aerial surveillance may be used to help identify loss and deterioration.	included in the plan and used in a similar manner to the Threatened Environments Overlay.
Policy 8.2.9	Support in principle as this is consistent with s30 and 31 and s7(f) RMA The wording could be clarified in the start of the policy. We also consider that a further matter is need to recognised threatened and at risk species.	Amend Policy: "Maintain, ...biodiversity, <u>including where it is not identified as significant in terms of the criteria in Policy 8.1.1, but are which is important for:</u> (a)... (g)... flows. (x) <u>habitat of threatened or at risk species</u> "
Policy 8.2.10	Support	This policy should be referenced to RPS, R, C, D Retain
Policy 8.2.11	Support	This policy should be referenced to RPS, R, C, D Retain
Policy 8.2.12	Support	This policy should be referenced to RPS, R, C, D Retain
Policy 8.2.13	Support	This policy should be referenced to RPS, R, C, D Retain
Policy 8.3.1	Support in part as the policy helps give effect to the NZCPS However, the situation that is not addressed in the policy is where a site is a Policy 11(b) site, but also meet's the plan's significance criteria, in which case Policy 8.3.2 would apply.	Amend the explanation to make it clear that if Policy 11(b) in clause (c) applies then regardless of whether the area is also significant under Policy 8.1.1 it is addressed in this policy. Clarify relationship between Policy 8.3.1(c) and Policy 8.3.2.

Policy 8.3.2	Support in part This policy only applies when consent is needed. Not consistent with achieving s6(c) RMA as will not ensure protection. Not consistent with the s 16 requirement to avoid, remedy or mitigate adverse effects.	Amend to provide guidance for the avoidance of effects where activities are permitted (include a new Policy addressing this.
Policy 8.3.3	Support	Retain
Policy 8.3.4	Support	retain
Policy 8.3.5	Support	Retain
Policy 8.3.6	Support	Retain
Policy 8.3.7	support	Retain
Policy 8.3.8	Support	Retain
Methods of implementation	Support a comprehensive monitoring and implementation approach through non-regulatory methods to support regulation and achieve the objectives	Retain
9. Public Access and Open Space		
Introduction		
Issue 9A and related provisions	Support opportunities for public access where this does not cause adverse effects on ecological values.	Amend policies to ensure that “public access and recreational use do not include access to ecological corridors on the coast, wetlands and along waterways where this would have adverse effects on sustainability of these systems.”
Issue 9B and related provisions	Support in part all the provisions in this section . However there needs to be clear recognition that where reserve land is used for recreation it is important that vegetation and wildlife habitats are not adversely affected. Where any assessment or	Retain and amend as required to address submission

	investigation to enhance access along the coast, lakes and rivers in undertaken this needs to include wetlands as well. Council should also liaise with DOC to identify areas along the Marlborough coast where vehicles on the foreshore and seabed are not appropriate.	
10. Heritage Resources and Notable Trees		
Introduction	Last para of the introduction refers to “Marlborough’s natural heritage” however in the context “historic heritage” would be more appropriate.	Amend to refer to historic heritage
13. Use of the Coastal Environment		
Introduction	Support the introduction context in terms of interactions of activities between land and water However this fails to capture natural interactions, eg sea birds Overall the chapter does not appear to adequately provide for s6(c) RMA or Policy 11 NZCPS. The objectives and policies fail to recognise protection of significant biodiversity as it relates to land within the coastal environment. If this is just a matter of clarifying the relationship with Chapter 8, then an explanation of this should be included in the introduction.	Amend to include introduction discussion of natural environment interaction between water and land as relevant to this chapter.
Issue 13A	Support in part. The explanation to the issue could clarify the requirements of the NZCPS provisions which require protection vs those that require protection from inappropriate use and development. As this appears	Retain and amend to address submission

	to be the basis for the issue in establishing appropriate activities.	
Objective 13.1	Support	Retain
Policy 13.1.1	Support in part However it is not clear how the chapter provides for significant terrestrial indigenous biodiversity within the coastal environment. While council has a non-reg approach to protection of indigenous vegetation on land in terms of s6(c), Policy 11 sets out additional and specific biodiversity protection requirements in the coastal environment. Forest and Bird considered that further policy direction to avoid adverse effect on Policy 11(a) biodiversity is required.	Amend this policy or add another policy to give effect to Policy 11(a) in terms of terrestrial coastal biodiversity.
Policy 13.1.2	Support	retain
Objective 13.2	Support in part It is not clear that this policy gives effect to Policy 11(b) of the NZCPS	Amend explanation to Objective 13.2 "...forms in which... activities can take place <u>to avoid, mitigate and remedy adverse effects.</u> And refer to Policy 11(b) NZCPS
Policy 13.2.1	Support Clause (f) is a bit is in terms of what coastal waters may include. For example does this does it include estuaries, tidal parts of rivers etc. It is unclear how council would determine whether a proposed activity would be appropriate under this policy.	Amend clause (f) by delete the words "generally experienced" and to refer to "water quality in coastal waters" Add a definition for "coastal waters" Amend the policy and explanation to provide guidance on what the values/characteristics are.
Policy 13.2.2	Support We note that the reference to is unclear in terms of	Amend as required to address submission

	referencing Policy 13.2.1 as that policy does not identify “values”	
Policy 13.2.3	Support in part Consistent with a precautionary approach and dynamic environment	Retain
Policy 13.2.4	Support guidance consistent with section 7 RMA	Retain
Policy 13.2.5	Support	Retain
Policy 13.2.6	Support	retain
13.M.1 Zoning	Support	Retain
13.M.2	Support in part. Suggest the wording could be clarified as by referring to mapped areas rather than values or to the Appendix 1 and 2 where these areas are listed with associated values, and/or Policy 13.1.1.	Retain and amend to address submission
13.M.3	Support	Retain
13.M.4	Support the need for regulatory approach to ensure that adverse effects on the environment from permitted activities are no more than minor. If this is achieved through the Standards mentioned, then should be clarified.	Amend first and section sentence as follows: “A range...where there are <u>activities would likely have</u> minimal adverse effects on the environment. These activities will be subject to standards, including amenity based standards, <u>to ensure adverse effects will be no more than minor.</u> ”
13.M.6	Support the reference to other vegetation which relates to the coastal environment however it is not clear how this helps to achieve the objectives of this chapter.	Retain and amend to address submission
Recreational Activities		
Issue 13B	Support but consider that recognition to potential introduction of pests through these activities is required. While pest maybe largely managed under	Retain and amend provision to address submission

	a pest strategy, activities permitted or requiring consent under this plan should also meet standards etc to avoid bringing in pests.	
Policy 13.3.1	Support the comprehensive policy direction. Particular support (b) however it is not clear how SNA will be recognised as they have not been included for identification in Policy 13.1.1, except in the marine environment. As such reference to the Threatened Environments overlay would provide a proxy for SNAs in some areas at least. Significant natural/ecological areas should also be identified in the planning maps for public land.	Amend the following clauses: “(b) cause adverse....fauna, <u>in the coastal environment, including those sites and areas identified as Ecologically Significant Marine Sites or Threatened Environment Overlay on the planning maps</u> ” “(c) do not <u>to, along and adjacent</u> the coastal marine area.” “(f) adversely ... the <u>coastal environment area</u> ”
Policy 13.3.2	Support in part	Amend to apply across coastal environment. Council can manage land use activities wider than just the CMA in order to maintain and enhance access. Such as reserve strips for subdivision activities. Working with private land owners, councils and doc land. Also in the marine area ensuring that structures at sea to do block access. NCZPS access policies relate to coastal environment not just CMA
Policy 13.3.3	Support	Retain
Policy 13.3.4	Support	Retain
Fishing	In relation to Fishing, we agree with the statement that “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.” As long as the Council is not managing fishing-related activities for the sole purpose of fisheries management (and as	Retain

	long as the Council has a valid resource management purpose for any controls, such as maintenance of indigenous marine biodiversity), controls on fishing-related activities are lawful and appropriate.	
Issue 13C	Support in part. Expand the explanation of the policy to recognise importance of this issue to local community and wider NZ	Amend to clarify if there are fisheries issues for areas outside the Marlborough sounds and whether this plan provide any policy guidance outside Marlborough Sounds.
Objective 13.4	Support in part. Recognise the relationship between sustainable fisheries and the function of council for the protection of habitat of indigenous fauna and biodiversity under s6(c) RMA and Policy 11 NZCPS.	amend the explanation to address submission
Policy 13.4.1	Support	Retain
Policy 13.4.2	Support	Retain
13.M.9	Support in part. To implement Policy 13.4.2 council also needs to provide some resource to help develop management plans or advice to recreational fishers, and to support monitoring and enforcement	Amend to address submission
Residential activity		
Issue 13D	Support intent. Suggest that the explanation wording could be amended better to recognise adverse effects of residential development activities on the natural values of the coast as well as habitat of indigenous species.	Retain and amend to address submission
Objective 13.5	Support	Retain
Policy 13.5.1	Support to the extent that activities in these zones avoid adverse effects on significant indigenous biodiversity	Retain
Policy 13.5.2	Support in part as residential activities outside of those zones, within the Sounds, should not be provided within the Plan.	Amend to provide stronger guidance for residential activities to only occur in the Coastal Living Zones within the Sounds.

Policy 13.5.3	The wording of this policy is inconstant with recognising the natural character and other values of the coastal environment. It implies that any land in the coastal environment is open for residential development. And is inconsistent with the policy explanation.	Delete this policy. Or amend the policy to read: “ <u>Provide guidance to support appropriate residential development within areas zoned Coastal Living.</u> ” Use current policy explanation
Policy 13.5.4	This policy does not fit with the current framework and seems to duplicate Policy 13.5.1 and 13.5.2.	Delete or merge with Policy 13.5.2.
Policy 13.5.5	Support	Retain
Policy 13.5.6	Support	Retain
Policy 13.5.7	Support	Retain
Policy 13.5.8	Support in part however the policy should include the requirement that the activity does not detract from the coastal environment. It is also unclear whether this applies to non-residential activities generally or only where these use an residential structure for a non-residential activities.	Amend the policy as follows: “Non-residential activities within the Coastal Living Zone will <u>only</u> be allowed, <u>where they are consistent with Policy 13.5.7 and</u> where they do not detract from the existing character of the residential environment within which they are to be located.
Policy 13.5.9	Support in part. Clarify it this policy is intended to ensure access requirements are considered at the time of subdivision, or if subdivision has already occurred, at the time of residential development? Further it is not clear how this policy applies to enhancement of access to a property which already has a residential or “non-residential” (given policy 13.5.8) structure.	Reword the policy to improve clarity. Amend the explanation to reference the policies that provide guidance for access improvements relating to existing residential development.
13.M.10	support	Retain the approach to having one zone within with residential development can occur.
13.M.11	Support	Retain
Boat moorings and		

anchoring		
Issue 13E	Support	Retain
Objective 13.6	Support as rang of options so long as they are in appropriate locations	Retain
Policy 13.6.1	Support in part. The explanation is not clear in terms of the statement that the rest of the policies “are therefore not relevant” considerations in the Port, landing and marina zones. We would expect that there are some ongoing considerations for these areas which the plan has policy guidance.	Amend to either remove the statement or provide an explanation of why they are not relevant.
Coastal Structures, reclamations and disturbance to the foreshore and seabed	Support in part. Suggest that the introduction paragraphs could be improved by the inclusion of some explanation and examples of the potential adverse effects of these activities and why they need to be managed through the provisions in this Plan.	Retain and amend to address submission
Issue 13F	Support in part. The explanation to the issue should recognise that there may be less environmental impacts to provide boat access than road as it not just physical and financial reasons that roads are limited in the Sounds.	Retain and amend to address submission
Objective 13.10	Support. The objective explanation should also recognise the need to minimise the development of such structures consistent with the subsequent policy direction.	Retain and amend to address submission
Policies 13.10 1 – 13.10.10	Support These polices provide a sound basis to assess the effects and minimise the development of structures unless determined as appropriate. Consistent	Retain the policies as notified

	protecting the natural environmental values of the Sounds.	
Policy 13.10.11	support	Retain as notified
Policy 13.10.12	Support in part Support the need to addressing cumulative effects and the two clauses which identify key considerations avoid or minimise creating a cumulative effect. However as worded the policy does not include clear direction to address “cumulative effects” on the environment.	Retain and add the flowing new clause: <u>“(c) the cumulative environmental effects on landscape and environmental values of the local area”</u>
Policy 13.10.13 to 13.10.18	support	Retain as notified
Policies 13.10.19 to 10.10.23	support	Retain as notified
Policies 13.10.24 to 13.10.27	Support	Retain as notified
Issue 13G Disturbance of the foreshore and seabed	Support in part To provide context and certainty to users the paragraph 5 should include an example of the less immediately apparent effects other activities can cause.	Include examples in paragraph 5 as follows or similar: <u>“Such as crushing of small plants and creatures, compressing or disturbing sediment martials will also affect habitat and vegetation growth.”</u>
Objective 13.11	Support the intent of the objective. However, as worded the objective could be read as reclamation or drainage providing the solution to minimise loss.	<u>“Minimise the loss of Marlborough’s coastal marine area through to reclamation or drainage”</u>
Policy 13.11.1	Support a consented approach for these activities in the coastal marine area. As currently worded it is not clear what approach the council has to reclamation in the Sounds which may be seaward of the CMA.	Add a policy which sets out a prohibited approach to reclamation and drainage seaward of the CMA (excluding adjacent to the CMA).
Policy 13.11.2	Support the avoidance approach. Note that the policy needs clarification as Clause (a)	Amend the policy as follows: <u>“Reclamation or drainage in or adjacent to the coastal marine are shall be avoided, unless:</u>

	does not align with the policy applying “in” the CMA and clause (a) should include “in” the CMA for consistency with the NZCPS	(a) the activity to be carried out on the which requires reclamation <u>can only occur in or has to be adjacent to the coastal marine area; and...</u>
Policy 13.11.3 to 13.11.8	Support	Retain
Objective 13,12a and 13.12b and Policies 13.12.1 and 13.12.2	Support Disposal and deposition activities in the marine environment/onto the seabed could have significant adverse effects on marine life and recreational values.	Retain as notified.
Objective 13.13	Support As sought in relation to other activities within the CMA and marine environment, provide a prohibited policy framework for disturbance activities which are not specifically provided for by policies within this chapter.	Retain Add new policy under this objective to prohibit disturbance not provided for elsewhere.
Policy 13.13.1	Support	Retain
Policy 13.13.2	Support Reasonable to enable such activities with appropriate conditions.	Retain
Policy 13.13.3	Support in part. “Discourage” is not sufficient to ensure the protection of significant coastal values, including the habitat of indigenous birds. This may include permanent and temporary restrictions on vehicle access along the foreshore.	Amend to “ Discourage <u>Restrict</u> the use of motorised...”
Policy 13.13.4	Support. Provides realistic and sound guidance while enabling consideration of effects.	Retain
Policy 13.13.5	Support in part Forest and Bird accept that some opening of the river may be necessary to reduce the effects of flooding, however for the purpose of increasing productive land through drainage and recreational	Retain and amend to provide further guidance to address submission

	pursuits should not be at the cost of ecological values such as retaining wetland areas.	
Policy 13.13.6	Support with the inclusion of appropriate standards to avoid, remedy and mitigate adverse effect on biodiversity values	Retain
Policy 13.13.7	<p>Oppose in part Disturbance of the bed from unanticipated activities could have significant effects, especially within the Sounds where even small changes to the sea bed would have adverse effects.</p> <p>Forest and Birds preference would be that activities not provided for elsewhere are not provided for in the Plan. However we would accept the inclusion of this policy with amendments to provide stronger protection of the sea bed. And where any activities that do not meet this policy would clearly be inconsistent with the Plan</p>	<p>Amend as follows:</p> <p><u>“Only consider granting consent Proposals for an activities involving disturbance of the foreshore or seabed not otherwise provided for, which shall demonstrate that:</u></p> <p>(a) ... (b) ... <u>(c) does not result in changes to the seabed contour within the Marlborough Sounds.”</u></p>
Policy 13.13.8	Support in part. These activities should not be allowed in the Marlborough Sounds unless necessary for an activity already provided for.	<p>Retain policy Amend to exclude the Marlborough Sounds unless Policy 13.13.7 is amended as sought.</p>
Policy 13.13.9	Support	Retain as notified
13.M.17	Support the current approach to permitted activity standards ensuring effects are no more than minor. Include reference to prohibited status for activities identified as in appropriate or not specifically provided for. The reference to recreational values is not appropriate as there are range of reasons for the prohibited activity status being used.	<p>Delete the reference the recreational values. Add the following paragraph <u>“prohibited activity status has been included for activities which are not appropriate or where they are not anticipated as appropriate by the policy frame work”</u></p>
13.M.18	Support	Would be good to identify if bylaws are currently used in Marlborough

		for this purpose.
Shipping		
Objective 13.14, Policy 13.14.1 to Policy 13.14.3 Objective 13.15, Policy 13.15.1 to Policy 13.15.3 Objective 13.16, Policy 13.16.1 to Policy 13.16.6 And associated Methods.	Support in principle Support the provision of shipping where this is undertaken in a way and at a scale which avoids increasing current adverse impacts and minimises effect from current activities within the Marlborough Sounds and south Marlborough coast line.	Retain and amend if required to achieve environmental outcomes including s6(c) RMA and Policy 11 of the NZCPS.
Ports and Marinas - all provisions	Support the provisions for existing ports and marinas. Any expansion of these areas should only be considered in exceptional circumstances.	Retain
Lake Grassmere Salt Works	Support to the extent that these provisions provide for continued operation. However any expansion should be discouraged because of potential for significant adverse effects on the environment.	Retain
Anticipated environmental result		
13.AER.1	Support in part Support the target to protect mapped areas of significance. However this target fails to achieve s6 RMA and policy 11 NZCPS, as there is no clear process for mapping of significant vegetation or habitat of significant fauna or indigenous biodiversity. The monitoring to assess effectiveness also fails to include monitoring of permitted activities and compliance with the plan.	Retain and amend to address submission
13.AER.14	Support in part Need to include monitoring of the sea bed water quality and marine fauna in these zones. Including checking for unanticipated adverse effects,	Retain and amend to address submission

	compliance with permitted activities and pest species which may adversely affect indigenous biodiversity.	
14. Use of the Rural Environment		
14.1.4	Support	Retain
15. Resource Quality		
Introduction	Support the recognition of degraded waters and those that at risk of degradation. The introduction should highlight the need to improve water quality in these rivers by better management of point source and diffuse sources of contamination. Better treatment of discharges, fencing of waterways, more riparian planting, smarter fertiliser application etc.	Amend to address submission
Objective 15.1	Support a comprehensive objective approach to water quality	Retain
15.M.18 Liaison	Support the establishment of a rural industry group to improve water quality	Retain
19. Climate Change		
Policy 19.1.1	Support the direction to reduce carbon emissions. This should include the creation of permanent carbon sinks including native species as long term carbon skink options	Retain and amend to address submission
Policy 19.1.2	Support greater understanding on climate change	retain
Volume 2 - Rules		

2. General Rules		
2.7 Permitted Activities and 2.8 standards	Support. Activities within the beds and margins of lakes and rivers can have a significant adverse effect on indigenous birds during breeding periods and as such guidance should be provided within permitted activity standards as recognised in 2.8.1.5. However the period is not sufficient, for example the black-fronted terns (nationally endangered species) have a longer breeding season, including to account for replacement clutches into February.	Retain and amend Standard 2.8.1.5 “During the period of 1 September to <u>1 February</u> in any...”
2.9.9.1	Support the exclusion of intensively farmed stock from waterways.	Retain
2.9.9.2	Support in part however the focus is on pollution into flowing water during crossing. This ignores the urination and defecation outside of the river beds. Urine & faeces increase the fertility of river beds which encourages growth of vegetation. Birds avoid nesting close to vegetated areas because of predators and prefer open shingle areas. If stock are allowed at anytime (ie they are not excluded during breeding season), then owners must mitigate by removing vegetation in the bed and provide a wider nesting area clear vegetation where stock access is prevented. Non-intensively farmed livestock should be progressively excluded from waterways	Retain and amend to address submission
Use f non complying activity status	The Plans non use of non-complying activity status is opposed . Non-complying activity status is appropriate where an activity is likely to have	Amend activity statuses throughout the plan to Non-complying status where appropriate

	adverse effects on high value parts of the environment and should only proceed if the effect will in fact be less than minor or if the plans objectives and policies provide for the activity.	
3. Rural Environment Zone		
3.1.7. Commercial forestry harvesting.	Support the Standards and requirements on impacts of harvesting activities. However given the outstanding natural character of the Marlborough Sounds greater set backs and more sensitive tree removal requirements are needed in that area.	Retain and amend to include standards to address submission
3.3.6 Standards that apply to commercial forestry planting	<p>Forest and Bird support the list of species that must not be planted due to the risk of wilding pine spread.</p> <p>However the setback for new planning in 3.3.6.2 is completely inadequate. A minimum of at least 20 m setbacks are generally required to achieve a reasonable water quality outcome, 30m or more may be required near sensitive ecological sites. An 8 m setback from wetlands is not enough to prevent further loss.</p> <p>Setbacks also need to take into account the full tree length of 25 to 30 meters. Mature trees are vulnerable to windthrow as they get older and this and setbacks also decrease the risk of mature trees falling and clogging waterways.</p> <p>Appropriate 20-30 meter buffers are also necessary for woodlot forestry plantings as well.</p> <p>It is not appropriate to provide for replanting of lawfully established forestry on Steep Erosion-Prone Land as a permitted activity. This is not an existing</p>	<p>Retain and amend to address submission including requiring:</p> <p>Greater setbacks</p> <p>Amend the activity status for replating lawfully established forest on Steep Erosion Prone Land to Discretionary</p> <p>Identify high risk wilding pine areas and require consent for any new forestry that has the potential to create a wilding pine risk in these areas.</p> <p>A forestry plan which identifies and addresses, for the entire rotation, at least the following matters:</p> <ul style="list-style-type: none"> • compliance with the permitted activity standards for planting, and that the standards for harvesting will be able to be met (or if not, the activities for which resource consent will be required). • areas of indigenous vegetation including significant sites and riparian vegetation, and how these will be protected. • all waterbodies within the forestry site, and measures to protect these, including how limits and targets set to give effect to the NPS on Freshwater Management will be complied with. • how fauna known to use plantation forestry as habitat (including

	<p>use that must be provided for due to existing use rights (regional rule considerations apply, which override existing use rights). There will be circumstances when steep erosion-prone land should be retired from commercial forestry. There are no provisions relating to controlling the spread of wilding pines, other than specification of which species should be used. Areas that are high risk for wilding pine should be identified, and measures to control the spread of wildings should be included.</p> <p>The suitability and sustainability of forestry over an entire rotation should be considered before planting is established.</p>	<p>long-tail bats, falcon) will be protected.</p> <ul style="list-style-type: none"> • how wilding pine spread will be avoided
<p>3.3.7 Commercial Forestry Harvesting</p>	<p>3.3.7.1 – the commercial forestry harvesting plan (Appendix 22) should also be required to identify any areas of predominantly indigenous vegetation, significant indigenous vegetation or significant habitat of indigenous fauna, and riparian vegetation, and how these areas will be protected.</p> <p>The plan should also identify all wetlands, not just “significant wetlands” identified on zone maps.</p> <p>3.3.7.3 setbacks inadequate. See submission on 3.3.6.2 above. Some management of harvesting and associated activities within the setback for forestry established before 9 June 2016 is required rather than a blanket exemption. Plantation forestry often surrounds or abuts areas of significant indigenous vegetation or significant habitat of indigenous fauna (which are usually known to forestry companies). A</p>	<p>Amend to address submission</p>

	setback from these areas is required to achieve s 6(c). Harvesting rules should be linked to limits and targets set to give effect to the NPS Freshwater Management so that consent is required and can be declined near FMUs that are over allocated or approaching their allocative limit for sediment or nutrient load.	
3.3.7.12	Support in part however the setback for slash/debris placement inadequate	Amend setback as sought in submission
3.3.7.14	Support in part however the setback for tracked machinery inadequate.	Amend setback as sought in submission
3.3.7.19	Support the re-contouring of land used for tracks and seek that council provide education and enforcement of this requirement. To our knowledge this is not generally undertaken and tracks are often left to stabilise (or erode) naturally and never re-contoured back to the original profile.	Retain
3.3.11	These standards need to be strengthened to prevent indigenous vegetation clearance in Marlborough's threatened environments and protect significant biological diversity.	Amend as necessary to address submission
3.3.11.2	3.3.11.2. The exemption for indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt is opposed – this would allow clearance of significant sites and riparian vegetation. The exemption for clearance of 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	Amend in accordance with submission

	<p>years in age, or matagouri where the regrowth is less than 50 years in age is opposed. These sites are often significant habitat of indigenous fauna. The rule would be unenforceable due to the difficulty in knowing whether indigenous vegetation is more or less than 20 (or 50) years old.</p> <p>An exemption for clearance associated with the maintenance of an existing road, forestry road, harvesting track or farm track is acceptable but limits should be set (eg 1 m either side of the existing road or track).</p> <p>The exception within a Threatened Environments – Indigenous Vegetation Site for clearance within the curtilage of a dwelling is uncertain as curtilage is not defined. This exemption should only be for one dwelling per site, on a building platform identified and approved as part of subdivision, or within 10 metres of the footprint of existing dwellings.</p>	
3.3.11.3	<p>3.3.11.3. Clearance of indigenous vegetation must not occur: (a) on a Threatened Environments – Indigenous Vegetation Site. This is supported in part, but threatened environments do not cover all areas that are “significant” under the criteria in Policy 8.1.1. The rules allow clearance of significant indigenous vegetation as a permitted activity. Clearance of any indigenous vegetation meeting significance criteria should be a non-complying activity.</p> <p>3.3.11.3. Clearance of indigenous vegetation must not occur: (b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site. Greater setbacks are</p>	Amend to address submission

	required to protect the significant marine sites	
3.3.11.4	3.3.11.4 is supported in part, but does not cover all areas that are important as habitat and protected under Policy 11 NZCPS.	Amend to address all Policy 11 NZCPS areas
3.3.11.5	3.3.11.5. Clearance of indigenous forest must not exceed 1,000m ² per Computer Register in any 5 year period. Opposed – threshold is too high and will not maintain indigenous biodiversity as required under s 30 and 31. Permitted clearance of indigenous forest should only be allowed for clearly defined reasons: for a single dwelling on a site, for maintenance of existing infrastructure, roads and fence lines.	Amend to address submission
3.3.11.6	Oppose. These standards do not ensure the protection of significant biological diversity	delete
new	If an activity is outside of the threatened environment and coastal environment, then low growing species and ecosystems such as shrub land are very poorly protected.	Add a new standard to ensure protection of significant indigenous vegetation outside the coastal environment and outside the Threatened environment. Including species description, height, density and area of clearance limitation.
3.3.13 Cultivation	Setbacks are inadequate and will not protect water quality from the adverse effects of sedimentation and nutrient discharge. Cultivation rules should be linked to limits and targets set to give effect to the NPS Freshwater Management so that consent is required and can be declined near FMUs that are over allocated or approaching their allocative limit for sediment or nutrient load.	Amend to address submission
3.3.14 Excavation	Setbacks are inadequate. Excavation rules should be linked to limits and targets set to give effect to the NPS Freshwater Management so that consent is required and can be	Amend to address submission

	declined near FMUs that are over allocated or approaching their allocative limit for sediment or nutrient load.	
3.3.21. Live stock entering onto, or passing across, the bed of a river.	Rules controlling livestock in waterbodies is supported to protect freshwater quality and ecosystems. The rule should also apply to other waterbodies such as lakes and wetlands and the CMA.	Progressively exclude live stock from waterways
3.3.21.1	Support in part as wording is uncertain	Amend as follows: <u>Intensively farmed livestock must not enter onto or pass</u> 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, <u>or enter onto or pass across the bed of any lake, or any wetland or any part of the CMA.</u>
3.3.21.3	Support in part however does not provide sufficient protection of water quality	Amend to also include to visual clarity/sedimentation. The standard should link to any other limits/targets set to achieve water quality outcomes.
3.3.23. Application of fertiliser or lime into or onto land.	Fertiliser should not be applied within 20m of any wetland or other waterbody This submission also applies in relation to 3.3.25, 3.3.26 and 3.3.38	Amend to address submission
3.3.23.4.	200 kg N/ha/year (excluding N from direct animal inputs) is an extremely high limit for N and does not take into account the assimilative capacity of the receiving waterbody. The limit should be set with regard to limits/targets set to give effect to the NPS for Freshwater Management.	Amend to address submission
3.3.28.8-11	To protect freshwater quality and ecosystems	Amend to require dairy farm effluent storage for existing farms

3.5. Restricted Discretionary Activities		
3.5.1. Excavation in excess of 1000m3... including forestry harvesting	Forest and Bird would like to see sediment loss from clear felling operations managed in such a way to reduce the area cleared in any 12 month period in any single river catchment over 100 hectare in size with permanent water flows, restricted to 33% of the land area. This would have many benefits for the environment and reduce the risk of any catastrophic weather events causing significant soil and sediment loss.	Amend to address submission
3.6. Discretionary Activities	<p>Indigenous vegetation clearance beyond the specified permitted standards should be a non-complying activity.</p> <p>Chapter 4 Coastal Environment Zone Same comments on forestry, indigenous vegetation clearance and farming-related activities apply to the Coastal Environment Zone rules. In addition, in the Coastal Environment the rules should ensure compliance with the NZCPS. The indigenous vegetation clearance rules will not ensure that Policy 11 requirements are achieved. Clearance of any indigenous vegetation or modification of habitat that meets the Policy 11 criteria should be a non-complying activity.</p>	Amend to address submission
4. Coastal Environment Zone		
4.3.1 Farming std	Support exclusion on new dairy farms from permitted activity.	Retain
4.3.6. Commercial	4.3.6.1 (c)	Increase forestry setbacks to 100m from mean high water springs in the

forestry replanting.	Sediment run off is a significant problem in the coastal environment, especially within the Marlborough sounds. A greater setback is necessary to reduce sedimentation in the marine environment, enhance biodiversity, improve visual values	coastal environment zone
4.3.8 Woodlot harvesting	It is not clear why standards for commercial forest harvesting are not included in the coastal environment zone. In addition to other comments on forestry, slash and debris should not be left in any waterways including ephemeral waterways.	Amend to address submission Also 4.3.9.2 should include set back from coastal vegetation as per 4.3.10.4.
4.3.10 – indigenous vegetation clearance	Our same comment on the Indigenous vegetation clearance in the Rural zone apply here and in all other zones	Amend to address submission
4.3.12. Cultivation	Our same comment on cultivation in the Rural zone applies here	Amend to address submission
4.3.13 Excavation	Our same comment on excavation in the Rural zone applies here	Our same comment on cultivation in the Rural zone applies here
4.3.20	As per submission on rural zone	Our same comment on cultivation in the Rural zone applies here
4.3.30	Reason: Reduce risks to water and land contamination from multiple dump sites	Amend to ensure only biodegradable material can be disposed of in farm dumps
4.6.6 Quarrying and mineral extraction	Support consideration of small scale mineral extraction as a discretionary activity. However Quarrying and large scale mineral extraction should not be anticipated activities in the coastal	Amend as follows: “Small scale Quarrying and mineral extraction of alluvial and coastal gravels and sand (a) for the purpose of maintain access and protection of structures

	environment of Marlborough and would be better identified as a non-complying activity or prohibited.	(b) up to 10m3 (c) must not be within water”
4.6.3. Commercial forestry planting.	Support	Retain the discretionary activity status
4.6.4. Commercial forestry harvesting.	Support	Retain the discretionary activity status
4.7. Prohibited Activities	Support	Retain
7.5. Prohibited Activities	Support	Retain
16. Coastal Marine Zone		
16.1	The only activities that are regulated in ecologically significant marine sites are 16.3.16. Take and use of coastal water, and 16.7.5. Fishing activity that uses a technique that disturbs the seabed within any Ecologically Significant Marine Sites, except Croiselles Harbour Entrance – No. 1.2 and Tennyson Inlet – No. 3.9. Many of the activities covered in Chapter 16 such as structures, deposition, dredging will have adverse effects if located in or near Ecologically Significant Marine Sites. Consent should be required, so that the Policy 11 framework requiring avoidance of adverse effects on Policy 11(a) sites and avoidance of significant adverse effects on Policy 11(b) sites can be implemented.	Amend to address submission
16.7.5	Doesn't adequately provide for protection of rare and endangered habitats and marine life	Amend to prevent dredging and anchoring in ecologically significant marine sites
Definitions		
Indigenous vegetation	This would exclude indigenous species.	Delete requirement for species to be indigenous to the District
Intensively farmed	Support	retain

livestock		
Intensive farming	This definition is supported but is potentially unclear.	Clarify application of definition
Appendices		
Appendix 1	We consider that Wairau Dry Hills landscape should be included as an outstanding landscape given the significance of its location and the values identified in Appendix 1 The Wairau River was previously identified as and Outstanding landscape and it appears to be excluded for no good reason.	Add the Wairau Dry Hills landscape and the Wairau River as Outstanding landscapes
Appendix 3	See comments on significance criteria above	
Appendix 22	Forest and Bird would like to see a new approach to harvest planning that minimises the extent that any water catchment is exposed or clear felled at any one time. EG if a river or stream catchment is over 100 ha in size only 30% can be harvested in any one year. This reduces the risk of any significant sediment transport from a completely exposed site during a large rainfall event once the trees have been harvested and a new crop established. Should also require identification of areas of indigenous vegetation and habitat as set out in our submission on the Rural Zone forestry harvesting rule	Amend to address submission
Volume 4 zoning Maps	Support the Mapping and protection of significant wetlands	Amend to address submission

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Forest & Bird

GIVING NATURE A VOICE

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28 July 2017

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From: Royal Forest and Bird Protection Society NZ (Forest & Bird)
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RE: Further submission on Proposed Marlborough Environment Plan and application to waive time period for lodging further submission.

1. Forest & Bird wishes to lodge a Further Submission on the Proposed Marlborough Environment Plan. It also seeks a waiver of the time period in which this submission can be accepted.
2. Forest & Bird represents a relevant aspect of the public interest, and has an interest greater than the public generally.
3. Forest and Bird could not gain an advantage in trade competition through this submission.
4. Forest and Bird wishes to be heard in support of this submission, and would be prepared to consider presenting this submission in a joint case with others making a similar submission at any hearing.
5. Forest and Bird represents a relevant aspect of public interest as New Zealand's largest non-governmental conservation organisation with 70,000 members and supporters. Forest & Bird originally set out to protect New Zealand's unique flora and fauna the tasks of Forest and Bird in more recent years has extended to protecting and maintaining the environment surrounding the flora and fauna. Forest and Bird also made an original submission on the Plan.
6. Forest and Bird is concerned that some of the amendments sought to the Plan would result in the loss of indigenous biodiversity, and negatively impact on freshwater, the coastal space, natural

features and landscapes. Our specific concerns are set out below in respect of the original submissions we support or oppose.

7. Forest and Birds further submissions in support and opposition to submissions are set out below:

Submitter Name	Submission No#	Provision	Decision sought	Explanation
Aquaculture New Zealand Level One Wakatu House, 28 Montgomery Square, Nelson 7010	401.037	5.10.3	Oppose relief sought	Inappropriate relief.
	401.041	5.10.7	Oppose relief sought	Plan term too long, appropriate that fee set as part of Annual Plan
Federated Farmers of New Zealand	All submission points (other than specified below)	All provisions	Oppose	<p>Forest and Bird opposes the amendments sought because;</p> <p>a. they do not set adequate controls of the use of land for purpose of s30(1)(c), in particular (iii) the maintenance of the quantity of water, (ii) and (iiia) the maintenance and enhancement of the quality of water and ecosystems in water bodies.</p> <p>b. they are contrary with Part 2 of the Resource Management Act 1991, in particular they do not ensure achievement of s6(a) and (b) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins,) or the protection of outstanding natural features and landscape; and s6(c) the protection of significant indigenous vegetation and significant habitat for indigenous species</p>
Federated Farmers of New Zealand PO Box 945 Palmerston North 4340	425.033	5.2.3	Oppose relief sought	Needed to protect important waterbodies.
	425.057	5.3.15	Oppose	Important measure

			relief sought	to protect surface water flows
	425.062	5.5.2	Oppose relief sought	Prevents freshwater bodies from being protected
Marine Farming Association Incorporated Gascoigne Wicks PO Box 2, Blenheim 7240	425.034	5.10	Oppose relief sought	Equitable has a very different meaning to efficient.
	426.041	5.10.7	Oppose relief sought	Plan term too long, appropriate that fee set as part of Annual Plan
Dairy NZ Private Bag 3221 Hamilton 3240,	676.018,.019, &.022	5.1.1 5.2.3 5.2.13	Oppose relief sought	Prevents protection of freshwater bodies
The Fishing Industry Submitters Level 6 Eagle Technology House, PO Box 297, Wellington 6140	710.007 & 008	5.10 5.10.1	Oppose relief sought	Disagree with submitter, should be no presumption of "ownership"
Fulton Hogan Limited C/O Tonkin & Taylor PO Box 13055, Armagh, Christchurch 8141	717.020	5.2.4	Oppose relief sought	There are inevitably ground and surface water issues that crossover.
Horticulture New Zealand PO Box 10232 The Terrace, Wellington 6143	769.008 & .010-.014 &.016 -.017 & 020 -.021 & .033	Various policies and objectives	Oppose relief sought	Will result in downgrading of water bodies.
Marlborough Forest Industry Association Incorporated PO Box 602 Blenheim 7240	962.029 .030 .031 .033 .038 .039 .	Various policies and objectives	Oppose relief sought	Will result in downgrading of water bodies.
Nelson Forests Limited Private Bag 5 Richmond, Nelson 7050	990.173	5.3.15	Oppose relief sought	Important to have options for restricting forestry in flow sensitive catchments.
Rai Mussels Limited 108 Glen Road Glenduan, Nelson 7071	1087.001, 002 & 004	Various	Oppose relief sought	Important to ensure quality of water that these matters are retained.
Trustpower Limited Private Bag 12023 Tauranga 3143,	1201.020 & 021	5.2.2 5.2.3	Oppose relief sought	Does not protect values of important waterways
	1201.030 & .038	5.2.4 5.2.21	Oppose relief sought	Would allow progressive degradation of waterways
Fonterra Co-operative Group	1251.001	Various	Oppose	Would not protect

Limited 68 Meihana Street Takaka 7110	- .012; .014; .020 - .092	policies and objectives	relief sought	waterways as needed
Aquaculture New Zealand Level One Wakatu House, 28 Montgomery Square, Nelson 7010	401	Various points on Chapter 6	Oppose relief sought	Does not protect natural character.
Federated Farmers of New Zealand PO Box 945 Palmerston North 4340	425	Various points on Chapter 6	Oppose relief sought	Reduces focus on providing for natural character. Frustrates intention of NZCPS.
Aquaculture New Zealand Level One Wakatu House, 28 Montgomery Square, Nelson 7010	401.063 &.046	Chapter 6 (as identified)	Oppose relief sought	Seeks to delete entire chapter and make significant amendments. Inappropriate, as natural character is important issue under the RMA.
Marine Farming Association Incorporated Gascoigne Wicks PO Box 2, Blenheim 7240	426.063 & .046 &.047	As above	As above	As above
Friends of Nelson Haven and Tasman Bay Incorporated PO Box 98 Rai Valley 7145	716.055	As above	Support in part	Include helpful provisions for assessing natural character.
Nelson Forests Limited Private Bag 5 Richmond, Nelson 7050	990.176	6.1.2	Oppose in part	Understand identification of forests, but should not be excluded from the Coastal environment zone, as they have impacts.
Aquaculture New Zealand Level One Wakatu House, 28 Montgomery Square, Nelson 7010	401.064, .083 and .086	Chapter 7	Oppose relief sought	These matters do work neatly together, and it is the appropriate place to identify both s6 and s7 matters. The objectives and policies proposed deliver on the matters required under the RMA.
Sanford Limited PO Box 443 Auckland 1010	1140.018	Chapter 7	Oppose relief sought	Does not support the work in identifying and

				protecting landscapes
Te Atiawa o Te Waka-a-Maui PO Box 340 Picton 7250	1186.002	Chapter 7	Support in part	It is important that the cultural values held by iwi are properly gathered and incorporated into the assessment.
Lynda Neame lyndaneame@gmail.com	44.001	Chapter 8	Support	This submission improves the consideration of matters of protection of indigenous biodiversity in freshwater environments.
Port Marlborough New Zealand Limited C/O Mitchell Partnerships PO Box 489, Dunedin 9054	433.041	Chapter 8	Support in part	Adaptive management is a helpful tool, but its insertion in the plan should be done carefully, i.e. only for those types of habitats and ecosystems where adaptive management is proven to be effective.
Department of Conservation Private Bag 4715 Christchurch Mail Centre, Christchurch 8140	479.096	Chapter 8 re: biodiversity offsetting	Support in part	Biodiversity offsetting should be used with caution. The Department have provided a useful set of guidelines for ensuring that biodiversity offsetting actually achieves what it is intended to, and does not become "code" for swaps, when something can't be achieved.
Te Runanga a Rangitane o Wairau PO Box 883 Blenheim 7201	1187.003	Chapter 8 re Wairau Bar and Boulder Bank	Support in part	This wetland area of high biodiversity value would benefit from increased protection as

				suggested by this submission.
Aquaculture New Zealand Level One Wakatu House, 28 Montgomery Square, Nelson 7010	401.090	Policy 8.1.1	Oppose	Criteria not appropriate, nor would deliver on the identification and protection under NZCPS and RMA.
Marine Farming Association Incorporated Gascoigne Wicks PO Box 2, Blenheim 7240	426.094	As above	As above	As above
Marlborough Forest Industry Association Incorporated PO Box 602 Blenheim 7240	962.066	Policy 8.1.1	Oppose	Wetlands should not require owner permission to be identified as significant – inappropriate criteria.
Nelson Forests Limited Private Bag 5 Richmond, Nelson 7050	990.198	Policy 8.1.1	Oppose in part	Agree that important to clearly identify wetlands, but wetlands should be deemed significant (as that meets the criteria for threatened environments) until proven otherwise, given the rarity in the District.
Sanford Limited PO Box 443 Auckland 1010	1140.029	8.1.1	Oppose	Nationally significant does include regional importance.
Federated Farmers of New Zealand PO Box 945 Palmerston North 4340	425.208	Chapter 13	Oppose	Primary production is recognized through many other aspects of the plan. It is an effects-based approach and primary production is adequately provided for in this approach.
Friends of Nelson Haven and Tasman Bay Incorporated PO Box 98 Rai Valley 7145	716.159	Chapter 13	Support	The Court have ruled that it is appropriate for Regional Councils to insert provisions to protect from effects

				not covered by the Fisheries Act.
Marlborough Chamber of Commerce PO Box 658 Blenheim 7240	961.031	Chapter 13	Oppose	The chapter, as written, gives appropriate weight and language to implementing the NZCPS.
New Zealand Forest Products Holdings Limited Berry Simons PO Box 3144, Shortland Street, Auckland 1140	995.017	Chapter 13	Oppose	The chapter, as currently written, gives appropriate weight and consideration to the forestry industry. In such a sensitive receiving environment, it is very important that high standards are maintained. The relief sought would override the weight given in the NZCPS.
Federated Farmers of New Zealand PO Box 945 Palmerston North 4340	425	Chapter 14 – all submission points	Oppose in part	Important to recognize the value of primary production to the community, however there are clearly some practices that have a negative impact. Alternative methods of primary production are available to manage those impacts. These methods should be encouraged wherever possible, and not given the 'green light' through inappropriate plan provisions.
Murray Chapman Angoradale 1540 Waihopai Valley Road, RD 6, Blenheim 7276	348.018	Chapter 14	Oppose	Although weed issues are a problem, the problem of grazing to the water's edge is well documented,

				and a strong negative impact on freshwater values. Some light grazing of sheep and/or goat stock may be appropriate with a lesser setback, but in experience this is very hard to achieve.
New Zealand Fish Passage Advisory Group advisorygroup@fishpassagenz.org	994.005	Chapter 14	Support	Support protection for freshwater species
New Zealand Forest Products Holdings Limited Berry Simons PO Box 3144, Shortland Street, Auckland 1140	995.019	Chapter 14	Oppose	The insertion of clauses and primacy of the provisions requested are in contradiction with the effects-based approach of the RMA. Primary production can have many different effects – some almost negligible in a lightly grazed landscape, others can be quite transformative in their effects.

8. Forest & Bird opposes in part the submissions on Volume 2 and zoning maps made by the following parties:

- a. Nelson Forests Limited (in particular those referring to the removal of identified wetlands, and those matters that seek to reduce controls over the effects of forestry operations on the natural environment).
- b. Federated Farmers of New Zealand (in particular those rules that seek to remove controls on activities in the rural zone that would have implications for protection of freshwater, wetlands, indigenous biodiversity, natural character, landscape, and the coastal environment).

Waiver

9. Forest & Bird's Further Submission is three days late and a waiver under s37 is required. Forest & Bird seeks such a waiver.

10. In terms of the matters that must be considered when granting a waiver under s37A(1);

- a. s37A(1)(a) The minimal delay means that no person will be prejudiced by the late submission;
- b. s37A(1)(b) Allowing Forest & Bird, as New Zealand's largest conservation NGO, to be able to participate in the planning process will ensure that the matters of interest to Forest & Bird particularly pertaining to matters of biodiversity will be adequately assessed;
- c. s37A(1)(c) The submission is only three days late and the process will not be held up by accepting this late submission therefore accepting this submission will not contravene the duty to avoid unreasonable delay.

Thank you for your consideration.

Regards,

Debs Martin

Regional Manager, Top of the South Island
Royal Forest and Bird Protection Society of New Zealand Inc