

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-CHC-2020-

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

AND

IN THE MATTER of an appeal under Clause 14, Schedule 1 of the RMA

BETWEEN **MARINE FARMING ASSOCIATION INCORPORATED** a duly incorporated society having its registered office at 2 Alfred Street, Blenheim, 7201, New Zealand and **AQUACULTURE NEW ZEALAND** the trading name of New Zealand Aquaculture Limited, a duly incorporated company having its registered office at Level 1, Wakatu House, 28 Montgomery Square, Nelson 7010, New Zealand

Appellants

(Continued next page)

**NOTICE OF APPEAL
Dated this 8th day of May 2020**

Next Event Date:
Judicial Officer:

**GASCOIGNE WICKS
LAWYERS
BLenheim**

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AND

MARLBOROUGH DISTRICT COUNCIL

Respondent

Notice of Appeal to Environment Court against decision on a proposed Plan

Clause 14(1) of Schedule 1, Resource Management Act 1991

To: The Registrar
Environment Court
Christchurch

Name of Appellants and Decision Maker

- 1 Marine Farming Association Incorporated (“MFA”), of Blenheim, and Aquaculture New Zealand (“AQNZ”) of Nelson, appeal against part of the decision of the Marlborough District Council (“MDC”) on the proposed Marlborough Environment Plan (“the proposed Plan”).
- 2 MFA is a subscription based organisation, representing marine farmers at the top of the South Island of New Zealand.
- 3 AQNZ is the representative body for the New Zealand aquaculture industry, and is an industry organisation under the Commodity Levies Act 1990.
- 4 MFA and AQNZ each made a submission on the proposed Plan.
- 5 A number of MFA and AQNZ’s members also made submissions on the Plan individually. AQNZ and MFA’s members’ marine farms should be appropriately considered, recognised and provided for in the mapping, identification and related provisions of natural character and landscape overlays and ecologically significant marine sites.

Trade Competition

- 6 Neither MFA nor AQNZ are a trade competitor for the purposes of s 308D of the Act.

Date of Decision appealed against

- 7 The reasons for the decision were released from 21 February 2020, with the tracked changes decision version of the proposed Plan being released on 3 March 2020.

Date on which Notice of Decision was received by Appellant

- 8 MFA and AQNZ received notice of the decision on 21 February and 3 March 2020.

The Decision and Reasons

- 9 While MFA/AQNZ are generally supportive of the proposed Plan provisions, they consider that some change is required to ensure that the proposed Plan:
- (a) Promotes the purpose of the Act, being the sustainable management of resources (section 5);
 - (b) Is not contrary to Part 2 and other provisions of the Act;
 - (c) Is not contrary to the New Zealand Coastal Policy Statement 2010;
 - (d) Is not contrary to other relevant planning documents; and
 - (e) Will meet the reasonably foreseeable needs of future generations.
- 10 In particular, and without limiting the generality of the above paragraph, the parts of the decision that MFA and AQNZ are appealing and the reasons for the appeal are as follows:

Use of Natural and Physical Resources

- 11 New objectives and policies should be inserted into Chapter 4 of Volume 1 of the proposed Plan which have the effect of:
- (a) Recognising existing uses of natural and physical resources (new policy 4.1.1A).
 - (b) Recognising that human uses have become part of the character of the Marlborough Sounds (new objective 4.3A or new policy 4.3.6)).
- 12 Chapter 4 needs to identify that the proposed Plan starts from the position that community, social, economic and cultural activity occurs within Marlborough. Those activities are central to the fabric of Marlborough. It is from that position that Marlborough should be planned for.

Landscape and Natural Character

- 13 MFA and AQNZ appeal:
- (a) The natural character provisions in Chapter 6 of Volume 1, and the landscape and amenity provisions in Chapter 7 of Volume 1 of the proposed Plan.
 - (b) The extent of mapping of Outstanding Natural Character, Very High Natural Character, High Natural Character, and Outstanding Natural Landscapes and Features in Volume 4 of the proposed Plan.

- (c) The extent of mapping of Very High Natural Character and High Natural Character as shown in Maps 1, 2, 3 and 4 of the Natural Character Rating Maps in Volume 4 of the proposed Plan.
 - (d) The extent of mapping of Outstanding Natural Landscapes and Features as found in Landscape Maps 1, 4 and 5 in Volume 4 of the proposed Plan.
 - (e) The methodology underpinning the above mapping.
 - (f) The methodology and content in the Landscape Schedule of Values at Appendix 1 and the Coastal Natural Character Schedule of Values at Appendix 2, Volume 3 of the proposed Plan.
 - (g) The lack of recognition of marine farms as part of the existing environment of the Marlborough Sounds in the above mapping and Appendices.
 - (h) Policy 7.2.12 in Chapter 7 of Volume 1 of the proposed Plan.
 - (i) Policy 13.2.1(a and (g)) in Chapter 13 of Volume 1 of the proposed Plan.
 - (j) Appendix 4 of Volume 3 of the proposed Plan.
- 14 The reasons for the appeal include:
- (a) The evaluation must be at the appropriate geographic scale treating landscape, feature or natural character areas a whole.
 - (b) ONF and ONL boundaries and the corresponding boundaries for natural character should be legible and coherent to the community.
 - (c) There should be a correlation between the Outstanding Natural Landscapes and Features mapping in Volume 4 and the landscapes identified at Map 2, Appendix 1 of Volume 3 of the proposed Plan.
 - (d) An assessment of biophysical attributes is the appropriate starting point for assessment in respect of natural character and landscape.
 - (e) The scheduling of landscapes, features and natural character needs to go beyond broad generic descriptions of values if a schedule is to serve its intended purpose in assisting consent application processes. The proposed Plan needs to provide as much certainty as possible on what is being protected and why. The proposed Plan fails to achieve Policy 4.3.3.

- (f) The policies and other methods should identify parameters within which change could occur, and where change is anticipated specify the extent to which change may occur in the schedules.
- (g) In line with that, in terms of the new landscape cumulative effects policy 7.2.12, recognition should be given to existing modifications,¹ because cumulative effects in the coastal environment are best addressed through a strategic planning approach.²
- (h) In relation to policy 13.2.1(a) it is the values and not the characteristics and qualities of landscapes and features which are relevant. In relation to policy 13.2.1(g) it is community expectations and not individual expectations about coastal amenity values which are relevant.
- (i) The provisions incorrectly equate amenity as a subset of landscape, and further equate visual amenity as amenity generally.

Indigenous Biodiversity

15 The MFA and AQNZ appeal:

- (a) Policy 8.1.1 of Chapter 8 in Volume 1 of the proposed Plan in that it ought to be amended to refer to Appendix 3 of Volume 3, and the requirement for an expert panel assessment in advance of a Schedule 1 process.
- (b) The commentary of Policy 8.1.2 of Chapter 8 of Volume 1 of the proposed Plan, as it refers to buffers around Ecologically Significant Marine Sites (ESMS).
- (c) Policy 8.3.1(d) of Chapter 8 of Volume 1 of the proposed Plan.
- (d) That a new Policy 8.3.2B be inserted in of Chapter 8 of Volume 1 of the proposed Plan, which seeks to identify parameters within which change could occur.
- (e) Policy 8.3.4 of Chapter 8 of Volume 1 of the proposed Plan.
- (f) Policy 8.3.6 of Chapter 8 of Volume 1 of the proposed Plan, to the extent that the word “criteria” should be replaced with the word “factors”.

¹ As per the MFA’s submission on natural character cumulative effects policy 6.2.7 (now 6.2.6 in the Decisions Version).

² In accordance with policy 7(2) NZCPS 2010.

- (g) Policy 8.3.8 of Chapter 8 of Volume 1 of the proposed Plan, to the extent that existing aquaculture should be excluded from the ambit of the policy.
- (h) Method of implementation 8.M.1 of Chapter 8 of Volume 1 of the proposed Plan, to the extent that existing aquaculture should be excluded from the ambit of prohibited activity rules.
- (i) Method of implementation 8.M.4 of Chapter 8 of Volume 1 of the proposed Plan, to the extent that it refers to buffers around ESMSs.
- (j) Rules 16.6.6, 16.7.6 and 16.7.7 in Chapter 16 of Volume 2 of the proposed Plan.
- (k) Appendix 3 in Volume 3 of the proposed Plan.
- (l) Appendix 27 in Volume 3 of the proposed Plan, to the extent that the buffers overlap with existing marine farms.
- (m) The extent of mapping of buffers around ESMSs in Volume 4 should be removed where it overlaps an existing marine farm.
- (n) The mapping of ESMSs and the buffer where it overlaps with existing marine farms in respect of:
 - (i) ESMS 3.8 on ESMS Maps 3, 4 and 8 in Volume 4;
 - (ii) ESMSs 3.13 and 3.14 on ESMS Map 9 in Volume 4; and
 - (iii) ESMS 6.3 on ESMS Map 14 in Volume 4.

16 The reasons for appeal are as follows:

- (a) Policy 8.1.1 should refer to Appendix 3 in Volume 3 of the proposed Plan, as it refers to criteria which are explored in that Appendix. The process for determining significance needs to be undertaken by an expert panel before going through the Schedule 1 process. This is because of Policy 8.3.1(b), which requires effects on significant sites to be avoided.
- (b) In terms of Appendix 3 itself, the industry appeals the lack of clarity in this appendix. The appendix does not reflect recent amendments in 2015 to the underlying Davidson 2011 report from which this appendix

has been adopted.³ In particular, “pattern” is no longer part of the Davidson criteria, and “sustainability” has been added at 8.1.1(g).

- (c) The commentary to Policy 8.1.2 now refers to creation of buffers around ESMSs. Policy 8.3.1(b) also refers to buffers, as does method of implementation 8.M.4. The buffer surrounding an ESMS should be removed where it overlaps an existing marine farm. In these circumstances, the farm itself acts as a buffer to protect the sites. The activity status of those farms, and the appropriate rule framework can then be determined as part of the MEP aquaculture provisions. In turn, the industry also appeals the extent of the mapping of buffers around ESMS in Volume 4 of the proposed Plan, and the specified buffer distances in Appendix 27 of Volume 3 of the proposed Plan, for this reason.
- (d) A new policy 8.3.2B should be included in Chapter 8 of Volume 1. The proposed wording is included in Schedule A to this Notice of Appeal. The proposed Plan should clearly set out what needs to be protected and how that protection is to occur.
- (e) Policies 8.3.4 provides a list of matters which will obscure what matters, rather than elucidate. This is best left to a specialist ecological assessment rather than trying to prejudge what is important.
- (f) In terms of Policy 8.3.6 and the concept of offsetting, the matters listed are factors rather than criteria. Some flexibility in how they are approached should be provided for.
- (g) In terms of rules 16.6.6, 16.7.6 and 16.7.7, while the wording of the decision makes it clear that it is the anchoring of ‘boats’, and the deposition of ‘dredged material’ that is to be captured by the Chapter 16 Volume 2 rules, the wording of the rules on their face is unclear. There should be an amendment to the technical wording of Rules 16.6.6, 16.7.6 and 16.7.7, and method of implementation 8.M.1 (in Chapter 8 of

³ Davidson, R. J.; Baxter, A. S.; Duffy, C. A. J.; Gaze, P.; du Fresne, S.; Courtney, S.; Brosnan, B. 2015. Reassessment of selected significant marine sites (2014-2015) and evaluation of protection requirements for significant sites with benthic values. Prepared by Davidson Environmental Limited for Marlborough District Council and Department of Conservation. Survey and monitoring report no. 824, at pp 9-11. A copy is available at: https://www.marlborough.govt.nz/repository/libraries/id:1w1mps0ir17g9sgxanf9/hierarchy/Documents/Environment/Coastal/Expert%20Panel%20Review%20of%20Significant%20Marine%20Sites/Assessment_of_2014-15_monitoring_site_categorisation_and_buffers.PDF

Volume 1), to make it clear that they apply only to the anchoring of boats and the deposition of dredged material, as set out in Schedule A to this Notice of Appeal. That approach would align with the decision of the Hearings Panel on Topic 6: Indigenous Biodiversity,⁴ the wording of policy 13.7.1 in Volume 1 and rule 16.3.2 in Volume 2. Rules 16.6.6, 16.7.6 and 16.7.7, on their current wording, are broad and could apply to more than deposition of dredged material and anchoring of boats. Policy 8.3.8 should not apply to aquaculture as these matters will be addressed under the aquaculture chapter.

- (h) The buffer surrounding ESMS 3.8 should be removed where it overlaps an existing marine farm, because the farms act as a buffer to protect the site. In addition, adverse effects can be adequately mitigated using adaptive management if need be.⁵ The activity status of those farms, and the appropriate rule framework can then be determined as part of the MEP aquaculture provisions.

Marine Mammals

17 The MFA and AQNZ appeal:

- (a) Method of implementation 8.M.4 in Volume 1 of the proposed Plan.
- (b) The location of the Marine Mammal Distribution Maps under the ESMS heading in Volume 4 of the proposed Plan.
- (c) The Queen Charlotte Sound Hector's Dolphin Marine Mammal Distribution Map in Volume 4 of the proposed Plan.

18 The reasons for the appeal are:

- (a) Reference to the Marine Mammal Distribution Maps is inappropriate under Method of Implementation 8.M.4, which relates to areas with significant biodiversity value. Including those maps under 8.M.4 is inconsistent with the definition of ESMS in Chapter 25 of Volume 2 of the proposed Plan,⁶ and with the decision.⁷ Those maps should be referred to under their own method of implementation.

⁴ Decision of the Hearings Panel on Topic 6: Indigenous Biodiversity, at [177], [198] and [170].

⁵ *Clearwater Mussels Ltd v Marlborough District Council* [2016] NZEnvC 21 at [151] - [157].

⁶ Which is defined to include only ESMS Maps 1 – 16.

⁷ Decision of the Hearings Panel on Topic 6: Indigenous Biodiversity, at [225] and [226].

- (b) The whale and dolphin distribution maps should be separated from the ESMS maps in the index to Volume 4, and placed under a new heading “Marine Mammal Distribution Maps”, consistent with the Hearing Panel’s decision.⁸
- (c) The inclusion of the Queen Charlotte Sound Hector’s Dolphin Marine Mammal Distribution Map is not consistent with the best available science and the boundaries are not consistent with the scientific evidence. As recommended by the s42A officer⁹, the Queen Charlotte Sound Hector’s Dolphin Marine Mammal Distribution Map should be referred to the Significant Sites Expert Panel before inclusion in the MEP.

Public Access and Open Space

19 MFA and AQNZ appeal:

- (a) Policy 9.2.1 in Chapter 9 of Volume 1 of the proposed Plan in that “manage threats to biosecurity” should be added to the list of reasons why restrictions on public access may be justified.
- (b) Policy 9.2.2 in Chapter 9 of Volume 1 of the proposed Plan, in that “reasonableness” rather than “no practical alternative” is the appropriate standard which should be met.
- (c) Policy 9.3.2 in Chapter 9 of Volume 1 of the proposed Plan in that the words “and protecting” should be deleted.

20 The reasons for the appeal are:

- (a) It may be necessary to prevent public access to manage biosecurity threats. The proposed Plan would appear to preclude that except where the standard in policy 9.2.2 would be met. Biosecurity threats should give Councils the ability to regulate public access.
- (b) Where the effect on the public is minor, a more flexible approach should be taken to public access in policy 9.2.2.
- (c) Policy 9.3.2 seeks diversity in the type and size of open spaces. That can be achieved without protecting the value of all open spaces.

⁸ Decision of the Hearings Panel on Topic 6: Indigenous Biodiversity, at [226].

⁹ Section 42A Report – Dr Steve Ulrich - Reply to Evidence – Topic 6: Indigenous Biodiversity – Policy 8.1.1, Appendix 3 and Volume 4: Ecological significant marine site criteria and mapping, page 11.

Reverse Sensitivity

- 21 MFA and AQNZ appeal, seeking that a new:
- (a) Sub-policy be added to policy 13.3.1 in Chapter 13 of Volume 1 of the proposed Plan.
 - (b) Policy 13.5.10 be included in Chapter 13 of Volume 1 of the proposed Plan.
 - (c) Sub-policy 13.10.11(d) be added in Chapter 13 of Volume 1 of the proposed Plan.
 - (d) Sub-policy 13.10.20(d) be added in Chapter 13 of Volume 1 of the proposed Plan.

And seek that those provisions refer to the need to manage reverse sensitivity effects.

- 22 The reasons for the appeal is that the proposed Plan should direct users of the Plan to assess the effects that new development may have on existing development.

Coastal Occupancy Charges

- 23 MFA and AQNZ appeal Policies 13.19.10 and 13.19.11, and Method of Implementation 13.M.34 in Chapter 13 of Volume 1 of the proposed Plan.
- 24 The industry supports coastal occupation charges provided that:
- (a) The amount is fair, efficient and equitable (that is, equally distributed among all parties using the coastal marine area);
 - (b) The MEP appropriately provides for aquaculture through controlled activity status; and
 - (c) The formula for determining the charges is transparent.
- 25 The reasons for the appeal are that:
- (a) The quantum (or formula for assessing quantum) of coastal occupancy charges should be set out in the proposed Plan;
 - (b) The quantum of charges should be calculated in accordance with the analysis undertaken by Boffa Miskell Ltd and Executive Finesse Limited; and

- (c) It should be clearer in the proposed Plan how such funds can be spent, including the formation of a consultative group to assist the Council in allocating funds derived from the charges.

Navigation

26 MFA and AQNZ appeals:

- (a) Policy 13.3.4 in Chapter 13 of Volume 1 of the proposed Plan, in that Tory Chanel and East Bay should be excluded from the ambit of the policy.
- (b) Policy 13.15.2 in Chapter 13 of Volume 1 of the proposed Plan.
- (c) The definition of “Recognised navigational route” in Chapter 25 of Volume 2 of the proposed Plan and the lack of mapping of such routes.
- (d) Policy 13.15.1 in Chapter 13 of Volume 1 of the proposed Plan.
- (e) The extent of mapping into the side bays of the National Transportation Route (NTR) in Volume 4 of the proposed Plan.

27 The reasons for the appeal are as follows:

- (a) Tory Channel and East Bay should be excluded from Policy 13.3.4. Plainly commercial activities do have priority in Tory Channel, as commercial ferries have priority over all recreational activities. There are a number of commercial activities in East Bay, including marine farming, forestry and some farmland.
- (b) Policy 13.15.2 should map ‘headlands’. There is no definition of a ‘headland’ in Chapter 25 of Volume 2 of the proposed Plan. Without such definition or mapping the scope of application of Policy 13.15.2 is unclear.
- (c) Further, Policy 13.15.2 is broad in scope generally. On its current wording the policy could enable any annoyance or inconvenience to navigation at a ‘headland’ to trigger this ‘avoid’ policy. That is burdensome. The focus of the policy should not be on eliminating all risk from the safety system as that is impossible.
- (d) Further, Policy 13.15.2(b) refers to “recognised navigational routes”. These are not mapped in the proposed Plan and should be mapped, again for clarity on scope of application. Leaving such unmapped leaves it unclear in each case. That can lead to inconsistent decision-making.

- (e) The definition of “recognised navigational route” in Chapter 25 of Volume 2 is too broad. This paired with the lack of mapping of such routes could lead to over-reach of policy 13.15.2. The definition of “recognised navigational route” could conceivably apply anywhere in the Sounds, especially if kayaks and smaller recreational vessels are taken into account, as these also travel inshore of point-to-point navigation routes.
- (f) An avoidance approach is not justified in policy 13.15.2. References to “avoiding” should be replaced with “appropriately managing” and references to “not affected” should be replaced by “not significantly affected.” The avoidance policy is not justified in terms of the regional-level approach to navigation. For example, the recent Revised Harbour Safety Management System¹⁰ refers to a risk-management system, not an avoidance system. Risk management is a dynamic process, which identifies risks, properly manages and controls risks, and seeks to reduce risk “so far as is reasonably practicable.”¹¹
- (g) Policy 13.15.1 refers to avoiding “adverse effects on the safety and efficiency of ships transiting” the NTR. As above, an avoidance policy is not justified in terms of the regional-level approach to navigation, and is inconsistent with the Revised Harbour Safety Management System.
- (h) The NTR should not be mapped to include the side bays of Tory Channel, as is currently shown in Volume 4 of the proposed Plan. Such mapping equates the side bays with the NTR itself, and affords the side bays protection as if it were the NTR. The side bays should therefore be distinguished from the NTR itself. The approach taken to mapping the NTR in the Northern Entrance of Queen Charlotte Sound is to be preferred.

Noise

28 AQNZ and MFA appeals:

- (a) Standard 16.2.3.1 and seeks to add new 16.2.3.2(d) in Chapter 16 of Volume 2 of the proposed Plan.

¹⁰ Comprised of the Harbour Safety Management System, Harbour Safety Plan, Harbour Risk Management Standard and Incident Management – Operational MRA – Commercial, available here: <https://www.marlborough.govt.nz/your-council/meetings?item=id:28dhrpjt1cxbyklh9qf>

¹¹ Harbour Safety Management System at pp 11 – 12.

29 The reasons for the appeal are:

- (a) Standard 16.2.3.1 should not refer to measurement of noise from “any point” in the Coastal Marine Zone. The noise standard should instead be measured at any point within the notional boundary of a dwelling. This was agreed to in the s42A report¹² but not picked up in subsequent lists of amendments.
- (a) Standard 16.2.3.1 should impose a maximum night time noise limit of 75dB L_AF_{max}, consistent with the limit in the operative Marlborough Sounds Resource Management Plan, and with the guideline upper noise limit for residential and rural receivers for protecting sleep recommended in NZS 6802:2008.
- (b) Standard 16.2.3.2(d) should exempt “Noise ordinarily generated by commercial fishing activities, including marine farming servicing and harvesting ships” as provided for in the Operative Marlborough Sounds Resource Management Plan.

Consent Duration

30 The MFA and AQNZ appeal Policy 13.2.3(b) in Chapter 13 of Volume 1 of the proposed Plan.

31 The reason for this appeal is that the 20 year maximum duration of coastal permits is not justified *carte blanche* and is inconsistent with, for example, s 123A(2) of the Act which specifies a 20 year minimum duration for aquaculture activities. Section 123A of the Act is an aquaculture-specific provision which effectively mandates that a consent for aquaculture activities must not be less than 20 years from the date of commencement, except in limited circumstances, per s 123A(2). Having a blanket policy doing the opposite to this, ie. saying consents must not be *more than* 20 years in duration, ignores the existence of the statutory provision enabling *at least* 20 years in duration.

Use of The Coastal Environment

32 The MFA and AQNZ appeal Policy 13.10.3 in Chapter 13 of Volume 1 of the proposed Plan in that the test should be “reasonably necessary” rather than “necessary”.

¹² Proposed Marlborough Environment Plan Section 42A Hearings Report for Hearing Commencing 12 November 2018 Report dated 5 October 2018 Report on submissions and further submissions Topic: 18 - Nuisance Effects/Temporary Military Training (Noise) at page 87.

- 33 Case law suggests that efficient use of the coastal marine area is achieved by using the minimum area reasonably necessary for structures.

Section 32

- 34 Insufficient analysis under s 32 of the Act has been undertaken in making the decision on the proposed Plan. For example in the landscape and natural character s 42A report the report writer states that it would require too much work to undertake spatial planning. Instead that has been deferred to a consent by consent process:¹³

While there is merit seen in the approach proposed by Aquaculture NZ and the Marine Farming Association, significant work would be required to develop this approach. It would require ensuring that there is sufficient information as to the nature scale of all cumulative effects sources, and require development of policy or guidelines to occur collaboratively with all relevant stakeholders to achieve a comprehensive approach that can be effectively implemented. In regard to the coastal environment for example, such an approach could be best delivered through first undertaking holistic coastal spatial planning approach. Given the amount of work required to deliver a robust and workable management approach, including consultation, it is not recommended to change the policy to require the extent of acceptable modification to be established at this time.

- 35 The decision on the proposed Plan states:¹⁴

A number of submissions also effectively seek inclusion in 'policy' of the degree of modification or change to natural character providing an acceptable threshold of the limits to change. The Section 42A Report explores this concept at some length in a number of paragraphs concluding that while there is merit in this approach, it would require significant research to provide an answer.

- 36 The Decisions Version would transfer the costs of identifying the extent of appropriate modification to resource consent applicants. However, plans have a statutory purpose of fleshing out and contextualising part 2 of the Act (including ss 6(b) and 7(c)). While there are transactional costs for ratepayers

¹³ Proposed Marlborough Environment Plan Section 42A Hearings Report for Hearing Commencing Monday 26 February 2018 Report dated 20 November 2017 Report on submissions and further submissions Topic 5: Natural Character – Issues, Objectives, Policies, and Methods page 17.

¹⁴ Decision of the Hearings Panel on Topic 5: Natural Character, at [53].

in Schedule 1 planning processes, those are as a consequence of the proper exercise of the planning authority's responsibility.¹⁵

Ocean Acidification

- 37 The MFA and AQNZ appeal to seek that Ocean Acidification be included more prominently and addressed in Chapter 19 of Volume 1 of the proposed Plan.
- 38 Ocean acidification does not feature in the proposed Plan, except in the commentary on page 19-1 of Chapter 19 in Volume 1. Existing research explores the level of threat ocean acidification poses to our coastal environment.¹⁶ The predominant cause of increasing acidification of oceans is carbon dioxide dissolving in seawater, which releases hydrogen ions, causing pH to drop.¹⁷ In terms of allowing activities to be adapted due to climate change¹⁸, the proposed Plan should also consider how activities could be affected by ocean acidification. The scope of the Climate Change chapter (Chapter 19) of Volume 1 of the proposed Plan should therefore include ocean acidification.

Relief Sought

- 39 The Appellants seek the following relief:
- (a) Amendments to the relevant rules as set out in **Schedule A** to this notice; and
 - (b) Any necessary consequential amendments; or
 - (c) Other equivalent relief.
- 40 The Appellants agree to participate in mediation or other alternative dispute resolution of the proceeding.

¹⁵ *Upper Clutha Environmental Society Incorporated v Queenstown Lakes District Council* [2019] NZEnvC 205 (19 December 2019) at [138].

¹⁶ Such as: MacDiarmid, A.; McKenzie, A.; Sturman, J.; Beaumont, J.; Mikaloff-Fletcher, S.; Dunne, J. (2012). Assessment of anthropogenic threats to New Zealand marine habitats. New Zealand Aquatic Environment and Biodiversity Report No. 93. 255 p.

¹⁷ For an overview of ocean acidification and the research work being undertaken in New Zealand see NIWA "Putting the acid on" Water & Atmosphere (November 2015) at 13. A copy is available here:

www.niwa.co.nz/sites/niwa.co.nz/files/Water%20%20Atmosphere_November%202015.pdf.

¹⁸ For example, see Policy 19.2.2 in Chapter 19 of Volume 1 of the proposed Plan.

Attached Documents

41 The following documents are **attached** to this notice:

- (a) **Schedule A** referred to above;
- (b) A copy of MFA's and AQNZ's submissions and further submissions (**Schedule B**);
- (c) A copy of the relevant parts of the decision (**Schedule C**); and
- (d) Persons to be served with this notice (**Schedule D**).

42 A copy of this notice will be lodged electronically with the Environment Court and the Marlborough District Council in accordance with the updated and amended directions in the Court's Minute of 15 April 2020. The Appellant notes that the requirements to serve a copy of this notice on other parties and provide a list of names to the Registrar have been waived.



Quentin A M Davies and Amanda L Hills
Solicitors for the Appellants

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Contact persons: Q A M Davies and A L Hills, Solicitors / Sharyn Hammerson, Secretary

Note to appellant

You may appeal only if—

you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and

in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

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

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

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

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

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

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

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

Advice to recipients of copy of notice of appeal

How to become party to proceedings

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

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 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

If this appeal is being served on you in hardcopy, the copy of this notice served on you does not attach a copy of the appellant's submission 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.

SCHEDULE A – Relief Sought

MFA and AQNZ

- Base text is the Decisions Version, with Hearing Panel’s recommendations accepted to remove tracking.
- Where the Appellant seeks additional text, this is shown in underline.
- Where the Appellant seeks to delete text, this is shown in ~~strikethrough~~.
- Relief sought is indicative. Relief sought includes alternative wording or approach which achieves similar goals.

Decisions Version	Relevant part of provision	Relief sought
New Policy 4.1.1A	Insert new policy	<u>Recognise existing uses of natural and physical resources.</u>
New objective 4.3A or new Policy 4.3.6	Insert new objective or policy	<u>Recognise the visual, ecological and physical qualities of the Marlborough Sounds have been altered by past human activities and have become part of the character of the Marlborough Sounds.</u>
Chapter 6 of Volume 1	Entire Chapter	Replace Chapter 6 with notified version incorporating relief sought, as shown in mark-up at Appendix 1 .
Chapter 7 of Volume 1	Entire Chapter	Replace Chapter 7 with notified version incorporating relief sought as shown in mark-up at Appendix 2 .
Policy 7.2.12	Text of policy	Amend policy to read: In assessing the cumulative effects of activities on outstanding natural features and landscapes, and landscapes with high amenity values, <u>recognition should be given to the extent of cumulative effects from existing modifications to the environment and</u> consideration shall be given to: <ul style="list-style-type: none"> (a) the effect of allowing more of the same or similar activity; (b) the result of allowing more of a particular effect, whether from the same activity or from other activities causing the same or similar effect; and (c) the combined effects from all activities in the locality.

Decisions Version	Relevant part of provision	Relief sought
Appendix 1 of Volume 3	Text of appendix	<p>Amend to recognise that marine farms are part of the existing environment of the Marlborough Sounds. In addition to broad appeal relating to methodology, for each area where there is an existing marine farm, include an express statement to the following effect (following the approach in the Auckland Unitary Plan at Chapter L, Schedule 7):</p> <p><u><i>“Some bays contain existing marine farms, but this does not compromise [relevant area’s name] current natural values.”</i></u></p>
Appendix 2 of Volume 3	Text of appendix	<p>Amend to recognise that marine farms are part of the existing environment of the Marlborough Sounds. In addition to broad appeal relating to methodology, for each area where there is an existing marine farm, include an express statement to the following effect (following the approach in the Auckland Unitary Plan at Chapter L, Schedule 8):</p> <p><u><i>“Although marine farms occupy part of the [area], they do not compromise the overall ‘naturalness’ of the coastal environment.”</i></u></p>
Appendix 4 of Volume 3	Entire appendix	Delete appendix in its entirety.
Natural Character Maps, Volume 4	All natural character maps	<p>Amend maps and/or MEP provisions according to MFA/AQNZ submissions; and</p> <p>The MEP should expressly recognise that marine farms are part of the existing environment of the Marlborough Sounds; and</p> <p>Ensure maps correspond to area shown on Natural Character Index Overview.</p>
Natural Character Rating Map Page 1, Volume 4	Mapping	<p>Amend high and very high natural character mapping of Fitzroy Bay in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that the presence of marine farming does not affect the values that lead to that classification.</p>
Natural Character Rating Map Page 2, Volume 4	Mapping	<p>Amend high natural character mapping in Beatrix Bay and the western headland of Anakoha Bay in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>

Decisions Version	Relevant part of provision	Relief sought
Natural Character Rating Map Page 3, Volume 4	Mapping	<p>Amend high natural character mapping in Whakitenga Bay in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Natural Character Rating Map Page 4, Volume 4	Mapping	<p>Amend high natural character mapping between Beatrix Bay and Waimaru Bay in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Landscape Maps, Volume 4	All landscape maps	<p>Amend maps and/or MEP provisions according to MFA/AQNZ submissions; and</p> <p>The MEP should expressly recognise that marine farms are part of the existing environment of the Marlborough Sounds.</p>
Landscape Map Page 1, Volume 4	Mapping	<p>Amend ONL mapping in Fitzroy Bay and Waihinau Bay in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Landscape Map Page 4, Volume 4	Mapping	<p>Amend ONL mapping in Fitzroy Bay and headland between Beatrix Bay and Waimaru Bay in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Landscape Map Page 5, Volume 4	Mapping	<p>Amend the ONL mapping of the headland between Beatrix Bay and Waimaru Bay, and at Whangatoetoe Bay (Port Underwood) in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Policy 13.2.1(a) and (g)	Text of subparagraphs of policy	<p>Amend policy to read:</p> <p>Policy 13.2.1 – The appropriate locations, forms and limits of subdivision, use and development activities in Marlborough’s coastal environment are those that recognise and provide for, and otherwise avoid, remedy or mitigate adverse effects on the following values:</p> <p style="padding-left: 40px;">(a) the characteristics and qualities values that contribute to natural character, natural features and landscape of an area;</p> <p style="padding-left: 40px;">[...]</p>

Decisions Version	Relevant part of provision	Relief sought
		(g) those attributes that collectively contribute to individual and community expectations about coastal amenity values.
Policy 8.1.1	Text of policy	Amend policy to read: Policy 8.1.1 – When assessing whether terrestrial, wetlands, freshwater or marine ecosystems, habitats and areas have significant indigenous biodiversity value, the following criteria set out in Appendix 3 will be used <u>applied by suitably qualified and experienced ecologists in their field of expertise: [...]</u>
Policy 8.1.2	Text of commentary	Add to the commentary that the effects of aquaculture will be addressed in the aquaculture chapter.
Policy 8.3.1(d)	Text of policy and commentary	Amend 8.3.1(d) to read: (d) creating a buffer to manage activities (<u>except existing aquaculture</u>) in proximity to an Ecologically Significant Marine Site in order to avoid adverse effects on the Ecologically Significant Marine Site. Add to the commentary that the effects of aquaculture will be addressed in the aquaculture chapter.
New Policy 8.3.2B	Insert new policy	Insert new policy: <u>Policy 8.3.2B – For the purposes of Policies 8.3.1 and 8.3.2, when considering whether there are any adverse effects and/or any significant adverse effects:</u> <u>(a) Recognise that a minor or transitory effect may not be an adverse effect;</u> <u>(b) Recognise that many areas contain ongoing use and development that:</u> <u>(i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established;</u> <u>(ii) May be dynamic, diverse or seasonal;</u> <u>(c) Recognise that where the effects are or may be irreversible, then they are likely to be more than minor;</u> <u>(d) Recognise that there may be more than minor cumulative effects from minor or transitory effects;</u> <u>(e) Have regard to any restoration and enhancement of the area and species listed in Policies 8.3.1 and 8.3.2; and</u> <u>(f) Have regard to any technical or operational requirements, but only where all reasonable steps have first been taken to avoid effects.</u>

Decisions Version	Relevant part of provision	Relief sought
Policy 8.3.4	Text of policy	Delete policy in its entirety.
Policy 8.3.6	Text of policy	Amend policy to read: Policy 8.3.6 – Where indigenous biodiversity values will be adversely affected through land use or other activities, a biodiversity offset can be considered to offset significant residual adverse effects. Where a biodiversity offset is proposed, the following criteria <u>factors</u> will apply: [...]
Policy 8.3.8	Text of policy and commentary	Amend policy to read: Policy 8.3.8 – Within vulnerable ecologically significant marine sites, activities that disturb the seabed (<u>except existing aquaculture</u>) must be avoided. Add to the commentary that the effects of aquaculture will be addressed in the aquaculture chapter.
Method of Implementation 8.M.1	Text of method	Amend method to exclude existing aquaculture from ambit of method. Add to the commentary that the effects of aquaculture will be addressed in the aquaculture chapter.
Method of Implementation 8.M.4	Text of method	Make consequential amendments from removal of buffers which overlay with a marine farm. Add to the commentary that the effects of aquaculture will be addressed in the aquaculture chapter.
Rule 16.6.6	Text of rule	Amend rule to read: Any dredging, bottom trawling, or deposition <u>of dredged material</u> within the buffer for any Ecologically Significant Marine Site specified in Appendix 27.
Rule 16.7.6	Text of rule	Amend rule to read: Dredging, bottom trawling, anchoring <u>of boats</u> , deposition <u>of dredged material</u> and reclamation within any Category A Ecologically Significant Marine Site listed within Appendix 27.
Rule 16.7.7	Text of rule	Amend rule to read: Dredging, bottom trawling, deposition <u>of dredged material</u> and reclamation within any Category B Ecologically Significant Marine Site listed within Appendix 27.

Decisions Version	Relevant part of provision	Relief sought
Appendix 3	Text of Appendix	Amend Appendix 3 so that it reflects 2015 Davidson amendments to the Davidson 2011 report, from which this appendix has been adopted.
Appendix 27	Text of appendix	Make consequential amendments from removal of buffers which overlay with a marine farm.
Ecologically Significant Marine Site Maps 1 - 16, Volume 4	Overlay denoting buffers around sites	Remove buffer around Category A and Category B Ecologically Significant Marine Sites where the buffer overlaps with a marine farm.
Ecologically Significant Marine Site Maps 3, 4 and 8, Volume 4	Mapping of ESMS 3.8 and buffer	Remove buffer around Category B Ecologically Significant Marine Site 3.8 where the buffer overlaps with a marine farm. Recognise that the potential adverse effects of marine farms on elephant fish spawning areas are minor, and adverse effects can be adequately mitigated using adaptive management if need be (<i>Clearwater Mussels Ltd v Marlborough District Council</i> [2016] NZEnvC 21 at [151] - [157]).
Ecologically Significant Marine Site Map 9, Volume 4	ESMS 3.13	The MEP should expressly recognise that marine farms do not adversely affect the gannet colony at the Waimaru Peninsula.
Ecologically Significant Marine Site Map 9, Volume 4	ESMS 3.14	The MEP should expressly recognise that the spat catching site in Clova Bay does not adversely affect the estuarine fringe and subtidal habitat inshore of the farm.
Ecologically Significant Marine Site Map 14, Volume 4	ESMS 6.3 and buffer	The MEP should expressly recognise that marine farms do not adversely affect the red algae bed in Cutters Bay; and Remove buffer around Category B Ecologically Significant Marine Site 6.3 where the buffer overlaps with a marine farm.
New Method of Implementation, Chapter 8 of Volume 1	Text	Move final paragraph of 8.M.4 in the Decisions Version to a new method of implementation entitled "Marine Mammal Distribution Maps"

Decisions Version	Relevant part of provision	Relief sought
Marine Mammal Distribution Maps	Volume 4 map index	The whale and dolphin distribution maps should be separated from the ESMS at the index to Volume 4 and placed under a new heading “Marine Mammal Distribution Maps” (and the corresponding change made to the electronic maps).
Queen Charlotte Sound Hectors Dolphin Map, Volume 4	Mapping	Remove the map from the proposed Plan.
Policy 9.2.1	Text of policy	Add new subparagraph to policy: <u>“manage threats to biosecurity”</u>
Policy 9.2.2	Text of policy	Amend policy to read: Policy 9.2.2 – Aside from the circumstances in Policy 9.2.1 above, constraints on public access shall not be imposed unless: <ul style="list-style-type: none"> (a) there is no practical <u>reasonable</u> alternative; and (b) the effects on public access would be no more than minor
Policy 9.3.2	Text of policy	Amend policy to read: Policy 9.3.2 – Seek diversity in the type and size of open spaces and recreational facilities to meet local, district, regional and nationwide needs, by: <ul style="list-style-type: none"> (a) identifying areas with conservation value; (b) enabling a wide range of organised sports, recreation and community activities; (c) enabling low-key, everyday recreation and community activities to serve local communities; and (d) recognising and protecting the value of open space in the coastal marine area, high country environments and river beds.
New sub-policy 13.3.1	Add new sub-policy	Amend policy to include: [...] <u>(g) may give rise to potential reverse sensitivity issues.</u>
New policy 13.5.10	Insert new policy	Insert new policy: <u>Policy 13.5.10 – Protect aquaculture from reserve sensitivity effects arising from residential activity and subdivision for residential purposes in the Coastal Environment.</u>

Decisions Version	Relevant part of provision	Relief sought
New sub-policy 13.10.11(d)	Add new sub-policy	<p>Amend policy to include:</p> <p>[...]</p> <p><u>(d) whether the new, altered or extended jetty may give rise to potential reverse sensitivity issues, and how that could be avoided.</u></p>
New sub-policy 13.10.20(d)	Add new sub-policy	<p>Amend policy to include:</p> <p>[...]</p> <p><u>(d) whether the new or extended boatshed and/or slipway may give rise to potential reverse sensitivity issues, and how that could be avoided.</u></p>
Policy 13.19.10	Text of policy and commentary	<p>Amend policy to read:</p> <p>The manner in which the level of coastal occupancy charges will be <u>has been</u> determined is as follows <u>outlined in the January 2013 Report prepared by Executive Finesse, and set out in Appendix 28.</u> :</p> <p>(a) the expenditure related to the Marlborough District Council's role in the sustainable management of Marlborough's coastal marine area will be determined on an annual basis through the Annual Plan process;</p> <p>(b) the annual costs required to fulfil Marlborough District Council's role in the sustainable management of Marlborough's coastal marine area will be allocated between the beneficiaries from the sustainable management of the coastal marine area on the following basis:</p> <p>(i) ratepayers: 25 per cent</p> <p>(ii) coastal occupiers: 75 per cent</p> <p>(c) the charges that will be issued to eligible coastal occupiers to meet the annual costs required to fulfil Marlborough District Council's role in the sustainable management of Marlborough's coastal marine area will be based on:</p> <p>(i) the types of occupations;</p> <p>(ii) the characteristics of the types of occupations;</p> <p>(iii) the number of occupations in each group;</p> <p>(iv) the relative benefit allocations, including expenditure on environmental science and monitoring, policy development, compliance and education.</p> <p>(d) coastal occupancy charges will only be imposed upon coastal occupations that are not exempt from the charging regime on the basis of the circumstances set out in Policy 13.9.8.</p> <p>(e) the Council will maintain records of all coastal occupiers who have sought and obtained a waiver from the base charge for their type of coastal occupation. This waiver will be reflected in the final charge that is issued to those coastal occupiers.</p>

Decisions Version	Relevant part of provision	Relief sought
		<p>Insert new Appendix 28 to reflect January 2013 report prepared by Executive Finesse Ltd.</p> <p>Amend the commentary to policy 13.19.10 as follows:</p> <p>In determining who should meet the cost of sustainably managing the coastal marine area, an allocation of costs needs to occur between beneficiaries. The Council has considered that a contribution towards the costs should be made by ratepayers (25%) as well as those benefitting from the occupation of public space (75%): <u>Moorings (12%), jetties and wharves (5%), marine farms (48%), boatsheds (8%) and other structures (2%)</u>. The Council will give consideration to exemptions and waivers that have been granted and the number and size of the various occupations. From this assessment, a schedule of charges <u>will be has been</u> derived and <u>is set out in the Council's Annual Plan Appendix 28, Volume 3</u>.</p>
Policy 13.19.11	Text of policy	<p>Amend policy to read:</p> <p>13.19.11 - Any coastal occupancy charges collected will be used on the following <u>in accordance with a research priority strategy</u> to promote the sustainable management of the coastal marine area:</p> <p>[...]</p> <p>Add the following to the body of the policy after sub-policy (h) (i.e. before the explanatory text):</p> <p><u>The research priority strategy will be determined in conjunction with the Marlborough District Council, central government, science providers, industry, and the community.</u></p>
Method of Implementation 13.M.34	Text of method	<p>Amend this method to read:</p> <p>13.M.34 Annual Plan <u>Appendix 28</u></p> <p>The level of charge to be applied to any activity for which a coastal permit is granted to occupy the coastal marine area is set out in the Council's Annual Plan <u>Appendix 28, Volume 3</u>.</p>
Policy 13.3.4	Text of policy and commentary	<p>Amend policy to read:</p> <p>Policy 13.3.4 – Ensure recreational use has priority over commercial activities that require occupation of the coastal marine area in Queen Charlotte Sound, including <u>excluding</u> Tory Channel and East Bay. (This policy does not apply to areas zoned Port or Marina.)</p>

Decisions Version	Relevant part of provision	Relief sought
		<p>Insert new text into commentary:</p> <p>The policy recognises that for Queen Charlotte Sound and Tory Channel, excluding Tory Channel and East Bay, recreational use is significant and is to have a priority over commercial interests that require occupation of the coastal marine area.</p> <p>Recreational use is particularly important in these areas, with a large number of holiday homes being a base for recreation and with good access points in Picton and Waikawa (including through launching ramps and marinas). Historically, activities such as marine farming have been prevented from occurring in these areas, except in appropriate locations, because of the extent of recreational activities. The exclusion of Port and Marina Zones in Queen Charlotte Sound acknowledges the establishment of these zones for port and marina activities within which recreational activities may not be appropriate.</p>
Policy 13.15.1	Text of policy	<p>Amend policy to read:</p> <p>Activities and/or structures along the National Transportation Route shall be sited and/or undertaken in such a way that adverse effects on the safety and efficiency of ships transiting this route are avoided <u>appropriately managed</u>.</p>
Policy 13.15.2	Text of policy	<p>Amend policy to read:</p> <p>Policy 13.15.2 – Avoid, remedy or mitigate adverse effects on water transportation by:</p> <ul style="list-style-type: none"> (a) maintaining safe, clear navigation routes around headlands, unimpeded by structures; (b) avoiding appropriately managing activities (excluding water transportation) and/or locating structures within recognised navigational routes where the activity or structure would have an adverse effect on water transportation; (c) avoiding appropriately managing emissions of light that could affect the safe navigation of ships; (d) ensuring the safety of navigation and use of or access to mooring sites including Mooring Management Areas, boat sheds and ramps, jetties, wharves, ports, marinas, water ski access lanes and areas that provide shelter from adverse weather are not <u>significantly</u> affected by activities or structures in the coastal marine area; (e) ensuring that areas that provide for anchorages of refuge are not <u>significantly</u> adversely affected by activities or structures within the coastal marine area; <p>and</p>

Decisions Version	Relevant part of provision	Relief sought
		(f) requiring structures to be maintained or marked in a way that protects the safety of water transportation activities.
Chapter 25, Volume 2 and/or new maps at Volume 4	Insert new definition and/or maps	The meaning of “headland” (as used in policy 13.15.2) should be defined and/or headlands should be mapped in Volume 4.
Chapter 25, Volume 2 definition of “Recognised navigational route”	Text of definition	Delete definition and replace with maps of recognised navigational routes.
Volume 4 Maps	Add new maps	<p>Insert new maps showing recognised navigational routes encompassing:</p> <ul style="list-style-type: none"> (a) The routes of the InterIslander, Bluebridge and other vessels transiting Queen Charlotte Sound and Tory Channel; (b) The northern entrance route used by large ships; (c) Routes to Picton, Havelock, Waikawa, Oyster Bay and Elaine Bay; (d) In the following areas the rhumb line generally standing off all headlines by between 200m and 500m, while avoiding all marine farms and other known obstacles by 200m to 300m: <ul style="list-style-type: none"> (i) The main stem of the Queen Charlotte Sound north of Arapaoa Island through Patons Passage; (ii) Northern Queen Charlotte Sound through to Furneaux Lodge; (iii) Northern Queen Charlotte Sound through to Ships Cove; (iv) Both sides of the Grove Arm; (v) The Havelock Channel through to the Hikapu Reach; (vi) Northern and Southern Kenepuru Sound including to the Wharf at Portage; (vii) The Hikapu Reach; (viii) Popoure Reach; (ix) Tawhitinui Reach through to Elaine Bay; (x) Apuau Channel; (xi) Either side of Waitata Reach through to the Tekaho Channel; (xii) Kaitira through Forsyth Bay to Allen Strait and out to Alligator Head;

Decisions Version	Relevant part of provision	Relief sought
		<p>(xiii) The Tekaho Channel south of the Chetwood Islands to Clay Point, through French Pass and south to Tasman Bay; and</p> <p>(xiv) Okiwi Bay out to Tasman Bay.</p>
National Transportation Route Map	Extent of mapping	Amend map to remove NTR from side bays of Tory Channel.
Standard 16.2.3.1 in Volume 2	Text of standard	<p>Amend standard to read:</p> <p>16.2.3.1. An activity must be conducted to ensure that noise when measured at any point within the <u>notional boundary of a dwelling zone</u> does not exceed the following noise limits:</p> <p>7.00 am to 10.00 pm 50 dB L_{Aeq}</p> <p>10.00 pm to 7.00 am 40 dB L_{Aeq} 70-75dB L_{AFmax}</p> <p>[...]</p>
New standard 16.2.3.2(d) in Volume 2	Add new standard	<p>Amend standard to include:</p> <p>[...]</p> <p>(e) <u>noise ordinarily generated by commercial fishing activities, including marine farming servicing and harvesting ships.</u></p>
Policy 13.2.3(b)	Text of policy	<p>Amend policy to read:</p> <p>[...]</p> <p>(b) the duration of coastal permits granted for activities in the coastal marine area for which limitations on durations are imposed under the Resource Management Act 1991 will generally be limited to a period not exceeding <u>granted for a minimum period of 20 years.</u></p>
Policy 13.10.3	Text of policy	<p>Amend policy to read:</p> <p>Policy 13.10.3 – Efficient use of the coastal marine area can be achieved by using the minimum area necessary <u>reasonable</u> for structures.</p>
Chapter 19 of Volume 1	Text of Chapter	<p>Incorporate changes shown in yellow highlighting at Appendix 3 into Chapter 19, including any necessary consequential changes.</p>

APPENDIX 1

6. Natural Character

Commented [QD1]: Combine into natural heritage chapter MFA submission point 57. (Or delete natural character and refer to content in indigenous biodiversity chapter) 426.063

Introduction

Natural character includes the natural elements, patterns, processes and experiential qualities of an environment. The natural character of the coastal environment, and freshwater bodies and their margins, is comprised of a number of key components which include:

- coastal or freshwater landforms and landscapes (including seascape);
- coastal or freshwater physical processes (including the movement of water and sediments);
- biodiversity (including individual indigenous species, their habitats and communities they form);
- biological processes and patterns;
- water flows and levels, and water quality; and
- the ways in which people experience the natural elements, patterns and processes.

Commented [QD2]: Oppose Friends of Nelson Haven 716.55 MFA/AQNZ Further Sub 35

Collectively, these combine to create the overall natural character of the environment. Provisions included elsewhere in the Marlborough Environment Plan (MEP) target the individual components of natural character and provide direction on how adverse effects on particular values can be managed. These include:

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

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

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

Commented [QD3]: MFA submission point 40. (And consequential amendments to language in ch 6) 426.044.

Section 6(a) of the RMA requires the Council to preserve the natural character of the coastal environment, wetlands, and lakes, rivers and their margins and to protect this natural character

from inappropriate subdivision, use and development. The NZCPS sets a similar objective for the coastal environment.

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

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

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

[RPS]

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

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

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

Commented [QD4]: MFA submission point 41. 426.045.

Commented [AH5]: Support Totoranui Ltd 233.017 (new policy – development may be appropriate in defined areas within an area of ONC, VHNC or HNC). MFA further submission point 38.

Commented [AH6]: Oppose Clova Bay Residents 152.020 – identify Clova Bay at risk from adverse cumulative effects on NC (no specific text proposed). MFA further submission point 37. Oppose Friends of Nelson Haven 716.057 (add Dr Steven 7 point scale). MFA further submission point 39.

[RPS]

~~Policy 6.1.1 – Natural character is natural, physical and biological processes, and how those processes are perceived. Recognise that the following natural elements, patterns, processes and experiential qualities contribute to natural character:~~

- ~~(a) areas or water bodies in their natural state or close to their natural state;~~
- ~~(b) coastal or freshwater landforms and landscapes (including seascape);~~
- ~~(c) coastal or freshwater physical processes (including the natural movement of water and sediments);~~
- ~~(d) biodiversity (including individual indigenous species, their habitats and communities they form);~~
- ~~(e) biological processes and biological patterns (As compared with perceptual patterns);~~
- ~~(f) water flows and levels and water quality; and~~

~~the experience of the above elements, patterns and processes, including unmodified, scenic and wilderness qualities.~~

~~(g) The include in discussion a record that the intent of this policy is to provide for a biological definition of natural character, overlaid with perceptions of biology.~~

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

[RPS]

Policy 6.1.2 – The extent of the coastal environment is identified in the Marlborough Environment Plan to establish the areas of land and coastal marine area to which management may need to be applied in order to protect the natural character of the coastal environment from inappropriate subdivision, use and development. Beyond recreational diving depth (40m) the indigenous biodiversity policies are all that is relevant.

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

Commented [QD7]: MFA submission point 42. 426.046.

Commented [AH8]: Oppose EDS 698.039. MFA further submission point 40.

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Commented [QD9]: MFA submission point 43. 426.047
This approach is supported by the commentary in Natural Character of the Marlborough Coast (Boffa Miskell, 2014) at Appendix 6, page 316. Seaward extent of coastal natural character mapping should be reduced accordingly.

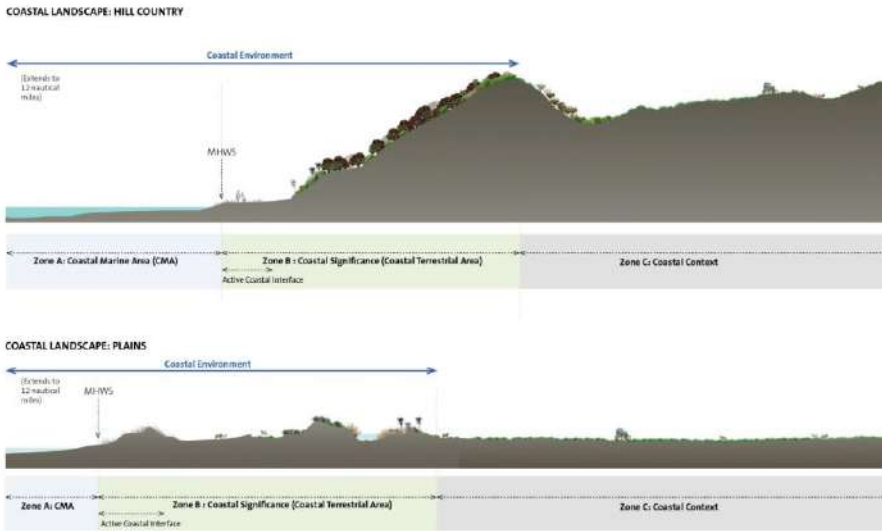


Figure 6.1: Extent of the coastal environment.

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

[RPS]

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

- (a) ~~the degree of human-induced modification on abiotic systems and landforms, marine and terrestrial biotic systems and experiential qualities; and~~
~~natural character at a range of scales.~~
- (a) ~~[Content to be added and changed]~~

Commented [QD10]: MFA submission point 44. 426.048

Commented [AH11]: Oppose EDS 698.040. MFA further submission point 42
 Oppose Friends of Nelson Haven 716.060. MFA further submission point 43.

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

~~The analysis of natural character should be undertaken at the detail scale (Level 5) only. The Natural Character of the Marlborough Coast Study should be redone in light of these changes, was undertaken at a range of scales from broad (i.e. at the Marlborough Sounds or South Marlborough level) through to a more detailed scale, which in some cases was bay-level assessment. As a result, natural character can be perceived at different levels and different scales, depending on the level of information that is available. The scales at which the assessments have been undertaken can be seen in Figure 6.2.~~

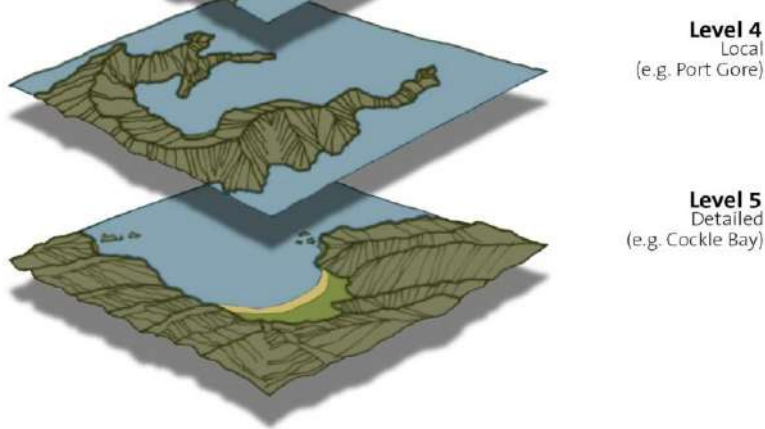


Figure 6.2: Natural Character Assessment Scale

Appendix 2 identifies the values that contribute to high and very high coastal natural character in each of the discrete natural character areas (reaching Levels 4 to 5 on the assessment scale). The values for areas with outstanding coastal natural character are also included within Appendix 2.

[RPS]

Policy 6.1.3A4 – Identify those areas of the coastal environment that have high, very high or outstanding natural character.

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

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

The mapping of high, very high and outstanding natural character through this policy will enable appropriate management to be applied to relevant parts of the coastal environment to give effect to the NZCPS. Outstanding, in the context of natural character, means obviously exceptional, notable, eminent

Policy 6.1.4 - Identify the biological characteristics and the values inherent in the perception of those biological characteristics for each area mapped under Policy 6.1.3

[RPS]

Policy 6.1.5 – Determine the degree of natural character in and adjacent to lakes and rivers by assessing the degree of human-induced modification to the following:

- (a) channel shape and bed morphology;
- (b) flow regime and water levels;
- (c) water quality;
- (d) presence of indigenous flora and fauna in the river channel;
- (e) absence of exotic flora and fauna;
- (f) absence of structures and other human modification in the river channel/lake;
- (g) vegetation cover in the riparian margin;
- (h) absence of structures and other human modification in the riparian margin; and
- (i) the experience of the above elements, patterns and processes including unmodified, scenic and wilderness qualities.

The matters identified in (a) to (i) are those elements, patterns, processes and experiential qualities that contribute to the natural character of Marlborough's lakes and rivers and their margins. The extent to which these have been modified by human activities will determine the degree of natural character. Where the matters in (a) to (i) have not been modified or have been

cter

Commented [QD12]: MFA submission point 45. 426.049

Commented [QD13]: MFA submission point 46. 426.050

Oppose Friends of Nelson Haven 716.61
MFA/AQNZ Further Sub 44
Oppose KCSRA 868.003. MFA further submission 45 (NB. ref should be to 868.003, not 870.003)
Oppose CBRA 152.001. MFA further submission point 46.

only been slightly modified, then the natural character will be assessed as being very high. As the degree of human-induced modification of the river and its margins increases, the degree of natural character will reduce from high, through moderate, low and finally, very low (where the river environment has been heavily modified).

[RPS]

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

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

[RPS, R, C, D]

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

This objective meets the expectations of Section 6(a) of the RMA, which establishes that preservation of natural character is a matter of national importance.

[RPS, R, C, D]

Policy 6.2.1 - In the coastal environment:

- (a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character.
- (b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character. Methods which may achieve this include:
 - i. Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and
 - ii. In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and
 - iii. Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character has already been compromised.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(1).

Commented [QD14]: MFA submission point 47-49. 426.051-55

Commented [QD15]: Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(1).

~~Policy 6.2.2 - Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of the natural character of freshwater bodies. A method which may achieve this includes minimising indigenous vegetation clearance and modification (including earthworks / disturbance and structures) to natural wetlands, the beds of lakes, rivers and their margins.~~

~~Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(2).~~

~~New Policy 6.2.3 - When considering whether there are any adverse effects on the characteristics and qualities of the natural character values in terms of 6.2.1(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of 6.2.1(b) and 6.2.2, and in determining the character, intensity and scale of the adverse effects:~~

- ~~(a) Recognise that a minor or transitory effect may not be an adverse effect;~~
- ~~(b) Recognise that many areas contain ongoing use and development that:

 - ~~i. Were present when the area was identified as high or outstanding or have subsequently been lawfully established~~
 - ~~ii. May be dynamic, diverse or seasonal;~~~~
- ~~(c) Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects;~~
- ~~(d) Have regard to any restoration and enhancement on the characteristics and qualities of that area of natural character;~~
- ~~(e) Recognise it may be appropriate to offset significant residual adverse effects on natural character to result in no net loss and preferably a net natural character gain. A natural character offset should be developed in a manner consistent with the principles contained in Policy 6.2.6;~~
- ~~(f) Recognise that where adverse effects cannot be practicably avoided, adverse effects could be minimised; and~~
- ~~(g) Acknowledge that a future adverse effect may be avoided where the effect is temporary and is authorised for a finite term.~~

~~Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(3); save for (e), which is based on the proposed Bay of Plenty Regional Coastal Environment Plan at Policy NH 11(d); and (f), which is based on the proposed Auckland Unitary Plan (AUP) Regional Policy Statement Chapter D9.3(1)(a). Proposed new policy 6.2.3(g) adopts an approach similar to policy 7.2.6 in the MEP.~~

~~**Policy 6.2.1 – Avoid the adverse effects of subdivision, use or development on areas of the coastal environment with outstanding natural character values and on lakes and rivers and their margins with high and very high natural character values.**~~

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

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

Commented [QD16]: Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(2).

Commented [QD17]: Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(3); save for (e), which is based on the proposed Bay of Plenty Regional Coastal Environment Plan at Policy NH 11(d); and (f), which is based on the proposed Auckland Unitary Plan (AUP) Regional Policy Statement Chapter D9.3(1)(a). Proposed new policy 6.2.3(g) adopts an approach similar to policy 7.2.6 in the MEP.

Commented [QD18]: Support Sanford point 1140.16
MFA/AQNZ cross submission point 47
Oppose Forest & Bird 715.65
MFA/AQNZ cross submission point 48
Oppose Clova Bay 152.17 & 19
MFA/AQNZ cross submission point 51, 49
Oppose EDS 698.44
MFA/AQNZ cross submission point 50

[RPS, R, C, D]

~~Policy 6.2.2 — Avoid significant adverse effects of subdivision, use or development on coastal natural character, having regard to the significance criteria in Appendix 4.~~

~~The degree of adverse effects on coastal natural character is an important consideration under Policy 13(1)(b) of the NZCPS. Where the extent of change in the coastal environment from subdivision, use or development causes significant adverse effects on natural character, the NZCPS states those effects should be avoided. There is therefore a threshold beyond which remediation and/or mitigation of those adverse effects is not an appropriate management option. That threshold will be determined on a case-by-case basis through the resource consent or plan change process. The significance of the adverse effect will depend on the nature of the proposal, the natural character context within which the activity is proposed to occur and the degree of change to the attributes that contribute to natural character in that context.~~

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

[RPS, R, C, D]

~~Policy 6.2.3 — Where natural character is classified as high or very high, avoid any reduction in the degree of natural character of the coastal environment or freshwater bodies.~~

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

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

[RPS, R, C, D]

~~Policy 6.2.4 — Where resource consent is required to undertake an activity within coastal or freshwater environments with high, very high or outstanding natural character, regard will be had to the potential adverse effects of the proposal on the elements, patterns, processes and experiential qualities that contribute to natural character.~~

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

~~undertaken should reflect the scale of the proposed activity and the potential adverse effects on the attributes that contribute to the natural character in the coastal environment. The values of freshwater bodies, including natural character values, can be found in Appendix 5.~~

[RPS, R, C, D]

Policy 6.2.5 – ~~Recognise that development in parts of the coastal environment and in those rivers and lakes and their margins that have already been modified by past and present resource use activities is less likely to result in adverse effects on natural character.~~

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

[RPS, R, C, D]

Policy 6.2.6 – ~~In assessing the appropriateness of subdivision, use or development in coastal or freshwater environments, regard shall be given to the potential to enhance natural character in the area subject to the proposal.~~

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

[RPS, R, C, D]

Policy 6.2.7 – ~~In assessing the cumulative effects of activities on the natural character of the coastal environment, or in or near lakes or rivers, recognition should be given to the extent of cumulative effects from existing modifications to the environment and consideration shall be given to:~~

- (a) ~~the effect of allowing more of the same or similar activity;~~
- (b) ~~the result of allowing more of a particular effect, whether from the same activity or from other activities causing the same or similar effect; and~~
- (c) ~~the combined effects from all activities in the coastal or freshwater environment in the locality.~~

Although individual activities may not adversely affect the natural character of the coastal environment or freshwater bodies, when combined with the effects of similar activities or other activities with similar effects, the activities may collectively have cumulative effects on natural character. This policy describes how the cumulative effects of activities on the natural character of the coastal environment or freshwater bodies will be considered. For the coastal environment specifically, any consideration of cumulative effects should take into account scale and may need to include consideration of the intactness of the coastal terrestrial and coastal marine natural character areas.

[RPS, R, C, D]

Policy 6.2.8 – ~~Require land use activities to be set back from rivers, lakes and the coastal marine area in order to preserve natural character except where activities have a functional or operational need to be located adjacent to the coastal marine area.~~

The proximity of land use activity to rivers, lakes and the coastal marine area has a significant influence on the potential for adverse effects on natural character. The closer the activity, the

Commented [QD19]: Support MFA submission point 50. 426.056
Oppose Etheridge 879.1
MFA/AQNZ cross submission 52

Commented [QD20]: Support MFA submission point 51. 426.057
Oppose Kenepuru 868.9
MFA/AQNZ cross submission 53

Commented [QD21]: MFA submission point 52. 426.058
Oppose Clova Bay 152.16; Kenepuru 868.10
MFA/AQNZ cross submission 54

Commented [QD22]: Support Port Marlborough 433.21
MFA/AQNZ cross submission 55

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

[RPS, R, C, D]

Policy 6.2.9 – Encourage and support private landowners, community groups, businesses, and others in their efforts to restore the natural character of the coastal environment, wetlands, lakes and rivers.

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

Methods of implementation

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

[RPS, R, C, D]

6.M.1 Regional and district rules

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

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

[RPS]

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

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

Commented [QD23]: MFA submission point 53. 426.059

Commented [QD24]: Support provided that existing aquaculture can remain: MFA submission point 55. 426.061

6.M.2A Identifying Natural Character Assessment Method

Appendix XXX sets out a detailed method to encourage consistency of approach between landscape architects.

[R, C, D]

Commented [QD25]: MFA submission point 54. 426.060

6.M.3 Information

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

[R, C, D]

6.M.4 Restoration of natural character

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

Anticipated environmental results and monitoring effectiveness

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

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

Commented [AH26]: MFA submission point 55. Support, on the basis that natural character can be retained while allowing for existing activities. 426.061

Commented [QD27]: MFA submission point 56. (And consequential amendments throughout ch 6) 426.062

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

- Chapter 5 - Allocation of Public Resources;
- Chapter 7 - Landscape;
- Chapter 8 - Indigenous Biodiversity;
- Chapter 9 - Public Access and Open Space;

6: Natural Character

Volume One

- Chapter 13 - Use of the Coastal Environment; and
- Chapter 15 - Resource Quality (Water, Air, Soil).

APPENDIX 2

7. Landscape

Introduction

Our landscapes provide us with a Marlborough identity and are an integral part of the Marlborough environment. Landscapes are distinct spatial areas influenced by location-specific processes within the environment. These processes can be natural or human-induced (e.g. land use change). Natural features within the landscape can also help to define a landscape. The resulting landscape characteristics are expressed visually, but can be valued for their ecological significance or for intrinsic reasons (e.g. by providing a sense of place).

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

There are five broad landscape areas in Marlborough: the Richmond Range and associated mountain ranges; the Wairau and Awatere River Valleys; the mountainous interior; the Marlborough Sounds; and the remainder of the coastal environment.

Richmond Ranges

These mountains enjoy a wetter climate than their counterparts to the south. As a consequence, and due to the steep landform, the slopes and valleys are predominantly covered in indigenous forest. Although plantation forestry and intensive pastoral farming are evident within the valleys and on some of the lower slopes, especially along the north bank of the Wairau River, the majority of the land is managed by the Department of Conservation. A number of European and Māori historic and cultural elements can also be found within this landscape, particularly within the eastern coastal margin from Rarangi in the south to Oyster Bay in the north.

Wairau and Awatere River valleys

These river valleys are characterised by their broad, low lying outwash plains confined to the Wairau River plain and the Awatere River valley. These plains are bounded by the characteristic rolling hills of Southern Marlborough. This vastly modified landscape contains urban developments, pasture, forestry, horticulture and vineyards.

Mountainous interior

The mountainous interior south of the Wairau River is an extensive, largely inaccessible tract of land comprising rugged hills and mountains that reach 2,800 metres above sea level in some places. This landscape is largely bare, although remnant indigenous vegetation exists in alpine areas and in many of the river gorges. Some of the land is used for extensive pastoral farming. Due to vegetation clearance that has occurred, the biophysical aspects of this area are somewhat diminished; however, its bold landform, characterised by underlying geology, geomorphology and natural erosion processes, is typical of high country areas.

The Marlborough Sounds

The Marlborough Sounds display a unique combination of landforms formed by drowned river valleys, resulting in a highly fractured coastline with numerous offshore islands.

Shaped largely by physical and climatic influences, the Marlborough Sounds include very steep to moderately steep dissected coastal hills and a mixture of vegetated and cleared mountain slopes. Some parts of the Marlborough Sounds are modified through agricultural, forestry and residential land uses and aquaculture activities in the coastal marine area. A number of significant Māori and European historic and cultural elements also contribute to this landscape.

The East Coast

From Rarangi in the north to Willawa Point on the Kaikoura Coast, the east coast of Marlborough provides a variety of landforms. In the north, the coastal environment comprises a sequence of dunes and swales moving inland, although these features have been modified by agricultural and residential activities. There are two significant river mouths - the Wairau and Awatere rivers - and two significant saline lagoons - Vernon Lagoons and Lake Grassmere. Salt is harvested from Lake Grassmere. The remainder of the coastline is rugged and relatively inaccessible. From Cape Campbell south, this coastline is characterised by dramatic limestone features.

The presence of water, in terms of lakes, rivers, wetlands or the sea, makes a significant contribution to the overall landscape and any reference to landscape within the Marlborough Environment Plan (MEP) includes reference to these water environments.

It is important to recognise that there is significant diversity in landscape within the broad areas identified above. This diversity is partly a response to variation in geological and ecological processes. Human activity has also had a considerable effect on our landscape over time, while current land use continues to influence the landscape character of Marlborough. Because the underlying human and natural processes are subject to change and evolution, landscapes are dynamic systems.

Issue 7A – Resource use and changes in resource use can result in the modification or loss of values that contribute to outstanding natural features and landscapes and to landscapes with high amenity value.

The use and development of natural and physical resources has always played an important role in sustaining Marlborough communities. The landscape within which this resource use occurs also makes a significant contribution in this regard. For Marlborough's tangata whenua iwi in Marlborough, particular features within the landscape are taonga. The wider community enjoys and values the landscapes that exist within the Marlborough Sounds, Richmond Ranges, in the Wairau and Awatere River valleys and in the mountainous interior. Our landscapes collectively make a significant contribution to our wellbeing and help provide us with a Marlborough identity.

The use and development of natural and physical resources changes the landscape. This can take several forms, such as: the introduction of built form where there is currently none or where it is introduced into prominent locations; the introduction of colour contrasts those in the existing landscape; or the introduction or removal of vegetation that affects pattern and texture within the landscape. Landscape change can occur at a range of scales and timeframes, be they site-specific or broad scale, immediate or incremental and potentially cumulative.

Not all change in the landscape will result in a loss of landscape values. In fact, some changes have enhanced landscape values. An example of this is the indigenous revegetation in the Marlborough Sounds. Other landscapes are a direct result of resource use. For example, the conversion of pastoral land to viticulture in the river valleys has created a landscape of structure, seasonal colour contrast and colour contrast with the surrounding landscape. These examples demonstrate the dynamic nature of our landscape.

Commented [MJ1]: MFA submission point 58.
426.064

Although our landscape is dynamic and will continue to change in response to future resource use, there are some landscapes that the community values above others. The importance of these significant landscapes and the contribution they make to community wellbeing is recognised by the RMA. The value placed on our significant landscapes means that they are often more sensitive to change.

Issues can arise where the effects of resource use, especially the subdivision, use and development of land result in the loss or degradation of the values fundamental or integral to a landscape being considered significant. As the community gains economic wellbeing from the productive use of natural and physical resources, it can be challenging to balance this against the need to retain the values that contribute to our significant landscapes. Judgements are therefore required to determine appropriate development within our significant landscapes.

[RPS]

Objective 7.1 – Identify Marlborough’s outstanding natural features and landscapes ~~and landscapes with high amenity value.~~

Identification of the nature and extent of outstanding natural features and landscapes ~~and landscapes with high amenity~~ value allows the application of appropriate management mechanisms. The identification process is a complex task, given the dynamic nature of Marlborough’s landscapes as well as the diverse range of values that contribute to Marlborough’s landscape character and the variation in the sensitivity of these values to change. In addition, our perception of landscape varies widely depending on our own culture and life experience. In this context, it is very important to identify those values that make particular landscapes significant.

[RPS]

Policy 7.1.1 – When assessing the values of Marlborough’s landscapes, the following criteria will be used:

- (a) **biophysical values, including geological and ecological elements;**
- (b) **sensory values, including aesthetics, natural beauty and visual perception; and**
- (c) **associative values, including cultural and historic values and landscapes that are widely known and valued by the immediate and wider community for their contribution to a sense of place.**

Multiple values contribute to landscape. Primarily, landscape is the expression of natural processes and human activity in and on the land. However, it is also a function of how people perceive the results of this interaction. Those values considered relevant in a Marlborough context are identified in (a) to (c) of the policy. Landscapes may have one or more of these values. The criteria are derived from national and international landscape assessment criteria. More detail on what constitutes the values in (a) to (c) and how the values are assessed is included within the report “Marlborough Landscape Study August 2015” undertaken by expert landscape consultants. The Council will use these values as the basis of any assessment of landscape.

[RPS]

Policy 7.1.2 – Define the boundaries of ~~significant~~ landscapes using the following methods:

- ~~(a) land typing;~~
- ~~(b) contour line;~~
- ~~(c) contained landscape features;~~
- ~~(d) visual catchment; and/or~~
- ~~(e)(d) land use.~~

Commented [MJ2]: MFA submission point 58. 426.064
Oppose Friends of Nelson Haven 716.072. MFA/AQNZ further submission 56.57

Commented [MJ3]: Support MFA submission point 60. 427.066
Oppose EDS 698.47. MFA/AQNZ further submission 58.
Oppose Forest & Bird submission 715.145. MFA/AQNZ further submission point 59.
Oppose Friends of Nelson Haven submission 716.73 MFA/AQNZ further submission point 60.

Commented [MJ4]: MFA submission point 61. 426.067.
Includes deleting map 2, Vol 3, Appendix 1, and replacing with a map reflecting visual catchment approach.

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The identification of significant landscapes requires the extent or boundary of these significant landscapes to be identified. This policy identifies the methods that will be used to establish the boundaries, as follows:

- Land typing: uses a change in landform to establish a boundary at and following the edge of the landform.
- Contour line: uses a specific contour line(s) to establish a boundary.
- Contained landscape feature: uses an enclosed area of land around a landscape feature, such as an island.
- Visual catchment: uses ridgelines and spurs to establish a boundary.
- Land use: uses a variation in land use to establish a boundary.

The method to be used will depend on the values that contribute to the landscape and how they are expressed in the landscape.

7.1.2A - Define the boundaries of a feature as a coherent land and sea type.

[RPS]

Policy 7.1.3 – Assessment of the values in Policy 7.1.1 will determine:

- whether a landscape is identified as an outstanding natural feature and landscape in terms of Section 6(b) of the Resource Management Act 1991;**
- ~~whether the landscape has high amenity value in terms of Section 7(c) of the Resource Management Act 1991; or~~
- where landscape values are not sensitive to change.**

Once an assessment of a landscape has been undertaken based on the values identified in Policy 7.1.1, a determination will be made as to whether the landscape values are significant enough for the landscape to be considered outstanding in the context of Section 6(b) of the RMA. If a landscape is considered to exhibit exceptional or very high biophysical, sensory and/or associative values, then it will be identified as an outstanding natural landscape. Outstanding natural features can also be included within this assessment.

There are also landscapes in Marlborough that, although their values are not as significant as those for an outstanding natural feature or landscape, can still make a significant contribution to the appreciation and quality of our environment. A range of sensory values can contribute to the amenity of these landscapes, including scenic beauty, coastal character, dramatic or attractive natural features within the landscape and the openness or naturalness of the landscape. Where these sensory values are collectively considered to be high, the landscape can be categorised as a landscape with high amenity value.

Controls will apply to both of these landscapes, as set out in subsequent policy. Landscapes not identified as being sensitive to change will not be subject to specific management for landscape outcomes.

[RPS, R, C, D]

Policy 7.1.4 – Landscapes that meet the criteria to be identified as an outstanding natural feature and landscape, ~~or landscapes with high amenity value, where those values are more sensitive to change;~~

- are specifically identified on the Landscape Overlay; and**
- the specific values associated with the identified landscapes are set out in Appendix 1 of Volume 3 of the Marlborough Environment Plan.**

Commented [MJ5]: MFA submission point 62. 426.069
Map features/describe values in Vol 3, Appendix 1

Commented [MJ6]: MFA submission point 58. 426.064 (arguably delete policy 7.1.3(b) altogether)
MFA submission point 63. 426.071. (delete ref to "high")

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Commented [MJ7]: MFA submission point 58. 426.064

MFA submission point 64. 426.072.
And re-write Appendix 1, Vol 3 to include values.

Those landscapes that are an outstanding natural feature or landscape will be identified (and mapped) in the MEP. For the coastal environment particularly, this policy helps to give effect to Policy 15(d) of the New Zealand Coastal Policy Statement 2010 (NZCPS), which requires regional policy statements and plans to map or otherwise identify areas that need protection. ~~For those landscapes identified as having high amenity value, only landscapes that are more sensitive to change have been identified.~~ The two specific areas considered sensitive to change are the Marlborough Sounds Coastal Landscape and the Wairau Dry Hills Landscape.

Commented [MJ8]: MFA Submission point 58. 426.064

Mapping makes it clear to resource users where Marlborough's significant landscapes are located. Additionally, the values that make these landscapes significant are described in Appendix 1. These values should be considered when resource consent applications are made and decided upon including the extent to which they may be affected by a particular use or development.

[RPS, R, C, D]

~~**Policy 7.1.5** – Refine the boundaries of outstanding natural features and landscapes and landscapes with high amenity value in response to:~~

- ~~(a) – landscape change over time; or~~
- ~~(b) – more detailed assessment of landscape values.~~

Commented [MJ9]: MFA submission point 65. 426.074.

~~Although it is intended to identify Marlborough's outstanding natural features and landscapes and landscapes with high amenity value, landscape is also dynamic and is constantly changing. Change may occur quickly as a result of land use change or a catastrophic event (e.g. earthquake) or slowly as a result of natural processes (e.g. indigenous revegetation). Where landscape change occurs over time or where there is a more detailed assessment of landscape values at a particular site, it may be necessary to refine the boundaries of the identified outstanding natural features and landscapes and landscapes with high amenity value. Any changes to the boundaries of these identified landscapes will have to pass through the First Schedule process of the RMA.~~

Methods of implementation

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

[RPS]

~~**7.M.1** Identifying Marlborough's outstanding natural features and landscapes and landscapes with high amenity value that are sensitive to change~~

~~An extensive assessment of Marlborough's landscapes was undertaken in 2009 by professional landscape consultants. This assessment identified Marlborough's outstanding natural features and landscapes as well as those landscapes with high amenity value. After consultation with landowners (including site visits where requested by landowners, resource users and the community), those landscapes that meet national and international criteria for significance have been identified in the MEP. Appendix 1 of the MEP also identifies the values (as listed in Policy 7.1.1) that make each landscape significant.~~

Commented [MJ10]: MFA Submission point 58. 426.064

Oppose Pinder 578.16 Guardians of the Sounds 752.16 and Sea Shepherd New Zealand 1146.16. MFA/AQNZ further submission point 70.

Commented [MJ11]: MFA Submission point 58. 426.064

[RPS, R, C, D]

7.M.2 Information

The Council has made available information on Marlborough's diverse landscape character and the results of any evaluation of landscape significance (following consultation with relevant landowners). This will be a useful reference document generally, but can also be used by resource consent applicants to assist in any assessment of adverse effects on landscape values.

[RPS, R, C, D]

Objective 7.2 – Protect outstanding natural features and landscapes from inappropriate subdivision, use and development ~~and maintain and enhance landscapes with high amenity value.~~

Section 6(b) of the RMA requires the Council to protect outstanding natural features and landscapes from inappropriate subdivision, use and development, ~~while Section 7(c) of the RMA requires the Council to have particular regard to the maintenance and enhancement of amenity values.~~ This objective reflects these statutory obligations and recognises the significant contribution of landscape to community wellbeing. Protecting the biophysical, sensory and associative values that contribute to our significant landscapes means that locals and visitors alike can continue to appreciate this important part of Marlborough's identity, character and environment.

It is important to acknowledge that the landscape management mechanisms that stem from this objective do not anticipate that there will be no landscape change. Rather, the objective focusses on determining what is appropriate resource use and development in relation to the values that make the landscape significant.

[R, C, D]

~~Policy 7.2.1 – Control activities that have the potential to degrade those values contributing to outstanding natural features and landscapes by requiring activities and structures to be subject to a comprehensive assessment of effects on landscape values through the resource consent process.~~

~~One of ways in which the Council is to fulfil its statutory obligations with respect to landscape is to control inappropriate subdivision, use and development through regional and district rules. Because some of Marlborough's natural features and landscapes have been identified as having outstanding value, it is important that activities in these areas are assessed through the resource consent process to determine whether the activity will have an adverse effect on landscape values. The activities to be controlled vary between each outstanding natural feature and landscape as the values that contribute to the significant landscape, and the sensitivity of these values to change, will differ from place to place. For example, the threats to landscape values in the coastal environment could be different to those in the mountainous interior. Appendix 1 of the MEP identifies the values that make each outstanding natural feature and landscape significant. The MEP will also contain the regional and district rules.~~

Policy 7.2.1A – Activities that are consistent with the values and factors of outstanding natural landscapes will be recognised for their contribution to the landscape and provided for. Primary production activities will be enabled.

[D]

Policy 7.2.2 – Control activities that have the potential to degrade the amenity values that contribute to the Wairau Dry Hills Landscape by:

- (c) setting permitted activity standards that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and
- (d) requiring resource consent for commercial forestry activities.

The Wairau Dry Hills Landscape is more sensitive to change than other landscapes with high amenity value as it forms the visual backdrop to Blenheim and the Wairau Plain, providing an attractive contrast to the valley floor. (The specific values that are present within this landscape are set out in Appendix 1 of the MEP.) While most landscapes identified as having high amenity value have a non-regulatory approach as the means of maintaining and enhancing landscape value, for the Wairau Dry Hills landscape a regulatory approach is considered more appropriate in order to fulfil statutory obligations under Section 7(c) of the RMA. Only one activity, commercial forestry, needs to be assessed through the resource consent process, as it could have a

Commented [MJ12]: MFA Submission point 58. 426.064

MFA submission point 59. 426.065

Oppose Clova Bay Residents 152.12. MFA/AQNZ further submission point 57.

Commented [MJ13]: MFA Submission point 58. 426.064

Commented [MJ14]: Oppose EDS 698.51 MFA/AQNZ further submission point 62.

Support Kiwi Rail 873.18. MFA/AQNZ further submission point 63.

Support TrustPower 1201.69 MFA/AQNZ further submission 64.

MFA submission point 68. 426.078

Commented [MJ15]: Support Federated Farmers 425.104. MFA/AQNZ further submission point 61.

significant adverse effect on the landscape values of this area. The use of standards for permitted activities is considered appropriate for other activities in order to manage effects on landscape values, as resource use and development is generally to be expected within this landscape.

[C, D]

~~Policy 7.2.3 Control activities that have the potential to degrade the amenity values that contribute to those areas of the Marlborough Sounds Coastal Landscape not identified as being an outstanding natural feature and landscape by:~~

- ~~(a) using a non-regulatory approach as the means of maintaining and enhancing landscape values in areas of this landscape zoned as Coastal Living;~~
- ~~(b) setting standards/conditions that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and~~
- ~~(c) requiring resource consent for commercial forestry activities.~~

~~Similar to the Wairau Dry Hills Landscape, the Marlborough Sounds Coastal Landscape is more sensitive to change than other landscapes with high amenity values. The Marlborough Sounds is an iconic and unique landscape with considerable scenic beauty. While some parts of the Sounds have more significant values than others, in its entirety the Sounds has considerable landscape value, which is why the whole of the Sounds have been included within the Marlborough Sounds Coastal Landscape. However, the areas subject to the management framework of this policy are those not identified as an outstanding natural feature and landscape.~~

~~Because the Marlborough Sounds is subject to development pressure for a range of subdivision, use and development, it is appropriate to control these activities through a range of means. For those areas zoned Coastal Living, there has already been a degree of modification to landscape values and in these areas a non-regulatory approach is considered appropriate to manage further landscape impacts. The remaining areas within the Marlborough Sounds Coastal Landscape have a management approach that includes standards for permitted activities and conditions on consent for controlled activities, as it is expected that there will be some resource use within these areas. The one exception is a discretionary activity resource consent requirement for commercial forestry to ensure that this activity can be assessed for its impact on the landscape values identified in Appendix 1.~~

[R, C, D] ~~[Delete Map 4 at Vol 3, Appendix 1, page 32]~~

~~Policy 7.2.4 Where resource consent is required to undertake an activity within an outstanding natural feature and landscape or a landscape with high amenity value, regard will be had to the potential adverse effects of the proposal on the values that contribute to the landscape.~~

~~Where it is proposed that an activity will take place in an outstanding natural feature and landscape or in a landscape with high amenity value, it is appropriate that an assessment of the impact of the proposal on these significant landscapes is carried out. To undertake the assessment, regard must be had to the values that contribute to the outstanding natural feature and landscape or a landscape with high amenity value as identified in Appendix 1 of the MEF. The level of assessment should reflect the scale of the proposed activity and the potential adverse effects on the values that contribute to the landscape.~~

[R, C, D]

~~Policy 7.2.5 Avoid adverse effects on the values that contribute to outstanding natural features and landscapes in the first instance. Where adverse effects cannot be avoided and the activity is not proposed to take place in the coastal environment, ensure that the adverse effects are remedied.~~

~~Where resource consent is required to undertake a particular activity in an outstanding natural feature or landscape, this policy provides a clear preference for avoiding adverse effects on the~~

Commented [MJ16]: MFA submission point 66. 426.075. (And delete Map 4, Vol 3, App 1)

Oppose Clova Bay 152.14, Kenepuru and Central Sounds 868.12 and Gerard 424.21
MFA/AQNZ further submission point 65.

Oppose Friends of Nelson Haven 716.81
MFA/AQNZ further submission point 67.

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Commented [MJ17]: MFA submission point 67. 426.077.

Oppose Kenepuru and Central Sounds 868.13.
MFA/AQNZ further submission point 66.

MFA submission point 68.
426.078

Commented [MJ18]: MFA submission point 68. 426.078

Subject to our primary submission, support in part and oppose in part EDS 698.53.
MFA/AQNZ further submission point 68.

biophysical, sensory or associative values within the landscape. This does not mean that there can be no new resource use within outstanding natural features or landscapes; rather, the use or development of natural and physical resources may be able to be undertaken in a way that the quality and significance of the values is not diminished. Alternatively, adverse effects may be able to be remedied through careful planning or remedial works. Policy 7.2.7 provides further guidance in this regard. The option of remedying adverse effects on landscape values does not apply to activities occurring within the coastal environment, as Policy 15 of the NZCPS requires that such adverse effects are avoided.

[R, C, D] New Policy 7.2.5 – In the coastal environment:

(a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural features and outstanding natural landscapes.

(b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural features and natural landscapes. Methods which may achieve this include:

(i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and

(ii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural landscape has already been compromised.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(1).

New Policy 7.2.5A - Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of outstanding natural features and outstanding natural landscapes. Methods which may achieve this include:

(a) In outstanding natural landscapes, requiring that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins; and

(b) In outstanding natural features, requiring that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(2).

New Policy 7.2.5B – When considering whether there are any adverse effects on the characteristics and qualities of the natural features and landscape values in terms of 7.2.5(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of 7.2.5(b) and 7.2.5A, and in determining the character, intensity and scale of the adverse effects:

(a) Recognise that a minor or transitory effects may not be an adverse effect;

(b) Recognise that many areas contain ongoing use and development that:

(i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established.

Commented [MJ19]: Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(1).

Commented [MJ20]: Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(2).

(ii) May be dynamic, diverse or seasonal;

(c) Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects;

(d) Have regard to any restoration and enhancement of the characteristics and qualities of that area of natural features and/or natural landscape.

(e) Recognise it may be appropriate to offset significant residual adverse effects on a landscape or feature to result in no net loss and preferably a net landscape gain.

(f) Recognise that where adverse effects cannot be practicably avoided, adverse effects could be minimised; and

(g) Acknowledge that a future adverse effect may be avoided where the effect is temporary and is authorised for a finite term.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2017), at Policy 4.6.1(3); save for (e), which is based on the proposed Bay of Plenty Regional Coastal Environment Plan at Policy NH 11(d); and (f), which is based on the proposed Auckland Unitary Plan (AUP) RSP Chapter D9.3(1)(a). Proposed 7.2.5B(g) is based on the premise underlying the proposed change to Policy 7.2.6 (below).

Policy 7.2.6 – Where the following activities are proposed to take place in an area with outstanding natural features and landscapes, then any adverse effects on the values of those areas can be mitigated, provided the overall qualities and integrity of the wider outstanding natural feature and landscape are retained:

- (a) activities involving the development and operation of regionally significant infrastructure;
- (b) activities that enhance passive recreational opportunities for the public where these are of a smaller scale; **and**
- (c) activities involving the development and operation of renewable electricity generation schemes within Marlborough where the method of generation is reversible; **and-**
- (e)(d) Aquaculture activities where the method and effects of farming are reversible.**

This policy relaxes the direction provided by Policy 7.2.5 for outstanding natural features and landscapes in limited circumstances. These circumstances are described in (a) to (c) and reflect the considerable benefits that the listed activities provide to the social and economic wellbeing, health and safety of our community.

Regionally significant infrastructure is essential to allowing our communities to function on a day-by-day basis. This infrastructure may need to be expanded in the future and that expansion may need to occur in areas of outstanding natural features and landscapes. In respect of (b), many outstanding natural features and landscapes can already be accessed for passive recreational purposes and the RMA seeks to maintain and enhance these amenity values. Enhancement may take the form of new tracks or huts in the landscape, but would be of a small scale. The MEP seeks to optimise the use of the Marlborough's renewable energy and encourages the use and development of renewable electricity resources. This is recognised in (c) of the policy. However, (c) does not apply where the structures associated with the generation cannot be realistically removed from the environment with minimal trace, as any landscape effects in these circumstances are permanent. It is also important in consideration of this policy to acknowledge that the Council is required to give effect to the NPSREG, which sets out a framework to enable the sustainable management of renewable electricity generation.

Commented [MJ21]: Note: This is the approach taken in the Regional Policy Statement for Northland (May 2017), at Policy 4.6.1(3); save for (e), which is based on the proposed Bay of Plenty Regional Coastal Environment Plan at Policy NH 11(d); and (f), which is based on the proposed Auckland Unitary Plan (AUP) RSP Chapter D9.3(1)(a). Proposed 7.2.5B(g) is based on the premise underlying the proposed change to Policy 7.2.6 (below).

Commented [MJ22]: Oppose EDS 698.54, Forest & Bird 715.158 and Friends of Nelson Haven 716.84 MFA/AQNZ further submission point 69.

Commented [MJ23]: MFA submission point 69. 426.081.

The policy does not allow the activities in (a) to (c) to occur without consideration of the impact they may have on outstanding natural features and landscapes. Any adverse effects on the biophysical, sensory or associative values within the landscape must still be mitigated as much as possible. As adverse effects can occur at various scales, there should also be consideration of the impacts of the proposed activity on the overall qualities and integrity of the wider outstanding natural feature or landscape. The policy requires that the overall quality and integrity of the landscape should be retained.

This policy does not apply to activities occurring in the coastal environment, as Policy 15 of the NZCPS requires that adverse effects of activities on outstanding natural feature or landscape be avoided.

[R, C, D]

Policy 7.2.7 – Protect the values of outstanding natural features and landscapes and the high amenity values of the Wairau Dry Hills and the Marlborough Sounds Coastal Landscapes by:

- (a) In respect of structures:
 - (i) avoiding visual intrusion on skylines, particularly when viewed from public places;
 - (ii) avoiding new dwellings in close proximity to the foreshore, excluding barges used for aquaculture;
 - (iii) using reflectivity levels and building materials that complement the colours in the surrounding landscape;
 - (iv) limiting the scale, height and placement of structures to minimise intrusion of built form into the landscape;
 - (v) recognising that existing structures may contribute to the landscape character of an area and additional structures may complement this contribution;
 - (vi) making use of existing vegetation as a background and utilising new vegetation as a screen to reduce the visual impact of built form on the surrounding landscape, providing that the vegetation used is also in keeping with the surrounding landscape character; and
 - (vii) encouraging utilities to be co-located wherever possible;
- (b) In respect of land disturbance (including tracks and roads):
 - (i) avoiding extensive land disturbance activity that creates a long term change in the visual appearance of the landscape, particularly when viewed from public places;
 - (ii) encouraging tracks and roads to locate adjacent to slopes or at the edge of landforms or vegetation patterns and to follow natural contour lines in order to minimise the amount of land disturbance required;
 - (iii) minimising the extent of any cuts or side castings where land disturbance is to take place on a slope; and
 - (iv) encouraging the revegetation of cuts or side castings by seeding or planting.
- (c) In respect of vegetation planting:
 - (i) avoiding the planting of new exotic forestry in areas of outstanding natural features and landscapes in the coastal environment of the Marlborough Sounds;
 - (ii) encouraging plantations of exotic trees to be planted in a form that complements the natural landform; and

Commented [MJ24]: MFA Submission point 58. 426.064

Commented [MJ25]: MFA submission point 70. 426.082.

(iii) recognising the potential for wilding pine spread.

The sensory values of outstanding natural features and landscapes are vulnerable to change brought about by resource use. The introduction of new structures, tracks and roads into the landscape, and the planting of new vegetation, all have the ability to affect our visual perception and appreciation of the landscape. Although not an exhaustive list, this policy describes how the visual integrity of the landscape can be maintained in response to changes in resource use. The subdivision of land can act as a pre-cursor to such changes, so it is also appropriate to have regard to this policy when considering subdivision consent applications.

The matters in (a) to (c) guide how visual intrusion into significant landscapes can be avoided, remedied or mitigated. These mostly relate to undertaking land use activities in ways that limit the visual intrusion into the landscape. These actions will be implemented through a range of activity status as well as standards on permitted activity rules. Policy 7.2.1 provides guidance on how these controls will be applied to outstanding natural features and landscapes. For landscapes with high amenity value, guidance is provided through Policies 7.2.2 and 7.2.3.

This policy cannot apply to existing land use activities that have been lawfully established due to existing use rights under Section 10 of the RMA.

[C, D]

Policy 7.2.8 – Recognise that some outstanding natural features and landscapes and landscapes with high amenity value will fall within areas in which primary production activities currently occur.

In some areas where outstanding natural features and landscapes and landscapes with high amenity values have been identified in the MEP, there are a range of primary production activities taking place.

Some landscapes, especially south of the Wairau River, are a product of past and present extensive pastoral farming. In this situation, the continuation of such pastoral farming is not anticipated to threaten the biophysical, sensory or associative values that contribute to landscape significance. This will be reflected in the status of regional and district rules that apply in identified outstanding natural features and landscapes and landscapes with high amenity value in rural areas. Existing land uses within these areas will also have existing use rights under Section 10 of the RMA.

Primary production activities currently also occur in the Marlborough Sounds in locations identified within the MEP as having landscape significance. Rules applying to land uses do require consent for new commercial forestry activity and land disturbance over certain limits. However given the existing use rights under Section 10 of the RMA, existing land-based primary production activity, even within an area of landscape significance, can continue to take place. Existing marine farming does not interfere with amenity values.

[R, C, D]

Policy 7.2.9 – When considering resource consent applications for activities in close proximity to outstanding natural features and landscapes, regard may be had to the matters in Policy 7.2.7.

~~The extent of outstanding natural features and landscapes are identified in the MEP. Establishing a boundary beyond which values no longer contribute to landscape significance is difficult. For this reason it may be appropriate to assess the impacts on landscape values for activities outside of, but in close proximity to, an identified outstanding natural feature or landscape. Application of this policy will be determined on a case-by-case basis, depending on the nature of the proposal and its proximity to the outstanding natural feature or landscape.~~

Commented [MJ26]: MFA submission point 71. 426.083.
This submission point assumes it is accepted that amenity is different from landscape.

Commented [MJ27]: MFA submission point 72. 426.084.

[D]

Policy 7.2.10 – Reduce the impact of wilding pines on the landscape by:

- (a) supporting initiatives to control existing wilding pines and limit their further spread; and
- (b) controlling the planting of commercial wood species that are prone to wilding pine spread.

The ability of pine trees to spread from commercial plantations, soil conservation plantings, rural shelterbelts and isolated plantings is well documented in Marlborough. As pines spread, they alter the landscape due to their visual dominance and colour contrast. In addition, where forests have been harvested but not replanted there is the potential for rapid growth of wilding seedlings, creating more unmanaged sources of wilding pine spread. Many in the community believe that these landscape changes are unacceptable and some locals have initiated control programmes in an effort to reduce the presence of wilding pines in the landscape and limit their spread to other areas. These efforts are to be supported as a means of effective landscape protection. Additionally, there are certain species of tree grown for commercial wood production that are more prone to wilding pine spread. Controls on planting certain species will assist to reduce the risk of wilding pine spread and therefore reduce impacts on landscape values.

[D]

Policy 7.2.11 – Liaise with the Department of Conservation regarding any landscape issues on land administered by the Department and identified as having outstanding natural features and landscapes (including within the Marlborough Sounds Coastal Landscape).

A significant proportion of outstanding natural features and landscapes occur on Crown land administered by the Department of Conservation. Because this land is managed for conservation purposes and is not likely to attract development, there are fewer threats to the biophysical, sensory and associative values in these landscapes compared to those areas with outstanding natural features and landscapes on privately owned land. However, that is not to say that potential threats do not exist. For example, applications can be made to operate concessions within areas administered by the Department and vegetation change can occur as a result of pest plant incursions (including wilding pines, broom and gorse). The Council will liaise with the Department on an ongoing basis to discuss landscape issues as they arise and to develop and implement appropriate management responses.

[R, C, D]

~~**Policy 7.2.12 – Encourage landowners and resource users to consider landscape qualities in the use or development of natural and physical resources in landscapes with high amenity value.**~~

~~The primary means of maintaining and enhancing landscapes with high amenity value is through non-regulatory methods, except in the Wairau Dry Hills and Marlborough Sounds Coastal Landscapes where a management framework for a range of activities is set out in Policies 7.2.2, 7.2.3 and 7.2.7. Other landscapes with high amenity values have not been identified in the MEP, as these landscapes are usually located in remote areas or areas where sensory values are not under any critical threat. Nonetheless, it may appropriate to consider landscape qualities in these areas as part of a resource consent application.~~

Methods of implementation

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

[R, C, D]

7.M.3 District and regional rules

As necessary, apply district or regional rules to activities that have the potential to threaten identified values that contribute to the landscape character of outstanding natural features and

Commented [MJ28]: Support. MFA submission point 73. 426.085.

Commented [MJ29]: MFA submission point 74. 426.086.

Commented [MJ30]: Oppose Kenepuru and Central Sounds 868.18. MFA/AQNZ further submission point 71.

landscapes. Rules may also be required to maintain and enhance the Wairau Dry Hills Landscape and the Marlborough Sounds Coastal Landscape. The status of activities will depend on the severity of the threat and range from permitted activity standards through to prohibited activities. Activities to be regulated include:

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

7.M.3A Landscape Assessment Method

[R, C, D]

7.M.4 Guidelines

The Council will provide guidelines to help landowners and resource users to avoid, remedy or mitigate the adverse visual effects of development on landscape values. Guidelines for forest harvest activities and new structures will be priorities for development. These guidelines are intended to encourage landowners and resource users to consider landscape qualities when using or developing natural and physical resources. This may result in improved recognition of the landscape within which the resource use or development is proposed to occur and therefore improved (harvest or structure) design from a landscape perspective. In this way, the guidelines will assist with the implementation of the regulatory methods and are complimentary to these methods.

[D]

7.M.5 Colour palette

A colour palette had been developed to help protect, maintain and enhance landscapes in the Marlborough Sounds and south Marlborough. By contrasting and detracting from the colours present in the natural environment, built structures have the potential to adversely impact on the visual qualities and natural characteristics of landscape areas. To minimise this potential, colour palettes will help to integrate new buildings (or the repainting of existing buildings) into the landscape through the use of appropriate colour hues, tonalities and reflectivity.

The colour palette does not form part of any rule framework; however, a number of landowners within the significant landscape areas, particularly those in the Marlborough Sounds, have used the colour palette in guiding choices about repainting of dwellings. The colour palette can be downloaded from the Council's website.

[D]

7.M.6 Incentives

Consider providing rates relief where landscape protection is formalised by way of covenant or similar methods of protection.

Consider providing funding to wilding pine control programmes and other community initiated control programmes for undesirable plants and animals.

[D]

7.M.7 Investigation

Undertake research into alternative forestry and land use options available to pine forest owners in the Marlborough Sounds. The investigations should include how best to manage the transition

from pine plantations to the chosen alternatives in a manner that minimises landscape effects, especially those caused by wilding pines.

[RPS, R, C, D]

7.M.8 Information

Make available background information on Marlborough’s diverse landscape character, particularly through Appendix 1, which identifies the values of Marlborough’s significant landscapes.

Provide forest owners in the Marlborough Sounds with information on alternative forestry options and alternative land uses so that they can make informed decisions regarding succession planning leading up to and upon the harvesting of existing pine forests.

Provide the community with information on effective control practices for wilding pines.

[RPS, R, C, D]

7.M.9 Advocacy

Advocate for increased guidance to be provided at a national level for assessing the adverse effects of resource use and development on landscape values.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results of the landscape provisions of the MEP. The anticipated environmental results are ten year targets from the date that the MEP becomes operative, unless otherwise specified. For each anticipated environmental result, a series of indicators will be used to monitor the effectiveness of the landscape provisions.

Anticipated environmental result	Monitoring effectiveness
<p>7.AER.1</p> <p>Marlborough’s outstanding natural features and landscapes and landscapes with visual amenity value are protected from degradation.</p>	<p>Outstanding natural features and landscapes and landscapes with high amenity value are included within the MEP. This will include the identification of values that make each landscape significant and mapping of the extent of the significant landscapes.</p> <p>The awareness of Marlborough’s outstanding natural features and landscapes and landscapes with high amenity value increases, as measured by public perception survey.</p> <p>The biophysical, sensory and associative values that contribute to the significance of particular landscapes are maintained (or enhanced), as measured by reassessment of Marlborough’s landscape.</p> <p>Only appropriate development is allowed to occur in outstanding natural features and landscapes, as measured by reassessment of Marlborough’s landscape.</p> <p>The area of land vegetated by wilding pines in the Marlborough Sounds decreases.</p>

Commented [MJ33]: MFA Submission point 58. 426.064

Commented [MJ32]: Can you comment on text. Support - MFA submission point 77. 426.089.

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19. Climate Change and Ocean Acidification

Commented [AH1]: MFA submission point 165.
426.190.

Introduction

Society will continue to rely on fossil fuels as an energy source for the foreseeable future. The consumption of these fuels results in the release of carbon dioxide and other greenhouse gases into the atmosphere. The general consensus of scientific opinion is that the world is getting warmer, causing its climate to change. Global temperatures are approximately 0.6 degrees Celsius higher now than they were in the early 1990s. While there is not unanimous agreement, there is now strong evidence that most of the warming observed is attributable to increased concentrations of greenhouse gases produced by human activities. As more gases accumulate in the atmosphere, the Earth gets warmer, resulting in rising sea temperatures and levels, the melting of glaciers and ice caps and greater extremes in weather patterns, such as more storms of greater intensity and longer droughts.

In Marlborough, NIWA predicts that the mean air temperature will increase by approximately 1 degree by 2040 and 2 degrees by 2090. The climate is likely to become drier and the frequency of droughts is expected to increase. There is also a predicted increase in westerly winds, especially in winter and spring. Warming on the seas and oceans because of climate change, increases stratification of the surface layers, thereby affecting light and nutrient availability and consequently decreasing phytoplankton production - the base of the entire ocean food chain.

Rising CO₂ levels in the atmosphere results in increasing amounts being absorbed by the oceans, forming carbonic acid, thereby lowering pH and altering the ocean's chemistry, making it more difficult for marine organisms to secrete carbonate structures such as shells and bones. This 'ocean acidification' process has been identified as the key threat to New Zealand's marine habitats, because it is so pervasive, potentially affecting every habitat and a very wide range of marine organisms. The pH of coastal waters is inherently variable due to a complex interplay of factors, which include temperature, biological uptake and respiration, terrestrial run-off and pollution. This makes it important to establish a monitoring programme to determine spatial and temporal variability in pH and establish a baseline for assessing future change.

Section 7 of the Resource Management Act 1991 (RMA) requires the Council to have regard to the effects of these predicted climatic changes (and by extension, ocean acidification) in exercising its functions under the RMA. Uncertainty about the nature of these effects at international, national and local level makes this a difficult task. Most projections are also long term and certainly beyond the ten year life of the Marlborough Environment Plan (MEP). Taking all of this into account, the provisions of this chapter focus on applying the best available information to enable people and communities to respond to the adverse and positive effects created by climate change and ocean acidification.

Issue 19A – Climate change and ocean acidification have the potential to affect Marlborough’s natural and physical resources and the ability of people and communities to use these resources.

Marlborough relies on its natural and physical resources for its social and economic wellbeing and health and safety. The nature of many natural and physical resources and the ability to use them, especially land and freshwater resources, is dependent on climate. This makes Marlborough vulnerable to any long term changes in climate and ocean pH.

Primary industry makes a significant contribution to Marlborough’s economy and is vulnerable to changes in climate. Many primary industries rely on sufficient quantities of rainfall or freshwater in rivers and aquifers to supplement rainfall through irrigation. The various crops that are grown or the type of stock that is grazed reflects these climate variables. Predictions of higher temperatures, more extreme temperatures and reduced rainfall could therefore have a significant impact on rural land users through increased risk of drought and decreased water availability. Any decrease in water availability will also increase the competition for freshwater amongst existing users.

Marlborough’s natural ecosystems could also be vulnerable to the effects of climate change and/or ocean acidification. Indigenous terrestrial, aquatic and marine species could respond to increased temperatures and/or drier conditions by shifting to more suitable climatic zones. Any inability to move may have significant consequences for the long term viability of affected indigenous species, especially plants.

However, climate change may create new opportunities. Plant growth could improve due to longer growing seasons and rising carbon dioxide levels. Warmer temperatures and decreased frost risk may enable new crops to be established; for example, Marlborough may become more suited to growing red wine grape varieties. Changes in climate may also create the opportunity to develop new ways to produce renewable energy.

The public health effects of climate change include warmer winters, which may alleviate cold related illnesses and death. This would have the added advantage of reducing energy consumption during the winter months. In contrast, hotter summers may cause heat stress while drier and windier conditions could create more dust and affect sufferers of respiratory disease. Windier conditions will also create additional challenges for the use of agrichemicals in the rural environment.

Communities may enjoy the health benefits of warmer winters, but warmer temperatures may also have significant biosecurity implications. Sub-tropical diseases may become a problem if carrier insects become established. Rising average temperatures could lead to the wider establishment and spread of new and/or existing pest plants, increased abundance of animal pests and greater survival of a range of insect pests.

The predictions of climate change at a national level involve significant uncertainty and little work has been undertaken to apply these national predictions to Marlborough’s climate. This makes the task of responding to the effects of climate change in Marlborough difficult. This situation is complicated further by the fact that New Zealand and Marlborough are subject to natural climate variations associated with La Nina/El Nino and the Interdecadal Pacific Oscillation. These natural variations will be superimposed on human-induced long term climate changes.

[RPS, R, C, D]

Objective 19.1 – Mitigation of and adaptation to the adverse effects on the environment arising from climate change and ocean acidification.

This objective focusses on actions that the community can take to reduce the potential for adverse effects on the environment caused by climate change and ocean acidification and to respond to any effects that do occur. One of the difficulties is that there is inherent uncertainty regarding the likely local climate changes in Marlborough and therefore the exact nature of those adverse effects is unknown, making it particularly difficult to plan for climate change. Further research will assist in this regard. In the meantime, it is prudent to promote actions that offset carbon emissions and retain sufficient flexibility in the use, development and protection of natural and physical resources to enable resource users to adapt to a changing climate and ocean acidification.

Commented [AH2]: MFA submission point 162. 426.187.

[RPS]

Policy 19.1.1 – Promote actions within Marlborough to reduce or offset carbon emissions.

Climate change and ocean acidification are global issues that New Zealand's central government is addressing at an international and national level. The RMA effectively excludes regional councils from the role of regulating emissions for climate change purposes (Sections 70A and 104E of the RMA). However, the Council can explore opportunities for supporting national policies and where appropriate promote methods that address climate change problems within New Zealand's national policy framework for climate change. For example, the Council could assess and then address the carbon footprint of delivering its own services to the community and encourage businesses to do likewise. This is one of many actions the Council could undertake to enable Marlborough's people and communities to play their part in responding to this global issue.

[RPS]

Policy 19.1.2 – Improve the community's understanding of the potential effects of climate change and ocean acidification on the Marlborough environment.

Although there has been considerable research to predict long term climate change and ocean acidification internationally and nationally, very few of the research findings have been applied directly to Marlborough's climate and coastal marine area. This makes it difficult to establish the likely effects of climate change and ocean acidification on natural and physical resources and the ability of people and communities to utilise these resources. It is therefore desirable to investigate local climate change, especially as Marlborough contains two distinct climate zones: a wetter climate north of and including the Richmond Range and a drier climate south of the Richmond Range, as well as distinct Coastal Marine Areas in the Sounds and coastal seas. The findings gained from research initiated through this policy can be applied to better understand the potential implications of climate change in a Marlborough context.

Commented [AH3]: MFA submission point 163. 426.188

[R, C, D]

Policy 19.1.3 – Enable primary industries to adapt to the effects of climate change and ocean acidification.

Farmers and foresters, as well as those involved in fishing and aquaculture, are inherently adaptable resource users and it is likely this will need to continue into the future as changes in climate begin to affect users' ability to utilise land, freshwater, and marine resources. Responses to increased temperatures and reduced water availability

Commented [AH4]: MFA submission point 164. 426.189.

may require modifications to farming practices or diversification of crops or stock types. Increased temperatures and reduced frost risk may also create opportunities to produce crops not previously grown in Marlborough. Similar opportunities could exist for the aquaculture industry as a result of increasing sea water temperatures and changing pH. **These include introducing different technical approaches to elevate pH at the spatial scale of mussel farms.** As Marlborough's economy is based on these primary industries, it is important that such adaptations can be made.

[R]

Policy 19.1.4 – Take a precautionary approach to the allocation of additional freshwater resources and where freshwater has already been allocated, ensure that the allocation reflects the status of the resource.

Sustainable flow regimes established through previous resource management plans have been reviewed during the preparation of the MEP. This involved a review of the sustainable yield from Marlborough's rivers and aquifers to confirm appropriate levels of allocation to resource users. Historical flow and level records were utilised as part of this process, including data that has been recorded since the original plans were notified. This approach ensured that any influence of climate change on sustainable yield was taken into account.

Given the importance of freshwater to the social and economic wellbeing of Marlborough, consideration was also given to opportunities to provide additional access to freshwater resources. Appropriate caution was applied to this task as the opportunities enabled by the allocation may not be realised if climate change reduces sustainable yield in the future. Access to freshwater may become unreliable to the extent that people cannot make a return on the investments made. This risk should be considered in perspective, taking into account the variable nature of Marlborough's freshwater resources in response to natural climate oscillations.

This policy can be applied to the environmental data collected over the life of the MEP. In this way, the policy will also inform any subsequent review of the provisions contained in Chapter 5 - Allocation of Public Resources.

[R]

Policy 19.1.5 – Ensure that the freshwater that is available for out-of-stream use is allocated and used efficiently, by:

- requiring that the rate of water use authorised by water permit be no more than that required for the intended use, having regard to the local conditions;
- enabling the transfer of water permits between users within the same Freshwater Management Unit; and
- enabling the storage of water for subsequent use during low flow and low level periods.

One of the significant risks of climate change locally is that Marlborough's climate may become drier, with drought periods becoming more frequent and longer in duration. If this happens, it is essential that available freshwater resources are allocated and utilised efficiently to ensure that the social and economic benefits that can be derived from the freshwater that is available are maximised. The matters specified in (a) and (b) target efficient allocation and use of freshwater. The intent is to ensure that freshwater is not unnecessarily "locked up" in paper allocation when it could benefit existing or potential users.

If water availability declines over time due to reduced river flows or aquifer levels brought about by decreased rainfall, then storing freshwater would be an effective means of retaining reliability of supply. As set out in (c), this policy enables the taking of freshwater during periods of higher river flow. Stored water can then be used during periods of low river flow when access might otherwise be restricted.

The matters set out in (b) and (c) will result in more resilient communities as they reduce the vulnerability of resource users to decreased freshwater availability brought about by climate change. More details on the policy responses set out in (a) to (c) are contained in Chapter 5 - Allocation of Public Resources.

Methods of implementation

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

[RPS]

19.M.1 Council carbon footprint

Investigate Council operations to establish their carbon footprint; set goals for reducing carbon emissions and develop an action plan to reach those goals.

[D]

19.M.2 Marlborough Regional Land Transport Plan

Consider, in the review of the Marlborough Regional Land Transport Plan, provisions to reduce emissions of greenhouse gases.

[D]

19.M.3 Marlborough Walking and Cycling Strategy

Maintain, implement and review the Marlborough Walking and Cycling Strategy to promote modes of transport that do not rely upon fossil fuels.

[R, C, D]

19.M.4 Research

Apply the findings of international and national climate change and ocean acidification research to Marlborough's environment to the extent that is possible. The findings can then be applied to determine and better understand the implications of climate change and ocean acidification.

[R, C, D]

19.M.5 Information

Share the findings of research on climate change and ocean acidification in Marlborough and the implications of these predictions with the community. This will help to allow people to take action to prepare for those implications and therefore reduce the adverse effects of likely change.

[R]

19.M.6 Regional rules

Rules will establish sustainable levels of freshwater allocation that take into account the effects of climate change on river flows, aquifer levels and the resulting sustainable yield from those freshwater resources.

Enable the taking of surface water for storage purposes through the application of a controlled activity rule to the abstraction.

[D]

19.M.7 District rules

Apply a range of permitted activity rules to farming, forestry, and marine farming activities. Use broad definitions of "farming", "forestry" and "marine farming" so that farmers, foresters, and marine farmers are able to modify farming practices and diversify or change crop/stock types in response to changes in climate.

Enable the creation of permanent carbon sinks through the application of appropriate rules.

Issue 19B – Climate change could affect natural hazards and create a coastal inundation hazard associated with sea level rise.

The predictions of climate change include predictions of more extreme weather events. For the east coast of the South Island, including Marlborough, this means drier conditions and an increase in the incidence of drought. Drier conditions will also increase the risk of fire. Climate change may also result in a change in the frequency of extreme rainfall events. Any increase in frequency in such events could lead to more frequent and severe flooding.

In rural areas, if extreme events such as droughts and floods become more severe and frequent, costs associated with dealing with stock losses, increased soil erosion and damage and disruptions to farm operations would be expected to increase. To date, there is no indication that severe Marlborough rainfall events are increasing, though average global temperatures have clearly risen over the last ten years.

Global warming is expected to result in a rise in sea level due to thermal expansion of ocean water and melting of glacial and polar ice. Sea level is predicted to rise around 0.18 to 0.59 metres by 2090. This rise potentially increases the risk of inundation at the coast. Coastal erosion could also become more prevalent, increasing the need for coastal protection measures. Along the coastal margin of the Wairau Plain, the level of the Wairau River bar and river mouth efficiency has far greater influence on the potential for inundation than the projected sea level rise. Further south, the topography and lack of settlement minimises any inundation risk. However, the risks are far greater in the Marlborough Sounds where settlement and associated infrastructure (especially means of access, such as jetties and access tracks) tend to be located in the coastal environment and near the water edge.

More frequent extreme weather events would also pose a significant risk to regionally significant infrastructure such as buildings, roads, water, sewerage, electricity transmission and communication systems.

[RPS, R, C, D]

Objective 19.2 – Avoid and mitigate the adverse effects of natural hazards influenced by climate change.

Provisions elsewhere in the MEP seek to avoid and mitigate the adverse effects of natural hazards. This objective recognises that the severity and/or frequency of those natural hazards could potentially increase as a result of climate change. In these circumstances, any additional adverse effect should likewise be avoided or sufficiently mitigated.

While it could make existing natural hazards worse, climate change in itself creates a new hazard in sea level rise. It is appropriate that the adverse effects of sea level rise and the associated inundation of land are avoided and mitigated given that these adverse effects are permanent.

[R]

Policy 19.2.1 – Monitor flood hazard on an ongoing basis.

The magnitude and incidence of flooding may increase in response to climate change, particularly the predictions for more severe rainfall events. Policies in Chapter 11 - Natural Hazards establish a framework for reducing the risk of flooding to adversely affect communities. This is achieved by mapping the known and predicted flood risk areas and applying appropriate management to activities within those mapped areas. If climate change does result in increased magnitude or incidence of flooding, then this information will be collected and used to inform the review of the existing management framework. In response, it may be necessary to change and/or increase the boundaries of the flood hazard overlay in the MEP. Any such changes would have to pass through the First Schedule process of the RMA. Policy 11.1.16 in Chapter 11 - Natural Hazards provides more detail on this matter.

[R, C, D]

Policy 19.2.2 - Avoid any inundation of new buildings and where appropriate infrastructure within the coastal environment by ensuring that adequate allowance is made for the following factors when locating, designing and/or constructing any building or infrastructure:

- rising sea levels as a result of climate change of at least 0.5 metres relative to the 1980-1999 average; and
- storm surge.

In 2013, the International Panel on Climate Change determined that it is very likely that the rate of global mean sea level rise during the twenty-first century will exceed the rate observed during 1971– 2010 due to increases in ocean warming and loss of mass from glaciers and ice sheets.

The Ministry for the Environment advises local government (for planning and decision timeframes out to 2090-2099), to plan for a sea level rise of 0.5 metres relative to the 1980-1999 average as a base value but that assessments be made of potential consequences from a sea level rise of up to 0.8 metres.

Although the life of the MEP is only ten years, buildings have a minimum design life of 50 years and property titles have an indefinite life. It is therefore important that any new building is located, designed and/or constructed having regard to the long term risk of inundation as a result of sea level rise. This approach is also appropriate to

infrastructure located in the coastal environment that is not intended by design to be subject to inundation. The Ministry for the Environment advice has been utilised to establish the increase in sea level to be applied.

Storm surges occurring in response to low-pressure weather systems can cause higher than normal sea levels and inundation of low lying areas. This hazard increases with increasing sea levels, so any risk assessment made in accordance with this policy should also take into account the potential additive effects of storm surge on top of sea level rise.

This policy will be applied to the determination of resource consent applications. Rules elsewhere in the MEP require buildings to be set back from the coastal marine area. This in itself will act to protect buildings from the adverse effects of sea level rise and/or storm surge. However, when applications are made to establish a building within this setback, then the policy will be able to be applied.

Methods of implementation

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

[R, C, D]

19.M.8 Research

In order to plan for the effect of sea level rise, it is necessary to understand the areas along the Marlborough coast that are likely to be affected by inundation in the long term. The Council will undertake an investigation to establish the extent and nature of the inundation hazard using the International Panel on Climate Change's most recent projections of sea level rise.

[R, C, D]

19.M.9 Monitoring

The Council will continue to monitor water levels and flows in Marlborough's rivers. This will provide information on the magnitude and frequency of flood events over time and will allow changes in flood risk to be identified and evaluated.

[D]

19.M.10 District rules

Use rules to establish buffers between buildings and infrastructure and the coastal marine area. The horizontal setback created will reduce the potential for structures and infrastructure to be inundated until the research outlined above is completed. The research may prompt the need for additional district rules in certain locations to ensure Policy 19.2.2 continues to be met.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results of the climate change and ocean acidification provisions of the MEP. Unless otherwise specified, the anticipated environmental results are ten year targets. For each anticipated environmental result, a series of indicators will be used to monitor the effectiveness of the climate change provisions.

Anticipated environmental result	Monitoring effectiveness
<p>19.AER.1</p> <p>The community's understanding of the effects of climate change, sea level rise, and ocean acidification improves over time.</p>	<p>The results of research into the local effects of climate change, sea level rise, and ocean acidification are reported to the Council.</p> <p>Environmental data, including climate, flooding, and ocean pH is collected and reported to the Council to establish long term trends.</p>
<p>19.AER.2</p> <p>Primary producers are able to adapt to the effects of climate change and ocean acidification.</p>	<p>Monitoring of land use and land use change establishes changes in crop type. Similar monitoring of the coastal marine area establishes changes in aquacultural practices.</p>
<p>19.AER.3</p> <p>Buildings and infrastructure established after the notification of the MEP are not inundated by the sea.</p>	<p>Reports of inundation and/or damage to buildings and/or infrastructure.</p>

Schedule B: Submissions of MFA and AQNZ

Aquaculture New Zealand Submission to:
'Proposed Marlborough Environment Plan'

1 September 2016

mep@marlborough.govt.nz



1.0 INTRODUCTION

- 1.1 Thank you for the opportunity to comment on the proposed Marlborough Environment Plan (MEP). This submission is made in support of, and in conjunction with, the Marine Farming Association (MFA). Schedule 1 of this submission is a replica of Schedule 1 of the MFA submission.
- 1.2 Aquaculture New Zealand (AQNZ) represents the interests of the aquaculture sector in New Zealand. This sector has export earnings in excess of \$330 million and a growth strategy with a goal of reaching \$1 billion per year in sales by 2025. Aquaculture directly employs more than 3,000 people primarily in regional communities.
- 1.3 Aquaculture makes a significant contribution to the Marlborough region and to New Zealand. Analysis of its economic contribution¹ carried out in 2015 found that *'aquaculture, comprising marine farming and the processing of its produce, makes a significant contribution to Marlborough's economic output, GDP and employment. Its direct sales and employment creation stimulate other local businesses such as marine service industries, retailing and hospitality trades, and it also supports incomes and consumer spending in the region. It helps to retain people in the region and attract new residents who support voluntary community activities which keep small rural communities functioning.'*
- 1.4 *'Aquaculture contributes to both regional and national economies by:*
- *Creating valuable output based on the natural resources of the marine environment*
 - *Providing employment (859 jobs) for about 3.7% of the Marlborough region's total labour force, with around 1.1% in marine farming and a further 2.6% in seafood processing*
 - *Paying average wages that are substantially higher than the average earnings in Marlborough Generating export sales revenue of \$276 million in 2014*
 - *Contributing almost 6% (\$162 million) to Marlborough's regional GDP, with \$105 million (3.7%) from marine farming and \$57 million (2%) from seafood processing*
 - *Providing inputs to seafood processing in regions outside Marlborough*
 - *Delivering around 62 % of New Zealand's aquaculture production by tonnes (62% of Greenshell mussels; 61% of salmon and 8% of oysters)'*
- 1.5 The activities of the industry take place largely in the coastal marine zone and the industry's internationally recognised reputation for quality and food safety depends heavily on the purity

¹ NZIER (2015). The economic contribution of marine farming in the Marlborough region.

and sustainability of our growing waters. Our marine farmers have a strong commitment to the environment and are already world leaders in best practice standards. Building on this AQNZ has recently launched a new sustainable management framework, A+ (www.aplusaquaculture.nz) in order to clearly demonstrate that our people and our products have the lightest touch on our valued and pristine environment.

- 1.6 Maori investment makes up a significant proportion of the current ownership of the industry and their role is expected to grow as aquaculture settlements deliver 20% of any new development to local Iwi. This creates both cultural and economic benefits, particularly in the regions.
- 1.7 The Marlborough Smart and Connected vision for aquaculture is:
Marlborough Aquaculture – Highly valued, lovingly produced.
 - *Marlborough aquaculture produces highly valued seafood that is globally sought after.*
 - *It is lovingly produced in harmony with the region's unique environment, local communities and Iwi.*
- 1.8 AQNZ submits that the MEP should appropriately recognise aquaculture's contribution and support the community's vision for its future with carefully drafted policies, objectives and rules. We make a number of suggestions for amendments to achieve this purpose.
- 1.9 This submission generally represents the views of our shareholders (mussel, salmon and oyster farming companies) and the AQNZ Board. The relief sought replicates that of the MFA.

2.0 KEY ISSUES FOR AQUACULTURE IN MARLBOROUGH

2.1 Recognise that existing aquaculture is an appropriate activity in the CMA

- 2.1.1 New Zealand aquaculture farmers value and respect their ability to utilise appropriate space within the Coastal Marine Area (CMA) to produce their world class products. We recognise that the public expects marine farmers to be good tenants within the CMA and that means delivering very high levels of environmental management. We are conscious of the wide range of values, activities and users in the marine space and note that providing a high level of certainty about appropriate and valued activities within the CMA is of the utmost importance.
- 2.1.2 Of primary concern however is providing investment surety to the existing industry. The current investment in farms and related infrastructure, which sustains the existing industry, is reliant on the MEP providing an appropriate level of certainty to industry and the community regarding renewals of existing farms. Equally dependant are future innovations, research, productivity improvements and development of niche markets and products, which can create substantial additional value to the industry and to Marlborough. Echoing our concerns, NZIER² have also recently reported '*that investors in New Zealand's marine farms are beginning to respond to re-consenting risks by reducing their level of exposure below what they would likely otherwise seek.*'

² NZIER (2015). Overview of the impacts of re-consenting uncertainty and delay on aquaculture investment in New Zealand. AQNZ submission to MEP 2016

- 2.1.3 Around 70% of current marine farms in the Marlborough region are due for renewal in 2024. These renewals will be subject to provisions within the MEP which may not be fully agreed for some years yet. This has created a substantial and untenable level of uncertainty for the industry and is the primary issue for aquaculture in the MEP.
- 2.1.4 We note that the provisions specifically relating to marine farming are have not been included in the MEP at this time. However planning for aquaculture in the CMA requires careful integration of a number of policies and provisions – particularly those that implement the directive policies of the NZCPS. For this reason it is important that the MEP achieves the right balance between preserving significant and important features of our coastal environment and providing the existing industry the certainty to invest. Existing aquaculture should be recognised as a legitimate activity which is consistent with the values of the CMA.

2.2 Clearly define the values that the MEP is seeking to protect

- 2.2.1 AQNZ recognises the importance of ensuring that aquaculture does not inappropriately affect the natural character, landscape or indigenous biological diversity values of the CMA that the NZCPS seeks to protect.
- 2.2.2 However subsequent to the ruling of the Supreme Court in New Zealand King Salmon case law has shown considerable discrepancy and uncertainty in the way the effects of projects on natural landscapes, natural features and indigenous biological diversity are assessed. This does not deliver efficient and effective outcomes for society and applicants. The resulting uncertainty hampers business decision making, dampens investment incentives, drives up planning and resource consenting costs and creates lost opportunities.
- 2.2.3 There is now a considerable body of scientific evidence that aquaculture is a comparatively small risk to aquatic ecosystems. Aquaculture tends to be regulated because it requires a resource consent. It is required to obtain assessments of environmental effects and go through a contested process. The focus caused by that process is not proportionate to the relative risk of aquaculture. Efforts should be made to assess relative risk and ensure that regulation efficiently targets those areas which do pose a genuine threat to ecosystems.
- 2.2.4 It is very important that second generation plans, including the MEP, clearly and consistently identify where values are significant, what those values are, and what adverse effects are to be avoided. This will provide comfort to both industry and the community that an appropriate balance is being achieved at a strategic level within the CMA without re-litigating sustainable use and development on a case by case basis. AQNZ specifically seeks acknowledgment within schedules to character and landscape maps that existing marine farms are not causing adverse effects.

2.3 Protect existing marine farms from adverse effects

- 2.3.1 Clean water and healthy ecosystems are important to marine farmers, particularly in order to maintain and strengthen the industry's world-class reputation for safe and quality seafood and environmental integrity. Terrestrial and coastal activities can negatively impact water quality

and have the potential to decrease opportunities to harvest, increase monitoring and testing costs and ultimately have an adverse impact on the industry's international reputation and market advantage. AQNZ specifically seeks provisions which preserve and enhance coastal water quality.

2.4 Fair and reasonable contribution to the sustainable management of the CMA

2.4.1 AQNZ recognises the importance of contributing to the sustainable management of the coastal marine areas. Marine farmers are proud of their role as responsible guardians of the coastal environment and their livelihood depends on its health and preservation. The industry already contributes substantially towards understanding its complex ecosystems through monitoring and research. In particular, the industry would welcome more overarching state of the environment (SoE) monitoring and research to enable a clearer picture of all of the impacts on coastal ecosystems and the relative role that aquaculture plays in the wider context of these.

2.4.2 For these reasons AQNZ supports the implementation of coastal occupation charges if they:

- recognise existing contributions to the sustainable management of the CMA
- are fair and reasonable and apply to all users gaining private benefit from occupation of the CMA
- are based on actual costs incurred in the sustainable management of the CMA
- are open to engagement on their value and nature and provide a framework for collaborative and strategic decision making between those users who are contributing; and
- are proposed in the context of more certainty;

3.0 ADDITIONAL ISSUES

3.1 Additional issues include the following:

- Clarity and consistency of policies and provisions
- Integrated management
- Provision for infrastructure
- Experimentation and innovation
- Biosecurity
- Amenity
- Adaptive management
- Terms of consent
- Reverse sensitivity
- Iwi's economic interests

3.2 Further details of additional issues are set out in Schedule 1.

4.0 RELIEF SOUGHT

4.1 AQNZ considers that unless the relief sought in this submission is granted, the MEP, and in particular the specific provisions challenged:

- Will not promote sustainable management of resources, will not achieve the purpose of the Resource Management Act 1991 (RMA) and will be contrary to Part 2 and other provisions of the RMA;
- Will not enable the economic well-being of the community in the Marlborough region;
- Will not meet the reasonably foreseeable needs of future generations; and
- Will be contrary to the New Zealand Coastal Policy Statement (NZCPS) Policy 8 – Aquaculture in that it does not sufficiently recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities.

4.2 Without limiting the generality of the above, the specific provisions of the MEP that this submission relates to, and the submissions are set out in Schedule 1. Schedule 1 is a replica of Schedule 1 of the submission of the MFA.

4.3 AQNZ seeks that the Marlborough District Council make the decisions set out in Schedule 1. Where changes are proposed, further consequential amendments may be required. Alternative relief securing the same outcomes could be granted.

4.4 Where the submission is to support a provision, the relief sought is that the provision be retained. Where no reasons are given for a submission, it is because:

- The reason is self-evident;
- The proposal is the most appropriate option, consistent with s32 of the RMA; or
- The submission accords with the purpose of the RMA.

4.5 AQNZ could not gain an advantage in trade competition through this submission.

4.6 AQNZ wishes to be heard in support of this submission.

4.7 If others make a similar submission, AQNZ will consider presenting a joint case with them at a hearing.

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Schedule 1

Marine Farming Association Submission on the Proposed Marlborough Environment Plan

Volume 1 – Issues, Objectives and Policies

Challenge to s 32 Evaluation

Chapter 01 Introduction

The Marine Farming Association (MFA) has general concerns regarding the approach taken by the Marlborough District Council (Council) to the s 32 evaluation. This should be done at the start of the process, to guide Council to the most appropriate option at the outset. Often relevant alternatives have not been identified. Typically, the alternatives considered are the status quo, greater regulation and alternative methods to achieve the policies. The alternatives which are put forward in this submission have not been considered as part of the s 32 analysis.

Costs should be quantified where possible. Costs of consenting/uncertainty have been quantified by the aquaculture industry in the NZIER report:

https://nzier.org.nz/static/media/filer_public/b3/a4/b3a4a784-fadf-4e79-adc4-d1b8ceb949f0/economic_contribution_of_marlborough_aquaculture.pdf.

Failure to take account of that (in the context of the general policies and rules) is inconsistent with s 32 of the Resource Management Act 1991 (RMA) and the New Zealand Coastal Policy Statement 2010 (NZCPS) Policy 8(b), which requires the Council to provide for aquaculture in appropriate places.

Relief Sought: The Council should re-evaluate the various alternatives in accordance with s 32, having particular regard to quantified benefits and costs and associated commentary. In the event that the s 32 evaluation reveals significant alternatives that have not been appropriately considered, it may be necessary to re-notify aspects of the proposed MEP.

Guiding Principles

Chapter 01 Introduction

There is a statement under "A healthy Marlborough economy requires a healthy environment" that it is not the role of the MEP to directly address economic matters. That is incorrect. The definition in s2(1) of the RMA of "environment" includes the economic conditions that affect people and communities. Sustainable management includes enabling people to provide for their economic and social wellbeing (s 5(2) RMA).

The guiding principles seem to ignore the fact that the farming, viticulture, aquaculture, forestry and tourism sectors all rely on resource use.

It is an omission not to include a guiding principle to promote economic development. The approach taken does not reflect the RMA, and does not reflect the views of the Marlborough community.

Relief sought: A guiding principle to that effect should be added, along with consequential changes to the commentary.

Guiding Principles

Chapter 01 Introduction

The guiding principle "Recognise that the Marlborough Sounds is the District's "Jewel In the crown"" seems to suggest that the only relevance of the Marlborough Sounds is its value as a living and recreation environment. The aquaculture industry in the Sounds employs more people than tourism in the Sounds. In terms of GDP, aquaculture contributes approximately 150% + of the GDP from tourism in the whole of Marlborough (ie. Not just the Sounds). There should be more focus on diversity of uses and experiences in the Sounds.

In 2014, the Ministry of Primary Industries (MPI) commissioned a Colmar Brunton report on New Zealanders' views about aquaculture. New Zealanders had an overwhelmingly positive view of the industry, a substantial amount of which is located in Marlborough. The Marlborough District Council commissioned a report from Corydon Consultants Limited, prepared for the Council in April 2012. Participants ranked bush clearance, residential subdivision/development, exotic forestry, resort development, port activities, windfarms, commercial boating and shipping (including ferries), motorised recreational boating (including jet skiing and water skiing), and wave turbines for energy generation as being activities that are more likely than marine farming (mussels/salmon) to have an adverse impact on the characteristics and qualities of value in the Marlborough Sounds.

The guiding principles should recognise that the Sounds has a diverse range of uses. Its values include economic values. A set of guiding principles that make no reference to that has failed to properly capture the needs of Marlborough.

Relief Sought: The guiding principles should be amended to reflect this. The clique "jewel in the crown" should be deleted, and replaced with something more reflective of Marlborough and the discussion above.

Guiding Principles

Chapter 01 Introduction

Support the guiding principle "Providing the community with a streamlined and simplified resource management framework to make it easier for resource users and other interested parties to use."

Relief sought: Submit that this philosophy should extend to the application of the MEP provisions, not simply to integrating the regional policy statement with the regional coastal, regional and district plan provisions.

Integrated Management of the Marlborough Environment

Chapter 02 Background

The document does not sufficiently recognise that the protection of one resource may have a positive or negative effect on another (*New Zealand Shipping Federation v Marlborough District Council* W038/06). This is reflected in the insufficient identification of costs in the s 32 analysis.

There are consistent references to "protection" throughout the MEP. However, the response to environmental integration in the MEP is insufficient.

Relief Sought: The Council should re-evaluate the various alternatives in accordance with s 32, having particular regard to quantified benefits and costs and associated commentary.

RMA Terms - "Avoid"

Chapter 02 Background

Oppose the approach where "avoid" has two meanings, dependent on its context. This results in the MEP being unclear, which in turn is likely to lead to significant future expenditure to determine meaning. We have addressed the use of the term "avoid" in other specific contexts where it arises.

"Avoid" should only be used in one sense, consistent with the approach taken by the Supreme Court in *New Zealand King Salmon* [2014] NZSC 38.

The word "avoid" is used repeatedly throughout the MEP. It is a word used in the NZCPS. In the MEP, it is said that the word has two meanings, depending on its context:

The method used to implement a policy is a rule that will prohibit something from occurring;
or

An activity can be undertaken in such a way that the effect does not occur or is significantly reduced.

It is said that the context will determine which of those options is being followed in any particular instance. The Supreme Court in *New Zealand King Salmon* discussed the different possible interpretations of "avoid" at [92]. At [96] the Court concluded that in the context of the NZCPS "avoid" has its ordinary meaning of "not allow" or "prevent the occurrence of". It carries the same meaning when that word is used in s 5(2)(c) of the RMA. The word "avoid" should be given a consistent definition throughout the MEP. It is useful to make clear, as the Supreme Court did at [145], that when avoiding adverse effects one does not need to avoid minor effects, transient effects or other acceptable effects. Where the use of the word "avoid" is intended to be more flexible, it may be better to refer to taking all practical steps to minimise or eliminate effects rather than using the word "avoid".

Relief sought: Avoid should have only one meaning. Where a different meaning is preferred, this should be clear from the specific provision.

RMA Terms - "Protect"

Chapter 02 Background

Oppose the approach where "protect" can be interpreted in a number of different ways. This makes the MEP unclear.

Relief Sought: A single meaning should be adopted, consistent with the Supreme Court's approach in *New Zealand King Salmon*.

Iwi's Economic Interests

Chapter 03 Marlborough's Tangata Whenua Iwi

The policies in Chapter 3 do not appear to give adequate recognition to iwi's economic interests. For example, several of the gazetted aquaculture sites in the Marlborough Sounds are unlikely to be consentable in light of the overlay mapping and proposed policies in the MEP.

Relief sought: The economic interests of iwi should be expressly recognised.

Social and Economic Wellbeing

Chapter 04 Use of Natural and Physical Resources

Issue 04A – Marlborough's social and economic wellbeing relies on the use of its natural resources.

Support Issue 4A. This ethos should be reflected in the issues, objectives, policies and rules throughout the MEP.

Infrastructure

Chapter 04 Use of Natural and Physical Resources

Issue 04B – The social and economic wellbeing, health and safety of the Marlborough community are at risk if community infrastructure is not able to operate efficiently, effectively and safely.

Support Issue 4B and the supporting policies, but submit that the infrastructure used for commercial purposes at Elaine Bay (Tennyson Inlet), Oyster Bay (Port Underwood) and Okiwi Bay (Croisilles Harbour) be specifically recognised in policy 4.2.1.

Consequences of Acting and Not Acting

Chapter 04 Use of Natural and Physical Resources

Relief sought:

Add new Issue 4D - Recognise that the choice whether or not to use natural and physical resources has consequences;

Add new Objective 4.4 - Recognise that limiting development has a tradeoff; and

Add new Policy 4.4.1 - Identify the consequences of not allowing development in terms of:

Substitution;

Adverse effects from other alternative activities in the area; and

Loss of environmental, economic and social benefits.

This proposed new policy is consistent with s 7(b) RMA.

Social and Economic Wellbeing

Chapter 04 Use of Natural and Physical Resources

Objective 04.1 – Marlborough’s primary production sector and tourism sector continue to be successful and thrive whilst ensuring the sustainability of natural resources.

There needs to be express reference to related servicing and processing industries in objective 4.1. The tourism and primary production sectors cannot operate in the absence of related services.

The commentary of objective 4.1 should refer to aquaculture's need for water space, and high quality water. Recognition should be given to the fact that different water space and site characteristics are necessary for different forms of aquaculture. For example, cool fast flowing water is required for salmon farming, whereas access to high nutrient laden water is necessary for effectively farming mussels. Logistical considerations are important for all types of aquaculture.

Relief sought:

Amend objective 4.1 to include express reference to related servicing and processing industries; and

Amend commentary as suggested.

Objective 4.3

Chapter 04 Use of Natural and Physical Resources

Objective 04.3 – The maintenance and enhancement of the visual, ecological and physical qualities that contribute to the character of the Marlborough Sounds.

Support, so long as new objective 4.3A is added (see below). Alternatively, Objective 4.3 should be amended to reflect the fact that social and cultural uses are part of the character of the Marlborough Sounds.

Qualities and Values of the Sounds

Chapter 04 Use of Natural and Physical Resources

Relief sought: Insert new Objective 4.3A - Recognise that the visual, ecological and physical qualities of the Marlborough Sounds have been altered by cultural and social use and those uses have become part of the character of the Marlborough Sounds and do not detract from it.

The 2014 Colmar Brunton report commissioned by MPI indicates that New Zealanders have an overwhelmingly positive view of the aquaculture industry. The 2012 Corydon Consultants report commissioned by the Marlborough District Council shows the community considers that many other activities, including recreational boating and residential subdivision, are more likely than marine farming (mussels/salmon) to have an adverse impact on the characteristics and qualities of the Sounds.

NOTE - New policy 4.3.6 should be added to support this Objective. Industry supports policies 4.3.1 - 4.3.5, provided this proposed objective and policy are added (as outlined below).

Existing Uses

Chapter 04 Use of Natural and Physical Resources

Relief sought: Add new Policy 4.1.1A to recognise existing uses of natural and physical resources. Existing use should be brought through into the MEP. Where it is necessary or desirable to curtail those uses, ensure where possible that production resulting from the existing use is able to be maintained. An existing use includes a use that is not substantially different from the existing use.

Enabling Sustainable Use and Development

Chapter 04 Use of Natural and Physical Resources

Policy 04.1.2 – Enable sustainable use of natural resources in the Marlborough environment.

Relief sought: Amend Policy 4.1.2 to read "Enable sustainable use and development of natural resources in the Marlborough environment." Including "development" is a clear reference to potential future use of the environment and is consistent with s 5(2) RMA.

Experimentation and Innovation

Chapter 04 Use of Natural and Physical Resources

Relief sought: Insert new Policy 4.1.2A - allow for experimentation and innovation where there are sufficient controls to appropriately manage adverse effects. R & D is valuable and should be encouraged.

Net Improvement

Chapter 04 Use of Natural and Physical Resources

Relief sought: Add new Policy 4.1.2B - Allow for development where it will achieve a net improvement in sustainability or efficiency by:

Offsetting effects;

Compensating for effects; or

Substituting one use for another.

In terms of this Policy, the probability of offsetting or compensation being effective should be at least as likely as the probability of the adverse effect.

Seeking an overall net improvement is consistent with the purpose of the RMA.

Quality of Natural Resources

Chapter 04 Use of Natural and Physical Resources

Policy 04.1.3 – Maintain and enhance the quality of natural resources.

Relief sought: Delete policy 4.1.3 because it duplicates s 7(f) of the RMA. This is arguably inherent in policy 4.1.2.

Infrastructure

Chapter 04 Use of Natural and Physical Resources

Policy 04.2.1 – Recognise the social, economic, environmental, health and safety benefits from the following infrastructure, either existing or consented at the time the Marlborough Environment Plan became operative, as regionally significant:

Relief Sought: That the infrastructure used for commercial purposes at Elaine Bay (Tennyson Inlet), Oyster Bay (Port Underwood) and Okiwi Bay (Croisilles Harbour) be specifically recognised in policy 4.2.1 (along with other proposed changes).

Integrated Management of Resources

Chapter 04 Use of Natural and Physical Resources

Policy 04.3.1 – Integrate management of the natural and physical resources within the Marlborough Sounds environment.

Support Policy 4.3.1, provided new Objective 4.3A and Policy 4.3.6 are added as proposed.

Identify Qualities and Values

Chapter 04 Use of Natural and Physical Resources

Policy 04.3.2 – Identify the qualities and values that contribute to the unique and iconic character of the Marlborough Sounds and protect these from inappropriate subdivision, use and development.

Support Policy 4.3.2, provided new Objective 4.3A and Policy 4.3.6 are added as proposed.

Provide Direction on Resource Use

Chapter 04 Use of Natural and Physical Resources

Policy 04.3.3 – Provide direction on the appropriateness of resource use activities in the Marlborough Sounds environment.

Support Policy 4.3.3, provided new Objective 4.3A and Policy 4.3.6 are added as proposed.

Enhance Qualities and Values

Chapter 04 Use of Natural and Physical Resources

Policy 04.3.4 – Enhance the qualities and values that contribute to the unique and iconic character of the Marlborough Sounds

Support Policy 4.3.4, provided new Objective 4.3A and Policy 4.3.6 are added as proposed.

Recognise Sounds is Dynamic

Chapter 04 Use of Natural and Physical Resources

Policy 04.3.5 – Recognise that the Marlborough Sounds is a dynamic environment.

Support Policy 4.3.5, provided new Objective 4.3A and Policy 4.3.6 are added as proposed.

Qualities and Values of the Sounds

Chapter 04 Use of Natural and Physical Resources

Relief Sought: New Policy 4.3.6 should be added to give effect to proposed new Objective 4.3A.

Objective 4.1 Methods of Implementation

Chapter 04 Use of Natural and Physical Resources

Support the methods of implementation for Objective 4.1.

Anticipated Environmental Results

Chapter 04 Use of Natural and Physical Resources

Support the anticipated environmental results and monitoring effectiveness.

Deliberate Introduction of Exotic Plants

Chapter 04 Use of Natural and Physical Resources

Submit that, in order to manage biosecurity threats, the deliberate introduction of exotic or introduced plants into the coastal marine area should require a resource consent (as per rule 35.5 in the current Marlborough Sounds Resource Management Plan (MSRMP)).

Relief sought: A policy should be added to this effect.

Development for Private Benefit

Chapter 05 Allocation of Public Resource

Objective 05.10 – Equitable and sustainable allocation of public space within Marlborough's coastal marine area.

Amend Objective 5.10. Use of the word "Equitable" is vague in this context. It could mean equality of opportunity to apply for use of the coastal marine area. Alternatively, it could mean that space should be equally apportioned between different uses.

Relief Sought:

The word "equitable" should be replaced with "efficient." This reflects two aims:

Lowest transaction costs; and

Lowest cost/ highest net benefit to society as a whole; and

The commentary to objective 5.10 should note that this "manages conflicts between users" rather than "avoids conflicts."

Preventing Gazumping

Chapter 05 Allocation of Public Resource

Policy 05.10.1 – Recognition that there are no inherent rights to be able to use, develop or occupy the coastal marine area.

Relief sought: The commentary to Policy 5.10.1 should note sections 124A, 124B and 124C of the RMA, as well as sections 165ZH, 165ZI and 165ZJ.

All of these provisions recognise that the current consent holder cannot be gazumped by somebody else.

Allocation

Chapter 05 Allocation of Public Resource

Policy 5.10.2 – The 'first in, first served' method is the default mechanism to be used in the allocation of resources in the coastal marine area. Where competing demand for coastal space becomes apparent, the Marlborough District Council may consider th...

Relief sought: Support the first sentence (default method) of Policy 5.10.2, but delete the second sentence (alternative regime). An alternative regime could be referred to in the commentary.

Exclusive Occupation

Chapter 05 Allocation of Public Resource

Policy 05.10.3 – Where a right to occupy the coastal marine area is sought, the area of exclusive occupation should be minimised to that necessary and reasonable to undertake the activity, having regard to the public interest

Relief sought: Delete the words "necessary and" from policy 5.10.3, so that it reads "to that reasonable to undertake..." If these words are not deleted, absurd results are possible, with significantly higher costs for no real public benefit. The policy is valid, however, it should not be couched in the extreme.

Coastal Occupancy Charges

Chapter 05 Allocation of Public Resource

Policy 05.10.4 – Coastal occupancy charges will be imposed on coastal permits where there is greater private than public benefit arising from occupation of the coastal marine area.

It has always been the MFA's position that members support coastal occupancy charges provided:

The amount is fair, efficient and equitable (that is, equally distributed among all parties using the coastal marine area);

The MEP appropriately provides for aquaculture through controlled activity status; and

The formula for determining the charges is transparent.

Relief sought:

- (a) The imposition of charges is fair, efficient and equitable;
- (b) Appropriate provision is made for aquaculture in the MEP policy and mapping provisions (given that the aquaculture rules are not part of the MEP); and
- (c) The formula for determining charges is written into the MEP, rather than the Council's Annual Plan. The level of charges should reflect earlier work in the Coastal Occupancy Charges report prepared by Executive Finesse Ltd (January 2013).

The MFA provisionally supports policy 5.10.4 if the above relief is granted.

Waiver of Coastal Occupancy Charges

Chapter 05 Allocation of Public Resource

Policy 05.10.5 – The Marlborough District Council will waive the need for coastal occupancy charges for the following

Relief sought:

The imposition of charges is fair, efficient and equitable;

Appropriate provision is made for aquaculture in the MEP policy and mapping provisions (given that the aquaculture rules are not part of the MEP); and

The formula for determining charges is written into the MEP, rather than the Council's Annual Plan. The level of charges should reflect earlier work in the Coastal Occupancy Charges report prepared by Executive Finesse Ltd (January 2013).

The MFA provisionally supports policy 5.10.5 if the above relief is granted.

Application to Waive Coastal Occupancy Charges

Chapter 05 Allocation of Public Resource

Policy 05.10.6 – Where there is an application by a resource consent holder to request a waiver (in whole or in part) of a coastal occupation charge, the following circumstances will be considered:

Relief sought:

The imposition of charges is fair, efficient and equitable;

Appropriate provision is made for aquaculture in the MEP policy and mapping provisions (given that the aquaculture rules are not part of the MEP); and

The formula for determining charges is written into the MEP, rather than the Council's Annual Plan. The level of charges should reflect earlier work in the Coastal Occupancy Charges report prepared by Executive Finesse Ltd (January 2013).

The MFA provisionally supports policy 5.10.6 if the above relief is granted.

Coastal Occupancy Charges

Chapter 05 Allocation of Public Resource

Policy 05.10.7 – The manner in which the level of coastal occupancy charges has been determined is as follows

Oppose policy 05.10.7. under s 64A(3)(c) of the RMA, the Council must specify a formula for determining the level of coastal occupation charges. They cannot simply refer to the amount being set in the Annual Plan process. What is proposed in policy 5.10.7 amounts to an unlawful delegation of the Council's power.

Where the aquaculture industry is already contributing, through the resource consent process for example, to the cost of coastal monitoring, surveying or research, the reasonable costs of doing so should be taken into account.

Relief sought:

The imposition of charges is fair, efficient and equitable;

The existing contribution of aquaculture be taken into account; and

The formula for determining charges is written into the MEP, rather than the Council's Annual Plan. The level of charges should reflect earlier work in the Coastal Occupancy Charges report prepared by Executive Finesse Ltd (January 2013).

Coastal Occupancy Charges

Chapter 05 Allocation of Public Resource

Policy 05.10.8 - Any coastal occupancy charges collected will be used on the following to promote the sustainable management of the coastal marine area

Relief sought: A representative body should be established to oversee the work funded by coastal occupancy charges. The extent of representation on that body should be commensurate with the percentage of total charges levied on the aquaculture industry.

Relief sought:

The MFA is represented on the oversight body to an extent commensurate with the levy on the industry;

The imposition of charges is fair, efficient and equitable;

Appropriate provision is made for aquaculture in the MEP policy and mapping provisions (given that the aquaculture rules are not part of the MEP);

The formula for determining charges is written into the MEP, rather than the Council's Annual Plan. The level of charges should reflect earlier work in the Coastal Occupancy Charges report prepared by Executive Finesse Ltd (January 2013); and

Amend Policy 5.10.8 to read "...will be used on the following in accordance with a research priority strategy to promote the sustainable management of the coastal marine area. The research priority strategy will be determined in conjunction with the Marlborough District Council, central government, science providers, industry, and the community."

The MFA provisionally supports policy 5.10.8 if the above relief is granted.

Methods of Implementation - Issue 5J

Chapter 05 Allocation of Public Resource

We note that method 5.M.10 Regional Rules does not appear to have been implemented in volume 2 of the MEP. This may be an oversight.

Relief sought: Consequential amendments are made to the methods of implementation where needed, as a result of the submissions in relation to Issue 5J and Policies 5.10.1 - 5.10.8.

"Modification" not "Degradation"

Chapter 06 Natural Character

Issue 06A – Resource use and changes in resource use can result in the degradation of the natural character of the coastal environment, and of lakes, rivers and their margins.

Relief sought: Amend Issue 6A. The word "degradation" should be changed to "modification." This change should be reflected in the language throughout chapter 6, with consequential amendments where appropriate.

The word "degradation" implies a value judgement or negative attitude toward change. Resource use may modify rather than degrade natural character.

Extent of Acceptable Modification

Chapter 06 Natural Character

Objective 06.1 – Establish the degree of natural character in the coastal environment, and in lakes and rivers and their margins.

Relief sought: Amend objective 6.1 – add new sentence "Establish the extent of acceptable modification."

This objective should reflect the need to establish the degree of modification or level of acceptable change. Modification is not necessarily a bad thing, and recognition should be given to existing modifications.

Definition of Natural Character

Chapter 06 Natural Character

Policy 06.1.1 – Recognise that the following natural elements, patterns, processes and experiential qualities contribute to natural character

Oppose policy 06.1.1 as drafted. The focus of a definition of natural character should be on biological elements. Natural character is nature and people's perceptions of nature.

Relief sought:

Delete policy 6.1.1 and replace with "Natural character is natural, physical and biological processes, and how those processes are perceived"; or

6.1.1(b) - delete "and landscapes (including seascapes)." This is a confusing use of terminology in the context of the natural character policies; and

6.1.1(e) - amend to read "biological processes and biological patterns." (As compared with perceptual patterns); and

Include in the discussion a record that the intent of this policy is to provide for a biological definition of natural character, overlaid with perceptions of biology.

Extent of Coastal Environment

Chapter 06 Natural Character

Policy 06.1.2 – The extent of the coastal environment is identified in the Marlborough Environment Plan to establish the areas of land and coastal marine area to which management may need to be applied in order to protect the natural character of the coast

Oppose the underlying methodology. The Boffa Miskell/MEP approach divides land and sea. They cannot be divorced in reality. It seems that the Natural Character of the Marlborough Coast (Boffa Miskell, 2014) work was initially underpinned by a terrestrial land-typing approach, which has been extended to the sea.

Incorrect definitions are used.

The MFA is critical of the seaward extent of the coastal environment extending to 12 nautical miles. The landward extent of the coastal environment is relatively small by comparison. 12 nautical miles appears random (apart from representing the territorial seas). Implication could be that this prevents offshore marine farming, which the MEP should provide for.

Much of natural character is dealt with in the indigenous biodiversity policies. The seaward extent of the coastal environment could be anything up to diving depth or some sort of light depth. Beyond that depth, indigenous biodiversity takes over, because the natural character values are equivalent to the indigenous biodiversity values at that point (because there is no perceptual element). There is no need to for the natural character policies to duplicate the indigenous biodiversity policies in this way.

Relief sought: That the seaward extent of the coastal natural character mapping be reduced to snorkelling or recreational diving depth, and the maps amended to reflect this (or relief securing same outcome). This approach is supported by the commentary in Natural Character of the Marlborough Coast (Boffa Miskell, 2014) at Appendix 6, page 316.

Scale - Natural Character

Chapter 06 Natural Character

Policy 06.1.3 – Determine the degree of natural character in both the coastal marine and coastal terrestrial components of the coastal environment by assessing:

Relief sought: Amend Policy 6.1.3 to read “Determine the degree of natural character in both the coastal marine and coastal terrestrial components of the coastal environment.” This change should be made because:

Paragraph (a) is inconsistent with the definition in 6.1.1 (both in terms of the proposed MEP wording and the wording proposed in this submission);

Paragraph (b) is wrong, in that the mapped scale of natural character is at the detailed (Level 5) scale. However, the “values” are described in Appendix 2 at between the area level and the local level. Natural character is correctly mapped at the detailed scale, and the values should relate to that level of detail. This will necessitate consequential revision of Vol 3, Appendix 2 in its entirety;

Natural character should only be assessed at the detailed level (level 5). The commentary should be amended to reflect this; and

The Natural Character of the Marlborough Coast Study (Boffa Miskell, 2014), on which the MEP is supposedly based, needs to be redrafted on the basis that:

No cultural assessment has been undertaken (pp 24 – 25, 2014 Study);

Mapped areas illustrate abiotic and biotic values only, not experiential values (pp 63, 69, 75, 81, 85, 95, and Appendix 6, 2014 Study);

Many of the “marine values” identified are, in fact, terrestrial values (eg. pp 73 – 74, 2014 Study);

There is an undue focus on the effects of aquaculture on natural character. (Aquaculture is mapped on pp 63, 75, 81, 85 and 95 of the 2014 Study). Other anthropological effects, such as sedimentation, dredging, fishing (recreational and commercial), vessel wake, and exotic species are not mapped;

The definition of “outstanding” in the 2014 Study is incorrect; and

Frequent use of the terms “unmodified” or “largely unmodified” is unwarranted. It shows that the assessment was made based on an incorrect factual premise. Therefore, the output is also incorrect. All parts of the Marlborough Sounds are modified; it is simply a question of degree. Modification does not necessarily adversely effect natural character, based on the definition of natural character. Not all modification will interfere with abiotic and biotic processes.

Identifying Natural Character Areas

Chapter 06 Natural Character

Policy 06.1.4 – Identify those areas of the coastal environment that have high, very high or outstanding natural character.

Note: The commentary refers to a transition area between areas mapped high and very high, but there is none shown on the maps.

Relief Sought:

Delete 6.1.4, as this is addressed by Policy 6.1.3;

Define “natural character” as per submission on 6.1.1; and

Define “outstanding” as per submission on Vol 2, Chapter 25, Definitions.

Characteristics and Values

Chapter 06 Natural Character

Relief sought: Add new Policy 6.1.4 – “Identify the biological characteristics and the values inherent in the perception of those biological characteristics for each area mapped under Policy 6.1.3.”

The Natural Character of the Marlborough Coast (Boffa Miskell, 2014) does not separate characteristics from values. It uses a different set of definitions than that contained in the MEP at Policy 6.1.1. Adoption of a different methodology means that the maps contained in the MEP (derived from the 2014 Study) are inconsistent with the policy approach in the MEP.

Avoidance Policies - Natural Character

Chapter 06 Natural Character

Preferable policy approaches have been taken in other regions.

Relief sought: Delete Policies 6.2.1 - 6.2.3 and replace with:

New Policy 6.2.1 - In the coastal environment:

Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character.

Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character. Methods which may achieve this include:

Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and

In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and

Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character has already been compromised.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(1).

New Policy 6.2.2 - Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of the natural character of freshwater bodies. A method which may achieve this includes minimising indigenous vegetation clearance and modification (including earthworks / disturbance and structures) to natural wetlands, the beds of lakes, rivers and their margins.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(2).

New Policy 6.2.3 - When considering whether there are any adverse effects on the characteristics and qualities of the natural character values in terms of 6.2.1(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of 6.2.1(b) and 6.2.2, and in determining the character, intensity and scale of the adverse effects:

(a) Recognise that a minor or transitory effect may not be an adverse effect;

Recognise that many areas contain ongoing use and development that:

Were present when the area was identified as high or outstanding or have subsequently been lawfully established

May be dynamic, diverse or seasonal;

Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects;

Have regard to any restoration and enhancement on the characteristics and qualities of that area of natural character;

Recognise it may be appropriate to offset significant residual adverse effects on natural character to result in no net loss and preferably a net natural character gain. A natural character offset should be developed in a manner consistent with the principles contained in Policy 6.2.6;

Recognise that where adverse effects cannot be practicably avoided, adverse effects could be minimised; and

Acknowledge that a future adverse effect may be avoided where the effect is temporary and is authorised for a finite term.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(3); save for (e), which is based on the proposed Bay of Plenty Regional Coastal Environment Plan at Policy NH 11(d); and (f), which is based on the proposed Auckland Unitary Plan (AUP) Regional Policy Statement Chapter D9.3(1)(a). Proposed new policy 6.2.3(g) adopts an approach similar to policy 7.2.6 in the MEP.

Effects on High and Very High Natural Character

Chapter 06 Natural Character

Policy 06.2.3 – Where natural character is classified as high or very high, avoid any reduction in the degree of natural character of the coastal environment or freshwater bodies

Relief Sought: Delete Policy 6.2.3.

There is no justification for the threshold/classification. Under this approach, you could have a large effect within the same classification, but a marginal effect that drops you from very high to high would not be allowed under the policy. No such approach is taken in the NZCPS and this essentially creates a five scale approach. There is no justification for that in a policy context. It is not based on NZCPS policy 13(1)(b), as the MEP suggests.

Arguably removing the "reduction in degree" aspect is aimed at avoiding significant change. This is addressed in the proposed amendment to policies 6.2.1 - 6.2.3.

Duplication

Chapter 06 Natural Character

Policy 06.2.4 – Where resource consent is required to undertake an activity within coastal or freshwater environments with high, very high or outstanding natural character, regard will be had to the potential adverse effects of the proposal on the element

Relief sought: Delete policy 6.2.4. States the obvious and is dealt with elsewhere in the Chapter 6 policies.

Existing Modification

Chapter 06 Natural Character

Policy 06.2.5 – Recognise that development in parts of the coastal environment and in those rivers and lakes and their margins that have already been modified by past and present resource use activities is less likely to result in adverse effects on natural....

Support.

Enhancing Natural Character

Chapter 06 Natural Character

Policy 06.2.6 – In assessing the appropriateness of subdivision, use or development in coastal or freshwater environments, regard shall be given to the potential to enhance natural character in the area subject to the proposal.

Support. Allows for 'avoidance' (net benefit) and offsetting in appropriate cases.

Natural Character - Cumulative Effects

Chapter 06 Natural Character

Policy 06.2.7 – In assessing the cumulative effects of activities on the natural character of the coastal environment, or in or near lakes or rivers, consideration shall be given to:

Relief sought: Amend Policy 6.2.7 to read: "Recognition should be given to the extent of cumulative effects from existing modifications in the environment." (Implication is that recognition should be given to the ability of the existing environment to absorb further modification). Then an addition should be assessed in light of that.

Current wording focuses on the cumulative effect of one additional structure. This comes from an 'accept what we have, but don't allow further change' approach.

Natural Character Restoration

Chapter 06 Natural Character

Policy 06.2.9 – Encourage and support private landowners, community groups and others in their efforts to restore the natural character of the coastal environment, wetlands, lakes and rivers.

Support, with proposed amendment.

Relief sought: Amend Policy 6.2.9 to read: "...community groups, businesses, and others in their efforts..."

This approach is consistent with Policy 14 of the NZCPS.

Methods of Implementation

Chapter 06 Natural Character

Relief sought: Add new 6.M.2A – "Natural Character Assessment Method." New Appendix 2A should be included in the MEP, setting out a detailed method to encourage consistency of approach between landscape architects.

Anticipated Results - Retaining Natural Character

Chapter 06 Natural Character

Anticipated environmental results - focus is on retaining natural character. This is consistent with the wording in the issues and objectives (focus on maintenance/preservation). Supports approach where existing activities are allowed.

Relief sought: Support, on the basis that natural character can be retained while allowing for existing activities, including existing aquaculture.

"Degree" of Change

Chapter 06 Natural Character

General opposition to use of the word "degree" throughout policies, if that is intended to refer to the scale outstanding - very low. The focus should be on the magnitude of the change, not whether the classification is affected.

Relief sought: Amend the natural character policies to make it clear that "degree" refers to the magnitude of change, not the classification.

Landscape/Natural Character/Indigenous Biodiversity

Chapter 06 Natural Character

Alternative submission:

Delete Natural Character chapter 6 altogether. Reference to natural character can be made in the indigenous biodiversity chapter (biophysical elements) and in the landscape chapter (experiential elements).

Or consider whether all three topics (landscape, natural character and indigenous biodiversity) could be dealt with under one category "Natural Heritage," which is the approach taken in the proposed Bay of Plenty Regional Coastal Plan and the Regional Policy Statement for Northland (May 2016).

Amenity Value

Chapter 07 Landscape

Objective 07.1 – Identify Marlborough’s outstanding natural features and landscapes and landscapes with high amenity value.

Relief sought: Remove reference to "high amenity value." This is a s 7 RMA matter, not a s 6/NZCPS matter. There is no basis for the presumption that everything is a high amenity landscape if it is not outstanding.

This approach is continued throughout chapter 7, so consequential amendments should also be made.

Objective 7.2

Chapter 07 Landscape

Objective 07.2 – Protect outstanding natural features and landscapes from inappropriate subdivision, use and development and maintain and enhance landscapes with high amenity value.

Relief sought: Delete reference to amenity.

Landscape Criteria

Chapter 07 Landscape

Policy 07.1.1 – When assessing the values of Marlborough’s landscapes, the following criteria will be used:

Support.

Defining Landscape

Chapter 07 Landscape

Policy 07.1.2 – Define the boundaries of significant landscapes using the following methods:

The boundaries of a landscape should be defined using a visual catchment approach. This approach was taken by Judge Jackson in *Port Gore Marine Farms* and *RJ Davidson Family Trust* (Beatrix Bay), and by Judge Borthwick in *Clearwater Mussels Ltd* (Camel Point). This was also the approach taken in the Wainui Bay landscape workshop.

Relief sought:

Amend Policy 7.1.2 - by deleting the word "significant" and only using the visual catchment approach (ie. A bay, reach or valley approach); and

Delete Map 2 from Vol 3, Appendix 1 and replace with a map that reflects the visual catchment approach.

Defining Feature

Chapter 07 Landscape

A clear distinction should be made between landscapes and features.

Relief sought:

Add new Policy 7.1.2A - "Define the boundaries of a feature as a coherent land and sea type"; and

Map those features and describe their values in Vol 3, Appendix 1.

Assessment of Values

Chapter 07 Landscape

Policy 07.1.3 – Assessment of the values in Policy 7.1.1 will determine:

Relief sought:

7.1.3(b) - delete reference to "high." Section 7(c) RMA deals with amenity generally, and does not necessarily require this to be ranked; and

Delete subparagraph 7.1.3(c) - problem is that people tend to have a mindset around what a landscape is sensitive to.

Values Identification

Chapter 07 Landscape

Policy 07.1.4 – Landscapes that meet the criteria to be identified as an outstanding natural feature and landscape, or landscapes with high amenity value, where those values are more sensitive to change

Support the identification of outstanding natural landscapes (ONL), but oppose the methodology in the MEP.

Relief sought:

Delete reference to "high" amenity values;

Delete "where those values are more sensitive to change"; and

In relation to Policy 7.1.4(b), Appendix 1, volume 3 tends to describe or characterise. Very few values are identified. The entirety of Appendix 1 needs to be re-written, so that it is consistent with the definition in 7.1.1. This methodological flaw has resulted in incorrect mapping.

Reassessing Boundaries

Chapter 07 Landscape

Policy 7.1.5 - Refine the boundaries of outstanding natural features and landscapes and landscapes with high amenity value in response to:

Delete policy 7.1.5 - redundant. Policy only applies for the life of the MEP.

Also suggests that once you have defined the boundary of an ONL, you must go through the First Schedule RMA process in order to change the classification. Really means the opposite of what it says.

Amenity

Chapter 07 Landscape

Policy 07.2.3 – Control activities that have the potential to degrade the amenity values that contribute to those areas of the Marlborough Sounds Coastal Landscape not identified as being an outstanding natural feature and landscape by

The Marlborough Landscape Study (Boffa Miskell, 2015) takes the approach that the entirety of the Marlborough Sounds is an ONL in a national sense (p 61 Study). The MFA opposes that approach. There is no basis for this approach (*Man O'War*). The whole of the Sounds is not a landscape. The suggestion that it is underlines the fact that the 2015 Study starts from an incorrect premise, and should not have been used in the MEP.

Relief Sought:

Delete policy 7.2.3 - amenity should not be in the landscape policies chapter; and

Delete Map 4 at Vol 3, Appendix 1, page 32.

Duplication

Chapter 07 Landscape

Policy 07.2.4 – Where resource consent is required to undertake an activity within an outstanding natural feature and landscape or a landscape with high amenity value, regard will be had to the potential adverse effects of the proposal on the values that

Relief Sought: Delete Policy 7.2.4, as this duplicates 7.2.1.

Avoidance Policies - Landscape

Chapter 07 Landscape

Policy 07.2.5 – Avoid adverse effects on the values that contribute to outstanding natural features and landscapes in the first instance. Where adverse effects cannot be avoided and the activity is not proposed to take place in the coastal environment

Preferable policy approaches have been taken in other regions.

Relief sought: Delete 7.2.1, 7.2.4 and 7.2.5 and replace with:

New Policy 7.2.5 - In the coastal environment:

Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural features and outstanding natural landscapes.

Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural features and natural landscapes. Methods which may achieve this include:

Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and

Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural landscape has already been compromised.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(1).

New Policy 7.2.5A - Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of outstanding natural features and outstanding natural landscapes. Methods which may achieve this include:

- (a) In outstanding natural landscapes, requiring that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins; and
- (b) In outstanding natural features, requiring that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(2).

New Policy 7.2.5B - When considering whether there are any adverse effects on the characteristics and qualities of the natural features and landscape values in terms of 7.2.5(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of 7.2.5(b) and 7.2.5A, and in determining the character, intensity and scale of the adverse effects:

- (a) Recognise that a minor or transitory effect may not be an adverse effect;

- (b) Recognise that many areas contain ongoing use and development that:
- (i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established
 - (ii) May be dynamic, diverse or seasonal;

Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects;

Have regard to any restoration and enhancement of the characteristics and qualities of that area of natural features and/or natural landscape;

Recognise it may be appropriate to offset significant residual adverse effects on a landscape or feature to result in no net loss and preferably a net landscape gain;

Recognise that where adverse effects cannot be practicably avoided, adverse effects could be minimised; and

Acknowledge that a future adverse effect may be avoided where the effect is temporary and is authorised for a finite term.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(3); save for (e), which is based on the proposed Bay of Plenty Regional Coastal Environment Plan at Policy NH 11(d); and (f), which is based on the proposed Auckland Unitary Plan (AUP) RSP Chapter D9.3(1)(a). Proposed 7.2.5B(g) is based on the premise underlying the proposed change to Policy 7.2.6 (below).

Activities in Outstanding Landscapes

Chapter 07 Landscape

Policy 07.2.6 – Where the following activities are proposed to take place in an area with outstanding natural features and landscapes, then any adverse effects on the values of those areas can be mitigated, provided the overall qualities and integrity

Relief Sought: Amend policy 7.2.6 by adding 7.2.6(d) - "aquaculture activities where the method and effects of farming are reversible."

The key link between renewable energy and aquaculture is the concept of reversibility. So long as you can demonstrate that effects are reversible within a short period of time, then it is consistent with this policy. Davidson's 12 year Marlborough District Council funded study looking at the impact and recovery of a retired mussel farm in East Bay demonstrates that this is possible for mussel farming (Davidson and Pande 2002, Davidson and Richards 2005). Shell remained for the longest period, and even this is smothered after approximately 10 years. In terms of effects on landscape, these are instantly reversible upon removal of the farms.

Barges Used in Aquaculture

Chapter 07 Landscape

Policy 07.2.7 – Protect the values of outstanding natural features and landscapes and the high amenity values of the Wairau Dry Hills and the Marlborough Sounds Coastal Landscapes by:

Relief sought:

Amend Policy 7.2.7(a)(ii) by adding after "to the foreshore" - ", excluding barges used for aquaculture." (NB. These are not covered by the workers' accommodation in the definition of Dwelling, as that applies only to land-based farming); and

Remove reference to amenity.

Existing Primary Production

Chapter 07 Landscape

Policy 07.2.8 – Recognise that some outstanding natural features and landscapes and landscapes with high amenity value will fall within areas in which primary production activities currently occur.

Support policy 7.2.8 if the following relief is provided:

Reference to amenity is deleted; and

Specific recognition is given to aquaculture in this context, as an existing primary production activity. Explanation currently focuses on land use.

Activities adjacent to ONFLs

Chapter 07 Landscape

Policy 07.2.9 – When considering resource consent applications for activities in close proximity to outstanding natural features and landscapes, regard may be had to the matters in Policy 7.2.7.

The MEP should provide clear guidance on the appropriateness of activities adjacent to ONFLs. A case by case assessment is uncertain and inefficient.

Relief sought: Delete Policy 7.2.9. Taking a visual catchment approach to landscape, and a coherent land and sea type approach to features will substantially avoid this problem.

Wilding Pines

Chapter 07 Landscape

Policy 07.2.10 – Reduce the impact of wilding pines on the landscape by:

Support.

Amenity

Chapter 07 Landscape

Policy 07.2.12 – Encourage landowners and resource users to consider landscape qualities in the use or development of natural and physical resources in landscapes with high amenity value.

Relief sought: Delete Policy 7.2.12. Amenity should not be addressed in the landscape chapter.

Amenity

Chapter 07 Landscape

All reference to amenity should be removed from Chapter 7. It is not a landscape matter. Amenity is addressed in Chapter 13 (Use of the Coastal Environment) and Chapter 8 (indigenous biodiversity).

Methods of Implementation

Chapter 07 Landscape

Relief sought: Add new 7.M.3A – “Landscape Assessment Method.” New Appendix 1A should be included in the MEP at volume 3, setting out a detailed method to encourage consistency of approach between landscape architects.

Anticipated Environmental Results

Chapter 07 Landscape

Support the anticipated environmental result - landscapes are protected from degradation (rather than enhanced).

Relief sought:

Policies, issues and objectives should be consistent with this intended outcome; and

Recognition that landscape is not degraded by allowing for the continuation of existing activities, such as aquaculture.

Section 32 Analysis

Chapter 07 Landscape

The Chapter 7 s 32 evaluation suggests that the costs associated with future resource consent applications in the coastal marine area in relation to policy 7.2.4 are negligible, because resource consent is already required. Under the MSRMP, expert landscape evidence is not always required. No recognition is given to the cost of landscape assessment, which is specifically required under Policy 7.2.1.

Relief sought: The s 32 analysis should be redone to take account of reconsementing costs, using publicly available information where possible. The NZIER reports commissioned by the MFA should be referenced. Where existing marine farms are at risk, the cost of loss of farming space should be acknowledged.

Risk and Biodiversity

Chapter 08 Indigenous Biodiversity

Issue 08A – A reduction in the extent and condition of indigenous biodiversity in Marlborough.

Relief sought: The MEP should better address the concepts of "avoid" and risk.

Protect Remaining Biodiversity

Chapter 08 Indigenous Biodiversity

Objective 08.1 – Marlborough's remaining indigenous biodiversity in terrestrial, freshwater and coastal environments is protected.

This Objective 8.1 should be consistent with s 6(c) of the RMA.

Relief sought: Amend objective 8.1 to read "Marlborough's remaining areas of significant indigenous biodiversity in terrestrial, freshwater and coastal environments are protected."

Increase in Extent of Biodiversity

Chapter 08 Indigenous Biodiversity

Objective 08.2 – An increase in area/extent of Marlborough's indigenous biodiversity and restoration or improvement in the condition of areas that have been degraded

Support objective 8.2, provided other relief sought in respect of chapter 8 is granted.

Identifying Areas of Significant Indigenous Biodiversity

Chapter 08 Indigenous Biodiversity

Policy 08.1.1 – When assessing whether wetlands, marine or terrestrial ecosystems, habitats and areas have significant indigenous biodiversity value, the following criteria will be used:

Policy 8.1.1 does not implement Policy 11 NZCPS. There is a regional approach taken in the MEP, as the Davidson 2011 Significant Sites report took a regional approach. By contrast, Policy 11 of the NZCPS requires a national approach. Areas mapped in the MEP are based on the Davidson work, so are not necessarily "nationally significant." This is problematic, because the MEP does not follow the cascading approach to managing effects seen in Policy 11 NZCPS. Rather, a straight avoidance approach is adopted.

The MEP does not follow the approach in Davidson 2011. Pattern is no longer part of 2011 approach (see 2015 amendments to Davidson). Sustainability has been added to the criteria at 8.1.1(g), along with other textual changes in the appendices. In any event, the 2011 significant sites work was not intended to mirror the Policy 11 NZCPS approach.

The authors of the Davidson 2011 report almost certainly intended that experts/biologists would use the significance criteria to identify sites. The process and criteria are designed to be used by experts. Identification should be undertaken by the expert panel, not a layman. The way the criteria are set out in the MEP essentially opens the way for anyone to attempt to identify significant sites using that criteria.

Relief sought: Adopt approach taken in the proposed Regional Policy Statement for Northland (May 2016) at Appendix 5, pages 175 - 178.

Mapped Sites

Chapter 08 Indigenous Biodiversity

Policy 08.1.2 – Sites in the coastal marine area and natural wetlands assessed as having significant indigenous biodiversity value will be specifically identified in the Marlborough Environment Plan.

The mapped sites in Volume 4 do not apply the significance criteria in Policy 8.1.1, but adopt the Davidson 2011 criteria. Do not agree with the proposed significance criteria.

Relief sought: Adopt approach taken in the proposed Regional Policy Statement for Northland (May 2016) at Appendix 5, pages 175 - 178.

Increased Knowledge

Chapter 08 Indigenous Biodiversity

Policy 08.1.3 – Having adequate information on the state of biodiversity in terrestrial, freshwater and coastal environments in Marlborough to enable decision makers to assess the impact on biodiversity values from various activities and uses.

There are three elements to Policy 8.1.3:

Increasing information as an intrinsic good;

Allowing for adaptive management; and

Recognising that uncertainty is inherent in biological systems and, consequently, not deferring decision making on account of uncertainty.

Relief sought:

- (a) Rewrite Policy 8.1.3 to read "Recognise that increased information is an intrinsic good. Where there is uncertainty and real risk of a significant adverse effect, use adaptive management techniques to address that risk;" and
 - (b) Add to the commentary the importance of Council partnering with industry to increase knowledge.
-

Partnership

Chapter 08 Indigenous Biodiversity

Policy 08.2.1 – A variety of means will be used to assist in the protection and enhancement of areas and habitats with indigenous biodiversity value, including partnerships, support and liaison with landowners, regulation, pest management, legal

Relief sought: Policy 8.2.1 should be amended to refer to "resource users", not simply landowners. Partnership should include industry.

Partnership

Chapter 08 Indigenous Biodiversity

Policy 08.2.2 – Use a voluntary partnership approach with landowners as the primary means for achieving the protection of areas of significant indigenous biodiversity on private land, except for areas that are wetlands.

Relief sought:

Amend Policy 8.2.2 to refer to "resource users", in addition to landowners;

Add "encourage and promote the protection, restoration and re-establishment of areas of indigenous biodiversity;" and

As a result: delete policies 8.2.10, 8.2.11 and 8.2.12.

Priority Sites on Land

Chapter 08 Indigenous Biodiversity

Policy 08.2.3 – Priority will be given to the protection, maintenance and restoration of habitats, ecosystems and areas that have significant indigenous biodiversity values, particularly those that are legally protected

Focus of Policy 8.2.3 is terrestrial based work. This reflects the voluntary (non-mapping) approach to significant sites on land. Does not deal with marine reserves or marine protected areas.

Relief sought:

Delete Policy 8.2.3; or

Amend to expressly limit this policy to the terrestrial environment.

Partnerships and Priority Marine Sites

Chapter 08 Indigenous Biodiversity

Relief sought: Add new Policy 8.2.3A - "Work with marine resource users and develop partnerships to protect, maintain and restore significant marine habitats."

The intention would be to encourage Council to work with marine users to identify priority sites at which funding and monitoring can be directed. Industry could then decide whether it has the capacity/willingness/inclination to engage. No expectation, just as landowners cannot be forced to engage.

Note that this will require a consequential addition to 8.M.11 Partnership/Liaison method of implementation.

Priority Areas

Chapter 08 Indigenous Biodiversity

Policy 08.2.5 – Encourage the legal protection of sites with significant indigenous biodiversity value through covenanting.

This is based on terrestrial work. No mention of marine reserves. Focus is on where funding should be directed.

Relief sought:

Delete Policy 8.2.5; or

Amend to expressly limit the policy to the terrestrial environment.

Pest Management

Chapter 08 Indigenous Biodiversity

Policy 08.2.7 – A strategic approach to the containment/eradication of undesirable animals and plants that impact on indigenous biodiversity values will be developed and maintain

Relief sought: Amend to say "will be developed and maintained in partnership with MPI and affected industries and communities."

Review Approach

Chapter 08 Indigenous Biodiversity

Policy 08.2.8 – Where monitoring ecosystems, habitats and areas with significant indigenous biodiversity value shows that there is a loss of or deterioration in condition of these sites, then the Marlborough District Council will review the approach to

Relief sought: Delete Policy 8.2.8. This policy states the obvious; there is a statutory duty on Council to do this and this is likely to happen regardless of whether there is a policy. Moreover, the policy will not ensure this occurs. The policy does not add any value to the MEP.

Duplication

Chapter 08 Indigenous Biodiversity

Policy 08.2.9 – Maintain, enhance or restore ecosystems, habitats and areas of indigenous biodiversity even where these are not identified as significant in terms of the criteria in Policy 8.1.1, but are important for:

Relief sought: Delete Policy 8.2.9. This is addressed in policy 8.3.2(b), or in the proposed new avoidance policies. Remove duplication.

Duplication

Chapter 08 Indigenous Biodiversity

Policy 08.2.10 – Promote the general public and landowners the importance of protecting and maintaining indigenous biodiversity because of its intrinsic, conservation, social, economic, scientific, cultural, heritage and educational worth and for its co

Relief sought: Delete - Policy content can be incorporated into 8.2.2 (as per the suggested amendment) and policy 8.2.10 can be deleted.

Duplication

Chapter 08 Indigenous Biodiversity

Policy 08.2.11 – Promote corridors of indigenous vegetation along waterbodies to allow the establishment of native ecosystems and to provide wildlife habitat and linkages to other fragmented bush or wetland remnants.

Relief sought: Delete - Policy content can be incorporated into 8.2.2 (as per the suggested amendment) and policy 8.2.11 can be deleted.

Duplication

Chapter 08 Indigenous Biodiversity

Policy 08.2.12 – Encourage and support private landowners, community groups and others in their efforts to protect, restore or re-establish areas of indigenous biodiversity.

Relief sought: Delete Policy 8.2.12. Address content in 8.2.2, as suggested above. Remove duplication.

Avoidance Policies - Biodiversity

Chapter 08 Indigenous Biodiversity

Policy 08.3.1 – Manage the effects of subdivision, use or development in the coastal environment by:

Issues: The avoidance policies at 8.3.1 and 8.3.2 overreach, because the MEP fails to distinguish between regionally significant and nationally significant sites. In addition, the MEP modifies the Davidson 2011 significance criteria and leaves it open to a layperson to determine significance. The MEP does not adopt the cascading approach to protection in Policy 11 of the NZCPS. Preferable policy approaches have been taken in other regions.

Relief sought: Delete 8.3.1 and 8.3.2 and replace with:

New Policy 8.3.1 - In the coastal environment, avoid adverse effects, and outside the coastal environment avoid, remedy or mitigate adverse effects of subdivision, use and development so they are no more than minor on:

Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;

Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 3; and

Areas set aside for full or partial protection of indigenous biodiversity under other legislation.

New Policy 8.3.2 - In the coastal environment, avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision, use and development on:

- (a) Areas of predominantly indigenous vegetation;
- (b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes; and
- (c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, intertidal zones, rocky reef systems, coastal and headwater streams, floodplains, margins of the coastal marine area and freshwater bodies, spawning and nursery areas and saltmarsh.

New Policy 8.3.2A - Outside the coastal environment and where Policy 8.3.1 does not apply, avoid, remedy or mitigate adverse effects of subdivision, use and development so they are not significant on any of the following:

- (a) Areas of predominantly indigenous vegetation;
- (b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes; and
- (c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, headwater streams, floodplains and margins of freshwater bodies, spawning and nursery areas.

New Policy 8.3.2B - For the purposes of Policies 8.3.1, 8.3.2 and 8.3.2A, when considering whether there are any adverse effects and/or any significant adverse effects:

- (a) Recognise that a minor or transitory effect may not be an adverse effect;
- (b) Recognise that many areas contain ongoing use and development that:
 - Were present when the area was identified as high or outstanding or have subsequently been lawfully established
 - May be dynamic, diverse or seasonal;
- (c) Recognise that where the effects are or may be irreversible, then they are likely to be more than minor;
- (d) Recognise that there may be more than minor cumulative effects from minor or transitory effects;
- (e) Have regard to any restoration and enhancement of the areas and species listed in Policies 8.3.1 and 8.3.2; and
- (f) Have regard to any technical or operational requirements.

New Policy 8.3.2C - For the purpose of Policy 8.3.2A, if adverse effects cannot be reasonably avoided, remedied or mitigated then it may be appropriate to consider the next steps in the mitigation hierarchy i.e. biodiversity offsetting, followed by environmental biodiversity compensation, as set out in Policy 8.3.8.

Note: This adopts the approach in the Regional Policy Statement for Northland (May 2016), Policy 4.4.1. A similar approach is taken in proposed Bay of Plenty Regional Coastal Environment Plan at Policies NH 4 - NH 11; and in the AUP Regional Policy

Statement, at Chapter E6.2, Policy 16 and D9.3(1)(a). Policy 8.3.2B(b) and (e) are based on Northland Policy 4.6.1(3). Policy 8.3.2B(f) adopts the approach in BOP Policy NH 11(b).

Adverse Effects

Chapter 08 Indigenous Biodiversity

Policy 08.3.5 – In the context of Policy 8.3.1 and Policy 8.3.2, adverse effects to be avoided or otherwise remedied or mitigated may include:

Relief sought:

Delete Policy 8.3.5. AUP has a policy with similar wording, but it is tied to a specific overlay. AUP is also tied in with offsetting. The MEP adopts that approach in respect of Policy 8.3.1(b), which could be anything (for example, landscape); or

Replace with a far shorter list containing more targeted effects, which would be of assistance to ecologists.

Biodiversity Offsets

Chapter 08 Indigenous Biodiversity

Policy 08.3.8 – With the exception areas with significant indigenous biodiversity value, where indigenous biodiversity values will be adversely affected through land use or other activities, a biodiversity offset can be considered to mitigate residual a

Relief sought: Delete Policy 8.3.8 and replace with the following:

Where a biodiversity offset is proposed, the following criteria will apply [taken from Chapter M, Appendix 8 proposed AUP Independent Hearing Panel's Recommendations]:

Restoration, enhancement and protection actions will only be considered a biodiversity offset where it is used to offset the significant residual effects of activities after the adverse effects have been avoided, remedied or mitigated.

Restoration, enhancement and protection actions undertaken as a biodiversity offset are demonstrably additional to what otherwise would occur, including that they are additional to any avoidance, remediation or mitigation undertaken in relation to the adverse effects of the activity.

Offset actions should be undertaken close to the location of development, where this will result in the best ecological outcome.

The values to be lost through the activity to which the offset applies are counterbalanced by the proposed offsetting activity, which is at least commensurate with the adverse effects on indigenous biodiversity. Where possible the overall result should be no net loss, and preferably a net gain in ecological values.

The offset is applied so that the ecological values being achieved through the offset are the same or similar to those being lost.

Note: Offsetting is in addition to avoidance through restoration and enhancement. This policy should be read in conjunction with the New Zealand Government Guidance on Good Practice Biodiversity Offsetting in New Zealand, New Zealand Government et al, August 2014 (or any successor document).

Missing Annotation for RPS/C/R/D

Chapter 08 Indigenous Biodiversity

This chapter has no annotation as to whether the objectives and policies are part of the regional policy statement, coastal plan, regional plan or district plan.

Relief sought: Provisions in the entire chapter are annotated with RPS / C / R / D.

Adaptive Management

Chapter 08 Indigenous Biodiversity

The MEP should allow for adaptive management where appropriate.

Relief sought: Add a new policy – “Risk of an effect occurring will be considered appropriate if one or a combination of the following criteria can be met:

The effects of an activity are likely to be reversible;

Adverse effects are likely to be reversible before they reach a significant level;

The normal state of the environment can be adequately defined;

The development could occur on a staged basis; and/or

The temporal and spacial scale does not impact on the full range of the species or relevant habitat or area.

Note: See EIANZ Guidelines for Ecological Impact Assessment 2015.”

Methods of Implementation and Anticipated Environmental Results

Relief sought: Consequential amendments may be necessary to the Methods of Implementation and Anticipated Environmental Results in light of the above submissions.

Unrestricted Access to the Coast

Chapter 09 Public Access and Open Space

Policy 09.1.5 – Acknowledge the importance New Zealander’s place on the ability to have free and generally unrestricted access to the coast.

Relief sought: Policy 9.1.5 should specifically state that the existing aquaculture industry does not impede public access to and along the coast. Support Policy 9.1.13, so long as the proposed change to 9.1.5 is made.

Existing Infrastructure

Chapter 09 Public Access and Open Space

Policy 09.1.7 – Recognise there is existing network of marinas at Picton, Waikawa and Havelock, publicly owned community jetties, landing areas and launching ramps that make a significant contribution in providing access for the public to Marlborough's...

Relief sought: Amend Policy 9.1.7 to read "...and launching ramps (for example, at Elaine Bay, Oyster Bay and Okiwi Bay) that make a significant contribution..."

MNZ 2005 Guidelines

Chapter 09 Public Access and Open Space

The Maritime New Zealand (MNZ) Guidelines for Aquaculture Management Areas and Marine Farms (December 2005) are outdated and not well suited to the Marlborough Sounds environment.

Relief sought: Insert new Policy 9.1.14A to state that the 2005 MNZ Guidelines do not need to be considered in the Marlborough Sounds context.

Restrictions on Public Access

Chapter 09 Public Access and Open Space

Policy 09.2.1 – Public access to and along the coastal marine area and the margins of lakes and rivers may be restricted to:

The MEP should seek to manage threats to biosecurity.

Relief sought: An additional sub-section (h) should be added to policy 9.2.1 to allow access to and along the coastal marine area to be restricted to manage threats to biosecurity.

Constraints on Public Access

Chapter 09 Public Access and Open Space

Policy 09.2.2 – Aside from the circumstances in Policy 9.2.1 above, constraints on public access shall not be imposed unless:

Relief sought: Amend Policy 9.2.2. Subsection (a) should be replaced with "the constraint is reasonable."

Open Space

Chapter 09 Public Access and Open Space

Policy 09.3.2 – Seek diversity in the type and size of open spaces and recreational facilities to meet local, district, regional and nationwide needs, by:

Relief sought: Policy 9.3.2(d) should be amended to read "recognising the value of open space in the coastal marine area..." Use of the word "protecting" suggests an absolute outcome, which is not warranted in the context.

Water Transportation

Chapter 13 Use of the Coastal Environment

Issue 13H – Water transportation is a significant aspect of Marlborough’s overall transportation network but has the potential to be affected by various uses and activities.

Support.

Ports and Marinas

Chapter 13 Use of the Coastal Environment

Issue 13J – It is important that Marlborough’s existing ports, port landing areas and marinas continue to contribute to community economic and social wellbeing.

Support.

Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Issue 13K – There is potential for adverse effects to arise from the operation and maintenance of existing ports at Picton and Havelock, port landing areas at Elaine Bay and Oyster Bay and existing marinas at Picton, Waikawa and Havelock.

Relief sought (in light of submission to rezone Elaine Bay, Oyster Bay, and Okiwi Bay): Amend Issue 13K to read "...and maintenance of existing ports at Picton, Havelock, Elaine Bay, Oyster Bay, port landing areas at Okiwi Bay and existing marinas at Picton, Waikawa and Havelock."

Duplication

Chapter 13 Use of the Coastal Environment

Objective 13.1 – Areas of the coastal environment where the adverse effects from particular activities and/or forms of subdivision, use or development are to be avoided are clearly identified.

Relief sought: Delete this provision. These matters are addressed elsewhere in specific chapters - duplication.

Use and Development

Chapter 13 Use of the Coastal Environment

Objective 13.2 – Subdivision, use or development activities take place in appropriate locations and forms and within appropriate limits.

Support.

Express Exclusion of Aquaculture

Chapter 13 Use of the Coastal Environment

Objective 13.10 – Structures in the coastal environment including jetties, boatsheds, decking, slipways, launching ramps, retaining walls, coastal protection structures, pipelines, cables and/or other buildings or structures are appropriately located and

Relief sought: Objective 13.10 and associated policies should expressly exclude aquaculture.

Water Transportation

Chapter 13 Use of the Coastal Environment

Objective 13.14 – The use of the coastal marine area as part of Marlborough’s overall transportation network continues to contribute to the social, economic and cultural wellbeing of Marlborough and New Zealand.

Support.

Water Transportation

Chapter 13 Use of the Coastal Environment

Objective 13.15 – The efficient and safe use of the coastal marine area for water transportation.

Support.

Ports and Marinas

Chapter 13 Use of the Coastal Environment

Objective 13.17 – Enable the efficient operation of Marlborough’s ports and marinas.

Support.

Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Objective 13.18 – Operation and maintenance of the Port, Port Landing Area and Marina Zones occurs in a way that minimises adverse effects on adjoining zones, water quality, air quality and values of the coastal environment.

Relief sought: Delete the word "minimises" and replace with "takes reasonable steps to minimise."

Avoid Adverse Effects

Chapter 13 Use of the Coastal Environment

Policy 13.1.1 – Avoid adverse effects from subdivision, use and development activities on areas identified as having:

Relief sought: Delete this provision. These matters are addressed elsewhere in specific chapters - duplication.

Introduces a new term at 13.1.1(c) - "significant marine biodiversity value".

The commentary on avoidance is inconsistent with the discussion in other policies, such as page 2-13, 7.2.5 and 8.3.1.

Duplication

Chapter 13 Use of the Coastal Environment

Policy 13.1.2 – Areas identified in Policy 13.1.1 as having significant values will be mapped to provide certainty for resource users, Marlborough's tangata whenua iwi, the wider community and decision makers.

Relief sought: Delete this provision. These matters are addressed elsewhere in specific chapters - duplication.

Appropriateness

Chapter 13 Use of the Coastal Environment

Policy 13.2.1 – The appropriate locations, forms and limits of subdivision, use and development activities in Marlborough's coastal environment are those that recognise and provide for, and otherwise avoid, remedy or mitigate adverse effects on the follow

Relief sought: Delete 13.2.1 in its entirety (duplication);

OR

13.2.1(a) - either:

Delete entire sub-paragraph; or

Delete "the characteristics and qualities that contribute to", or substitute "values" for reference to "characteristics and qualities."

AND

13.2.1(g) remove reference to "individual and".

Appropriateness

Chapter 13 Use of the Coastal Environment

Policy 13.2.2 – In addition to the values in Policy 13.2.1, the following matters shall be considered by decision makers in determining whether subdivision, use and development activities in Marlborough’s coastal environment are appropriate at the locatio

Support.

Term of Consent

Chapter 13 Use of the Coastal Environment

Policy 13.2.3 – To enable periodic reassessment of whether activities and developments are affecting the values of the coastal marine area, to encourage efficient use of a finite resource and in consideration of the dynamic nature of the coastal environme

Oppose 13.2.3(b).

Term - 20 years is a statutory minimum for a coastal permit under s 123A of the RMA. If these provisions are to apply to aquaculture, then the MEP should allow for a 35 year term where appropriate, particularly where a significant amount is spent in re-consenting. (Section 32 analysis would likely support that approach, if NZIER report and costs to Council/community of re-consenting process were taken into account).

Relief sought: Amend Policy 13.2.3(b) to read "will generally be granted for a minimum period of 20 years."

Amenity

Chapter 13 Use of the Coastal Environment

Policy 13.2.4 – Attributes that may be considered when assessing any effects on coastal amenity value in a particular location include natural character, biodiversity, public access, visual quality, high water quality, recreational opportunities, structur

Note there does not appear to be reference to the definition of amenity in the RMA. Policy does not add anything.

Relief sought: Put a fullstop after "in a particular location". Delete the rest of the policy.

Duplication

Chapter 13 Use of the Coastal Environment

Policy 13.2.5 – Amenity values of the coastal environment can be maintained and enhanced by:

Relief sought: Delete policy 13.2.5. Many of these matters are addressed in other chapters. Remaining issues can be dealt with in the rules.

Duplication

Chapter 13 Use of the Coastal Environment

Policy 13.2.6 – In determining the extent to which coastal amenity values will be affected by any particular subdivision, use and/or development, the following shall be considered:

Relief sought: In conjunction with amendment suggested to policy 13.2.4, delete this policy. Single reference needed to definition of amenity in the RMA.

Recreation and Reverse Sensitivity Issues

Chapter 13 Use of the Coastal Environment

Policy 13.3.1 – A permissive approach to recreational activities will be adopted, except where these:

Relief sought: Add new sub-section (g) "may give rise to potential reverse sensitivity issues".

Tory Channel

Chapter 13 Use of the Coastal Environment

Policy 13.3.4 – Ensure recreational use has priority over commercial activities that require occupation of the coastal marine area in Queen Charlotte Sound, including Tory Channel. (This policy does not apply to areas zoned Port or Marina.)

Relief sought: Add "excluding Tory Channel and East Bay" (NB. Delete "including Tory Channel").

Plainly commercial activities do have priority in Tory Channel, as commercial ferries have priority over all recreational activities. Policy does not reflect reality. East Bay and Tory Channel have a number of marine farms (in addition to forestry and some farmland).

Reverse Sensitivity Policy

Chapter 13 Use of the Coastal Environment

Subdivision in the Coastal Environment has the potential to give rise to reverse sensitivity issues.

Relief sought:

Add new Policy 13.5.10 - "Protect aquaculture from reverse sensitivity effects arising from residential activity and subdivision for residential purposes in the Coastal Environment"; and

Add new Method of Implementation 13.M.11A - Add a marine farm protection overlay within 1000m of the boundary of any marine farm.

Reverse Sensitivity Issues

Chapter 13 Use of the Coastal Environment

Discharge into the coastal marine area can give rise to reverse sensitivity issues for marine farms.

Relief sought: Add new Method of Implementation 13.M.17A - Create a new marine farm protection overlay within 1000m of the boundary of any marine farm.

Anchorage of Boats

Chapter 13 Use of the Coastal Environment

Policy 13.7.2 – Restrict the long-term or permanent anchorage of boats.

Relief sought: Policy 13.7.2 should be amended to expressly record that barges used in aquaculture are excluded from the ambit of the policy.

Efficient Use

Chapter 13 Use of the Coastal Environment

Policy 13.10.3 – Efficient use of the coastal marine area can be achieved by using the minimum area necessary for structures.

Relief sought: Replace the word "necessary" in policy 13.10.3 with "reasonable." Necessity is a high threshold.

Structures

Chapter 13 Use of the Coastal Environment

Policy 13.10.6 – Structures should be in an appropriate location and of an appropriate scale, design, cladding and colour to avoid or mitigate adverse effects on the landscape and amenity values of the coastal environment.

Relief sought: Delete "the landscape and", as this is an unnecessary duplication with the landscape chapter.

Removal of Structures

Chapter 13 Use of the Coastal Environment

Policy 13.10.10 – Coastal structures shall be required to be removed from the coastal marine area in the following circumstances:

Relief sought: Sub-section (c) should read "where consent to authorise an existing structure is refused or any appeals have been exhausted."

Jetties and Reverse Sensitivity

Chapter 13 Use of the Coastal Environment

Policy 13.10.11 – Where an application is made to construct a new jetty or to alter or extend an existing jetty, the following matters will be considered:

Relief sought: New sub-section (d) should be added "whether the new, altered or extended jetty may give rise to potential reverse sensitivity issues, and how that could be avoided."

Reverse Sensitivity - Boatsheds and Slipways

Chapter 13 Use of the Coastal Environment

Policy 13.10.20 – Where an application is made to construct a boatshed and/or slipway or to extend an existing structure, the following matters will be considered:

Relief sought: New sub-section (d) should be added "whether the new or extended boatshed and/or slipway may give rise to potential reverse sensitivity issues, and how that could be avoided."

Disposal

Chapter 13 Use of the Coastal Environment

Policy 13.12.1 – Proposals to dispose of dredged or other material in the coastal marine area must demonstrate that:

Relief sought: Amend policy 13.12.1(a) to read "where the dredged or other material is derived from the land, no reasonable and practicable alternatives are available on land." If the material is derived from the sea, then it is unlikely to be appropriate to dispose of that material on land.

Disposal of Contaminants

Chapter 13 Use of the Coastal Environment

Policy 13.12.2 – The disposal of contaminants or material containing contaminants should be avoided.

Relief sought: Delete Policy 13.12.2 for the following reasons:

Does not say it prohibits disposal in the CMA (although implied);

Contaminant has a broad meaning, some of which are harmful, others not. No policy reason for prohibiting the disposal of non-harmful contaminants;

Material containing a contaminant is a contaminant, so there is duplication within the policy itself;

Presume this is an example where use of the word "avoid" does not mean avoid; and

This duplicates Issue 15A and associated policies, which address discharge of contaminants into water, including coastal water.

Disturbance of the Seabed

Chapter 13 Use of the Coastal Environment

Policy 13.13.4 – Where disturbance of the foreshore and seabed will occur as a result of structures being fixed to the seabed (for example, during the construction of jetties, boatsheds or retaining walls, or when placing moorings on the seabed), this sha

Support

Water Transportation

Chapter 13 Use of the Coastal Environment

Policy 13.14.1 – Enable water transportation activities where these do not have an adverse effect on the coastal environment.

Relief sought: Add the word "significant" before "adverse effect."

Water Transportation

Chapter 13 Use of the Coastal Environment

Policy 13.14.2 – The strategic importance of areas of the Marlborough Sounds as a transportation route for inter-island shipping will be recognised as a 'National Transportation Route'.

The 'National Transportation Route' should not apply beyond the headlands of each of the side bays in the Sounds. It should be limited to the main channels.

Relief sought: the National Transportation Route overlay in volume 4 MEP should be redrafted to exclude the side bays.

Water Transportation

Chapter 13 Use of the Coastal Environment

Policy 13.14.3 – Ensure the following existing ports, marinas and community/commercial jetties/landing areas continue to provide links between land transport modes and water transport to the Marlborough Sounds and beyond:

Support.

Water Transportation

Chapter 13 Use of the Coastal Environment

Policy 13.15.1 – Activities and/or structures along the National Transportation Route shall be sited and/or undertaken in such a way that adverse effects on the safety and efficiency of ships transiting this route are avoided.

Relief sought: Amend to read "of ships transiting this route are appropriately managed."
Avoidance is a high threshold.

Water Transportation

Chapter 13 Use of the Coastal Environment

Policy 13.15.2 – Avoid, remedy or mitigate adverse effects on water transportation by:

Relief sought:

13.15.2(a) - delete "unimpeded by structures";

13.15.2(b) - commercial shipping routes is not a clear definition. "Avoiding" should be changed to "appropriately managing";

13.15.2(c) - "avoiding" should be changed to "appropriately managing"; and

13.15.2(d) - Amend to read "are not significantly affected by activities or structures..."

Water Transportation

Chapter 13 Use of the Coastal Environment

Policy 13.15.3 – Ensure that all lighting associated with any land based activity will be shielded or directed away from navigation channels to avoid the spill of light or glare that is a hazard to navigation within the coastal marine area (unless the pur...

Support.

Ports and Marinas

Chapter 13 Use of the Coastal Environment

Policies 13.17.1 - 13.17.11

Support Policies 13.17.1 - 13.17.11.

Relief sought:

Consider whether the commercial wharves at Elaine Bay and Oyster Bay should be rezoned as Port Zone, and the wharf and boatramp at Okivi Bay rezoned as Port Landing Areas, with consequential amendments made to the rest of the MEP provisions; or

Amend Policy 13.17.5 to include ship repair and maintenance, and transportation activities, as operational requirements in the Port Landing Area Zone (in addition to consequential changes to the Port Landing Area Zone rules).

Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Policy 13.18.1 – Ensure the intensity, character and scale of development and operation of Port, Port Landing Area and Marina Zones is appropriate in relation to the values of the coastal environment in these locations.

Relief sought: Amend Policy 13.18.1 to read - "Ensure any substantial change to the intensity, character..."

This is to avoid minor or incremental changes to infrastructure triggering the policy. The commentary should reference Policy 9 (Ports) of the NZCPS. Policy 6(2)(c) NZCPS is not, by itself, enough to override the avoidance policies in the NZCPS.

Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Policy 13.18.2 – Ensure that activities occurring within Port, Port Landing Area and Marina Zones do not adversely affect water, air or soil quality within or beyond the zone boundary, by:

Relief sought: Amend Policy 13.18.2 to read "do not inappropriately affect water, air or soil quality..."

Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Policy 13.18.3 – Ensure the potential for reverse sensitivity effects arising from any noisesensitive activities located in zones adjoining Port, Port Landing Area and Marina Zones is minimised by:

Support.

Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Policy 13.18.4 – The environmental effects from activities within Port, Port Landing Area and Marina Zones are avoided, remedied or mitigated through the setting of standards so that:

Relief sought: Amend Policy 13.18.4 to read "Inappropriate environmental effects from activities..."

Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Policy 13.18.5 – Dredging for the maintenance of berths and identified navigation channels shall be recognised as an appropriate activity in Port and Marina Zones subject to standards to mitigate adverse effects, including those on navigational safety, wa

Support.

Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Policy 13.18.7 – Where a resource consent is required to extend or alter port or marina infrastructure and this is to occur within that part of the Port or Marina Zone located in the coastal marine area, the following matters shall be considered:

Relief sought: Delete Policy 13.18.7 - duplication.

Consequential Amendments - Amenity

Chapter 13 Use of the Coastal Environment

Relief sought: Make consequential amendments where amenity policies are changed.

Application of Chapter 13

Chapter 13 Use of the Coastal Environment

Relief Sought: Support the comment that "This chapter does not contain provisions managing marine farming." However, this should be reworded to say "This chapter does not apply to marine farming or structures and activities associated with marine farming."

In reality, we cannot have a set of policies managing non-marine farming activities which are inconsistent with the marine farming provisions.

Methods of Implementation

Chapter 13 Use of the Coastal Environment

Relief sought: Any relevant consequential changes to methods of implementation 13.M.19 - 13.M.23.

Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Relief sought: Consequential changes should be made to methods of implementation 13.M.24 - 13.M.27 and to the anticipated environmental results in light of the above submissions.

Water Quality

Chapter 15 Resource Quality (Water, Air, Soil)

Issue 15A – The discharge of contaminants to water can adversely affect the life supporting capacity and the community's use of Marlborough's coastal waters, rivers, lakes, wetlands and aquifers.

Support.

Contamination of Coastal Waters

Chapter 15 Resource Quality (Water, Air, Soil)

Discharge of human sewage to land has the potential to affect human health by contaminating coastal waters and affecting water quality.

Relief sought:

Add new Policy 15.1.19A - "Avoid the discharge of human sewage to land where it may contaminate coastal water within the marine farm protection overlay, or areas used for fishing or shellfish gathering";

Add new Policy 15.1.19B – "Require any accidental discharge to be notified to the Marlborough District Council immediately. The Marlborough District Council will then advise potential affected persons"; and

Add new Method of Implementation 15.M.15A - Create a new marine farm protection overlay within 1000m of the boundary of any marine farm.

Discharge to Air

Chapter 15 Resource Quality (Water, Air, Soil)

Policy 15.3.5 – Manage discharges of contaminants to air not specifically provided for in Policies 15.2.1 to 15.2.3 or 15.3.1 to 15.3.4 by:

Relief sought: Amend Policy 15.3.5(a) to read "into air from industrial, trade or primary production premises or industrial, trade or primary production processes that have..."

Sedimentation from Land

Chapter 15 Resource Quality (Water, Air, Soil)

Policy 15.4.3 – Control land disturbance activities to retain topsoil and minimise the potential for eroded soil to degrade water quality in lakes, rivers, significant wetlands and coastal waters

Support.

Sedimentation from Land

Chapter 15 Resource Quality (Water, Air, Soil)

Policy 15.4.4 – In considering any land use consent application to undertake land disturbance, regard shall be had to:

Support

Water Quality

Chapter 15 Resource Quality (Water, Air, Soil)

Support the water quality provisions in the MEP so far as they protect the quality of coastal water for shellfish gathering. The aquaculture sector relies on the quality of Marlborough's coastal waters, and considers these provisions will help to maintain that water quality.

Ocean Acidification

Chapter 19 Climate Change

Objective 19.1 – Mitigation of and adaptation to the adverse effects on the environment arising from climate change.

Ocean acidification is one of the major anthropogenic threats to Marlborough's marine environment, and this should be recognised in the MEP.

Relief sought: Amend objective 19.1 to read "...effects on the environment arising from climate change and ocean acidification."

Ocean Acidification

Chapter 19 Climate Change

Policy 19.1.2 – Improve the community's understanding of the potential effects of climate change on the Marlborough environment.

Ocean acidification is one of the major anthropogenic threats to Marlborough's marine environment, and this should be recognised in the MEP.

Relief sought: Amend Policy 19.1.2 to read "...potential effects of climate change and ocean acidification..."

Ocean Acidification

Chapter 19 Climate Change

Policy 19.1.3 – Enable primary industries to adapt to the effects of climate change.

Ocean acidification is one of the major anthropogenic threats to Marlborough's marine environment, and this should be recognised in the MEP.

Relief sought: Amend Policy 19.1.3 to read "Enable primary industries to adapt to the effects of climate change and ocean acidification."

Ocean Acidification

Chapter 19 Climate Change

Ocean acidification is one of the major anthropogenic threats to Marlborough's marine environment, and this should be recognised in the MEP.

Relief sought: Amend chapter 19 title to read "Climate Change and Ocean Acidification."

New Title

Oppose the title "Marlborough Environment Plan."

Relief Sought: Change the title to "The Sustainable Management Plan for Marlborough."

The proposed title is more consistent with the purpose of the RMA.

Support Federated Farmers

The MFA generally supports the submission of Federated Farmers of New Zealand, in so far as it seeks that the Council support and enable primary production within Marlborough.

Relief sought: Enable primary production in Marlborough, as set out in the submission of Federated Farmers of New Zealand, save for where the submission or intended outcomes are inconsistent with the MFA's submission.

Marine Farming Association Submission on the Proposed Marlborough Environment Plan

Volume 2 – Rules

Discharge to Coastal Water

Chapter 02. General Rules

02.16. Permitted Activities

02.16.4. Discharge of stormwater to coastal water from the Port, Port Landing Area and Marina Zones.

Support

Discharge to Coastal Water

Chapter 02. General Rules

02.16. Permitted Activities

02.16.5. Discharge of coastal water to coastal water in the Port, Port Landing Area and Marina and Coastal Marine Zones.

Support

Discharge to Coastal Water

Chapter 02. General Rules

02.17. Standards that apply to specific permitted activities

02.17.4. Discharge of stormwater to coastal water from the Port, Port Landing Area and Marina Zones.

Support.

Signage

Chapter 02. General Rules

02.34. Permitted Activities

02.34.10. Sign required for, or established by statute, rule or regulation

Aquaculture activities often require signage by virtue of conditions of consent, but may also need signs for practical or health and safety reasons.

Relief sought: Amend rule 2.34.10 to read "Sign required for, or established by statute, rule, regulation or resource consent."

Port Zone

Chapter 13. Port Zone

13.1. Permitted Activities

Support

Port Zone Noise Limits

Chapter 13. Port Zone

13.2. Standards that apply to all permitted activities

13.2.3. Noise.

The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a property. The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.

Relief sought:

Amend standard 13.2.3.1 to read:

“For port operations in Picton and Shakespeare Bay, an activity must be conducted to ensure that noise does not exceed the following noise limits:

Location	Day-night (Long term)	Night-time (Short term)
At any point on land at, or beyond, the Inner Noise Control Boundary.	65 L_{dn} (5 days)	60 dB L_{Aeq} (9 hours)
	68 L_{dn} (1day)	65 L_{Aeq} (15 min)
		85 dB L_{AFMax} ”;

Amend standard 13.2.3.2 to include the following noise limits:

“For port operations in Havelock, Elaine Bay and Oyster Bay, an activity must be conducted to ensure that noise does not exceed the following noise limits:

Location	Day-night (Long term)	Night-time (Short term)
At any point on land at, or beyond, the Outer Noise Control Boundary.	55 L_{dn} (5 days)	50 dB L_{Aeq} (9 hours)
	58 L_{dn} (1day)	55 L_{Aeq} (15 min)
		75 dB L_{AFMax} ”;

Consequential changes to the maps in Volume 4 to create a Noise Control Boundary for Elaine Bay and Oyster Bay.

Port Zone Noise Sensitive Activity

Chapter 13. Port Zone

13.2. Standards that apply to all permitted activities

13.2.4. Noise sensitive activity.

Consequential changes will be necessary if the commercial wharves at Elaine Bay and Oyster Bay are rezoned as Port Zone.

Relief sought: Amend standard 13.2.4.1 to read "...at the port in Picton, Shakespeare Bay, Havelock, Elaine Bay and Oyster Bay are adequately insulated from port noise."

Marine Oil Spill Clean-up

Chapter 13. Port Zone

13.3. Standards that apply to specific permitted activities

13.3.21. Marine oil spill clean-up activity and the associated release of oil dispersants.

Oil spill dispersants should be able to be administered by trained staff where authorised by the Harbour Master.

Relief sought: Amend standard 13.3.21 to read - "Oil spill dispersants must be used by a person described by Section 467 of the Maritime Transport Act 1994 or a person authorised by the Harbour Master."

Manual Scraping of Anti-Foul Paint/Bio-Foul Waste

Chapter 13. Port Zone

13.3. Standards that apply to specific permitted activities

13.3.4. Manual scraping of an anti-foul paint coating or bio-foul waste from a ship.

Clarification is needed to ensure that the waste arising from this activity is captured and stored, and that it is not the activity itself that needs to be undertaken under cover.

Relief sought: Amend standard 13.3.4.2 to read "All anti-foul or bio-foul waste, coating waste or other contaminant removed must be captured upon removal. The waste must be stored for disposal in a covered container located in a roofed area."

Port Zone - Monitoring Equipment

Chapter 13. Port Zone

13.3. Standards that apply to specific permitted activities

13.3.10. Temporary structure or equipment for scientific monitoring purposes.

Relief sought: Standard 13.3.10 should be amended:

So that it is clear that it only applies to monitoring equipment in the coastal marine area;

To allow monitoring equipment to remain at a specific coordinate for no longer than 3 months in any calendar year (13.3.10.1);

To allow structures or equipment up to 2.5m in height above water level (13.3.10.2); and

To ensure that contaminants released as a result of the activity, or from equipment being used for the activity are not materially distinguishable from background sedimentation (13.3.10.5).

Facility

Chapter 13. Port Zone

13.4. Restricted Discretionary Activities

13.4.4. Processing facility for fish, shellfish or any other marine organism, including the processing and curing of marine harvest, minerals and premises for the wholesale and retail sale of harvested products.

Support.

Discharge of Human Sewage within 1000m of MHWS

Chapter 13. Port Zone

13.6. Prohibited Activities

13.6.4. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of MHWS

Relief sought: Amend rule 13.6.4 by deleting "From 9 June 2022".

Discharge of Human Sewage within 1000m of a Marine Farm

Chapter 13. Port Zone

13.6. Prohibited Activities

13.6.5. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.

Relief sought: Amend rule 13.6.5 by deleting "From 9 June 2022".

Discharge of Sewage into CMA

Chapter 13. Port Zone

13.6. Prohibited Activities

13.6.6. Discharge of untreated human sewage into the coastal marine area.

Support.

Port Zone - Prohibited Activities

Chapter 13. Port Zone

13.6. Prohibited Activities

Support

Port Landing Area Zone

Chapter 14. Port Landing Area Zone

14.1. Permitted Activities

Support

Port Landing Area Zone - Noise

Chapter 14. Port Landing Area Zone

14.2. Standards that apply to all activities

14.2.3. Noise.

The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a "property." The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.

Relief sought: Amend standard 14.2.3.1 to read:

"An activity must be conducted to ensure that noise when measured at or within the notional boundary of dwellings as they exist at 9 June 2016 outside the Port Landing Area Zone does not exceed the following noise limits:

7.00 am to 10.00 pm 55 dB L_{Aeq}

10.00 pm to 7.00 am 45 dB L_{Aeq} 75 dB L_{AFmax} "

Buildings and Structures in Port Landing Area Zone

Chapter 14. Port Landing Area Zone

14.3. Standards that apply to specific activities

14.3.1. Maintenance, repair or replacement of a building or structure in the coastal marine area.

Small/minor alterations to a building or structure's scale, size, or height should be permitted and not trigger the need for a resource consent.

Relief sought: Amend standard 14.3.1.2 to read - "There must be no more than a minor increase in the height, size or scale of the building or structure being replaced.

Port Landing Area Zone - Monitoring Equipment

Chapter 14. Port Landing Area Zone

14.3. Standards that apply to specific activities

14.3.5. Temporary structure or equipment for scientific monitoring purposes.

Relief sought: Standard 14.3.5.1 should be amended:

To allow monitoring equipment to remain at a specific coordinate for no longer than 3 months in any calendar year (14.3.5.1);

To allow structures or equipment up to 2.5m in height above water level (14.3.5.2); and

To ensure that contaminants released as a result of the activity, or from equipment being used for the activity are not materially distinguishable from background sedimentation (14.3.5.5).

Marine Oil Spill Clean-up

Chapter 14. Port Landing Area Zone

14.3. Standards that apply to specific activities

14.3.11. Marine oil spill clean-up activity and the associated release of oil dispersants.

Oil spill dispersants should be able to be administered by trained staff where authorised by the Harbour Master.

Relief sought: Amend standard 14.3.11.1 to read - "Oil spill dispersants must be used by a person described by Section 467 of the Maritime Transport Act 1994 or a person authorised by the Harbour Master."

Discharge of Human Sewage within 1000m of MHWS

Chapter 14. Port Landing Area Zone

14.5. Prohibited Activities

14.5.4. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of MHWS

Relief sought: Amend rule 14.5.4 by deleting "From 9 June 2022".

Discharge of Human Sewage within 1000m of a Marine Farm

Chapter 14. Port Landing Area Zone

14.5. Prohibited Activities

14.5.5. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.

Relief sought: Amend rule 14.5.5 by deleting "From 9 June 2022".

Port Landing Area Zone - Prohibited Activities

Chapter 14. Port Landing Area Zone

14.5. Prohibited Activities

Support.

Marina Zone - Permitted Activities

Chapter 15. Marina Zone

15.1. Permitted Activities

Support

Marina Zones - Clubrooms

Chapter 15. Marina Zone

15.1. Permitted Activities

15.1.21. Use of a clubroom for a marine recreation group.

The policy should allow a marine recreation group to invite others to use its clubroom.

Relief sought: Amend 15.1.21 to read "Use of a marine recreation group clubroom."

Marina Zone - Noise Limit

Chapter 15. Marina Zone

15.2 Standards that apply to all permitted activities

15.2.3. Noise.

The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a "property." The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.

Relief sought:

Amend 15.2.3.1 to read:

"An activity must be conducted to ensure that noise when measured at the boundary of the Marina Zone does not exceed the following limits:

7.00 am to 10.00 pm 60 dB L_{Aeq}

10.00 pm to 7.00 am 45 dB L_{Aeq} 75 dB L_{AFmax} "; and

Amend 15.2.3.2 to include the following noise limits:

7.00 am to 10.00 pm 55 dB L_{Aeq}

10.00 pm to 7.00 am 45 dB L_{Aeq} 75 dB L_{AFmax} .

Marina Zone - Monitoring Equipment

Chapter 15. Marina Zone

15.3. Standards that apply to specific permitted activities

15.3.9. Temporary structure or equipment for scientific monitoring purposes.

Relief sought: Amend standard 15.3.9:

To allow monitoring equipment to remain at a specific coordinate for no longer than 3 months in any calendar year (15.3.9.1);

To allow structures or equipment up to 2.5m in height above water level (15.3.9.2); and

To ensure that contaminants released as a result of the activity, or from equipment being used for the activity are not materially distinguishable from background sedimentation (15.3.9.5).

Marine Oil Spill Clean-up

Chapter 15. Marina Zone

15.3. Standards that apply to specific permitted activities

15.3.19. Marine oil spill clean-up activity and the associated release of oil dispersants.

Oil spill dispersants should be able to be administered by trained staff where authorised by the Harbour Master.

Relief sought: Amend standard 15.3.19.1 to read - "Oil spill dispersants must be used by a person described by Section 467 of the Maritime Transport Act 1994 or a person authorised by the Harbour Master."

Marina Zone - Prohibited Activities

Chapter 15. Marina Zone

15.7. Prohibited Activities

Support

Marina Zone - Prohibited Activities

Chapter 15. Marina Zone

15.7. Prohibited Activities

15.7.4. From 6 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of MHWS.

Relief sought: Amend rule 15.7.4 by deleting "From 9 June 2022".

Marina Zone - Prohibited Activities

Chapter 15. Marina Zone

15.7. Prohibited Activities

15.7.5. From 6 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.

Relief sought: Amend rule 15.7.5 by deleting "From 9 June 2022".

Coastal Marine Zone - Permitted Activities

Chapter 16. Coastal Marine Zone

16.1. Permitted Activities

Support.

Mussel Reef Restoration

Chapter 16. Coastal Marine Zone

16.1. Permitted Activities

The Marlborough Sounds used to contain extensive natural mussel beds. Attempts to restore those mussel beds in appropriate areas is consistent with NZCPS policy 14.

Relief sought:

Add new Permitted Activity 16.1.24 - "Restoration of shellfish reefs in the Marlborough Sounds and associated activities in appropriate areas"; and

Consequential changes should be made to the Permitted Activity Standards at 16.2, allowing for restoration to be achieved using a variety of techniques, including, but not limited

to, depositing natural fibre substrate, placing waste shell or old mooring blocks on the seabed, or undertaking other activities to kick start reef development.

Coastal Marine Zone - Disturbance of Foreshore or Seabed

Chapter 16. Coastal Marine Zone

16.2. Standards that apply to all permitted activities

16.2.1. Disturbance of the foreshore or seabed.

Relief sought: Amend 16.2.1.4 to read "Take practical steps to minimise or eliminate contaminants released from equipment being used for the activity." This recognises that a motor may be needed to drive equipment, which will run off petrol or diesel.

Permitted Activity Noise Standard

Chapter 16. Coastal Marine Zone

16.2. Standards that apply to all permitted activities

16.2.3. Noise.

The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a "property." The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.

Relief sought:

Amend standard 16.2.3.1 to read:

"An activity must be conducted to ensure that noise when measured at or within the notional boundary of any dwelling existing at 9 June 2016 does not exceed the following noise limits:

7.00 am to 10.00 pm	50 dB L_{Aeq}
10.00 pm to 7.00 am	40 dB L_{Aeq} 75 dB L_{AFmax} "; and

Add new 16.2.3.2(d) "noise ordinarily generated by commercial fishing activities, including marine farming servicing and harvesting ships."

Anchoring of a Ship

Chapter 16. Coastal Marine Zone

16.3. Standards that apply to specific permitted activities

16.3.2. Anchoring of a ship

It is unclear whether the policy is intended to apply to ships and barges used for the purpose of aquaculture. "Ship" is defined in the MEP as having the same meaning as in s 2 of the

Maritime Transport Act 1994. The caselaw suggests that a barge could be captured by that definition.

Relief sought: Amend rule 16.3.2.1, so it expressly does not apply to any ship or barge used in aquaculture.

Monitoring Equipment - Coastal Marine Zone

Chapter 16. Coastal Marine Zone

16.3. Standards that apply to specific permitted activities

16.3.9. Temporary structure or equipment for scientific monitoring purposes.

Relief sought: Delete Policy 16.3.9; or

Policy 16.3.9 should be amended:

To allow monitoring equipment to remain at a specific coordinate for no longer than 7 months in any calendar year (16.3.9.1); and

To allow structures or equipment up to 2.5m in height above water level (16.3.9.2); and

To ensure that contaminants released as a result of the activity, or from equipment being used for the activity are not materially distinguishable from background sedimentation (16.3.9.5).

Take and Use of Coastal Water

Chapter 16. Coastal Marine Zone

16.3. Standards that apply to specific permitted activities

16.3.16. Take and use of coastal water.

Boats of all sizes take and use coastal water for cooling, or non-consumptive uses. The standards should allow for this.

Relief sought: Standard 16.3.16.1 should be amended so that it does not apply to the take and use of coastal water for the ordinary operation of vessels.

Removal of Anti-Foul Paint from a Ship

Chapter 16. Coastal Marine Zone

16.7. Prohibited Activities

16.7.6. Removal of anti-foul paint from a ship.

Minor and spot removal of biofouling (including marine pests) from a ship, that inadvertently removes antifouling, should be permitted. Maintenance and applications of antifouling below MHWS should be prohibited, other than minor works and keel strip.

Relief sought: Amend rule 16.7.6 accordingly and add a new permitted activity rule to 16.1 to secure this relief.

Discharge of Contaminants

Chapter 16. Coastal Marine Zone

16.7. Prohibited Activities

16.7.1. Discharge of contaminants to air arising from the burning of any of the following materials:

Support

Discharge of Human Sewage from a Ship

Chapter 16. Coastal Marine Zone

16.7. Prohibited Activities

16.7.2. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of MHWS.

Relief sought: Amend 16.7.2 by deleting "From 9 June 2022".

Discharge of Human Sewage from a Ship

Chapter 16. Coastal Marine Zone

16.7. Prohibited Activities

16.7.3. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.

Relief sought: Amend 16.7.3 by deleting "From 9 June 2022".

Discharge of Human Sewage into CMA

Chapter 16. Coastal Marine Zone

16.7. Prohibited Activities

16.7.4. Discharge of treated or untreated human sewage into the coastal marine area, except for the discharge of treated human sewage from regionally significant infrastructure.

Support

Definition - Non-consumptive Uses

Chapter 25. Definitions

Relief sought: Amend the definition of "Non-consumptive uses" to read "...For example, fishing, swimming and cooling of vessels."

Definition - Primary Production*Chapter 25. Definitions*

Primary Production is referred to throughout the MEP, but is not defined.

Relief sought: Add definition of "Primary Production" to read "All forms of agriculture, horticulture, silviculture and aquaculture, whether on land or on sea, and includes the processing, preparation for market and sale of those products."

Definition – Ecologically Significant Marine Site*Chapter 25. Definitions*

Support

Definition - Outstanding*Chapter 25. Definitions*

Outstanding is referred to throughout the MEP, but is not defined.

Relief sought: Add definition of "Outstanding" to read "Obviously exceptional, notable, eminent."

The word "obvious" comes from the Environment Court in *Clearwater Mussels Limited v Marlborough District Council* [2016] NZEnvC 21 at [78]. Synonyms come from cases such as *Wakatipu Environmental Society Incorporated v Queenstown Lakes District Council* C180/99 at [82]; *Opoutere Ratepayers and Residents Association v Waikato Regional Council* [2015] NZEnvC 105 at [236]; and *Man O'War Station Limited v Auckland Council* [2015] NZHC 767 at [37].

Marine Farming Association Submission on the Proposed Marlborough Environment Plan

Volume 3 – Appendices

Appendix 1 - Identifying Landscape "Values"

Appendix 1

Oppose: The approach in Appendix 1 is focused on descriptions and characterisation, rather than "values". Very few values are identified. It should be made clear that existing aquaculture is consistent with those values.

Relief sought:

The entirety of Appendix 1 needs to be re-written, so that it is consistent with the definition in Policy 7.1.1 and the requirement in Policy 7.1.4;

This potential methodological flaw has resulted in incorrect mapping, meaning the landscape overlay maps should be redrafted accordingly; and

Where existing marine farms are present, there should be an express statement that those farms do not affect landscape values. This reflects the approach taken in Northland, the Bay of Plenty and Auckland.

Appendix 2 - Natural Character "Values"

Appendix 2

Oppose: The approach in Appendix 2 is focused on descriptions and characterisation, rather than "values". Very few values are identified. It should be made clear that existing aquaculture is consistent with those values.

Relief sought:

The entirety of Appendix 2 needs to be re-written, so that it is consistent with the definition in Policy 6.1.1 and the requirement in Policy 6.1.4;

This potential methodological flaw has resulted in incorrect mapping, meaning the coastal natural character overlay maps should be redrafted accordingly; and

Where existing marine farms are present, there should be an express statement that those farms do not affect natural character values. This reflects the approach taken in Northland, the Bay of Plenty and Auckland.

Appendix 3 - Significance Criteria

Appendix 3

Oppose: The significance criteria in the MEP do not mirror those used in the 2011 Davidson Significant Sites study. Such criteria should only be applied by suitably qualified and experienced ecologists.

Relief sought: A note should be added at the beginning of Appendix 3 stating "These criteria are intended to be applied by suitably qualified and experienced ecologists." (This is modelled off the approach in the Regional Policy Statement for Northland (May 2016), at Appendix 5).

AND

Oppose: The criteria in Appendix 3 MEP are not suitable to determine national significance under Policy 11 of the NZCPS. Sites identified using the proposed significance criteria will not all trigger an avoidance policy under the NZCPS.

Relief sought:

Delete Appendix 3 and replace with approach taken in the proposed Regional Policy Statement for Northland (May 2016) at Appendix 5, pages 175 – 178;

The MEP should clearly distinguish between areas of national significance and areas of regional significance; and

A cascading approach to managing effects on these different areas should be included in the Chapter 8 Policies, consistent with Policy 11 of the NZCPS, rather than a straight avoidance approach (this is reflected in the submissions in respect of the Policies in Chapter 8).

Appendix 4 - Significant Effects

Appendix 4

Oppose Appendix 4. No indication as to what duration is significant.

Could argue that criteria for determining significance are so vague as to be meaningless.

Relief sought:

Delete Appendix 4; or

Use appropriate quantitative measure to define significance.

Appendix 5 - Coastal Water Quality

Appendix 5

Support Water Quality Classification of SG for all coastal water in respect of the value of food gathering (page 5-17).

Support the interpretation of the temperature, dissolved oxygen and suitability of fish for human consumption standards/parameters for SG classification on pages 5-21 and 5-22.

Appendix 7 - Scheme Plan and other Subdivision Requirements

Appendix 7

Discharge of human sewage to land has the potential to affect human health by contaminating coastal waters and affecting water quality.

Relief sought:

Add new item 24 under "Other Relevant Site Details" - "The location of any relevant marine farm protection overlay"; and

Under heading "Sewerage" add - "Any subdivision of land within the marine farm protection overlay must assess the potential for contamination of coastal water."

Marine Farming Association Submission on the Proposed Marlborough Environment Plan

Volume 4 – Maps

Coastal Natural Character Maps

Overlay Maps

Coastal Natural Character

The 2014 Natural Character of the Marlborough Coast study does not separate characteristics from values. It uses a different set of definitions than that contained in the MEP at Policy 6.1.1. Adoption of a different methodology means that the maps contained in the MEP (derived from the 2014 Study) are inconsistent with the policy approach in the MEP.

Relief sought: The Coastal Natural Character maps and/or the policies in the MEP need to be redrafted accordingly.

Natural Character - Seaward Extent

Overlay Maps

Coastal Natural Character

Submit that there is insufficient justification for the seaward extent of the outstanding/very high/high natural character ratings extending so far offshore into Cook Strait.

Relief sought: Redraft the Coastal Natural Character maps to show a reduction in the seaward extent of the outstanding/very high/high natural character areas.

Coastal Natural Character Map 1 - Fitzroy and Waihinau Bays

Overlay Maps

Coastal Natural Character

Coastal Natural Character 1

Support the natural character mapping in respect of Waihinau Bay.

Oppose the mapping of the waters of Fitzroy Bay as high natural character and the surrounding land as very high natural character.

Relief sought:

Amend the natural character mapping in those locations where the mapping is opposed; or

If Fitzroy Bay rating is correct, the MEP should expressly recognise that the presence of marine farming does not affect the values that lead to that classification.

Natural Character Map 2 - Beatrix and Anakoha Bays

Overlay Maps

Coastal Natural Character

Coastal Natural Character 2

Support the mapping of the seascape in Beatrix Bay and Anakoha Bay has not having high, very high or outstanding natural character.

Oppose the mapping of the land in Beatrix Bay and the western headland of Anakoha Bay as having high natural character.

Relief sought:

Amend the natural character mapping in those locations where the mapping is opposed; or

The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.

Natural Character Map 3 - Crail Bay and Squally Cove

Overlay Maps

Coastal Natural Character

Coastal Natural Character 3

The MFA notes that Natural Character Map 3 does not in correspond with the Natural Character Index. Squally Cove is not included in the map.

Support the natural character mapping at the head of Crail Bay.

Oppose the mapping of the land on the southern side of Whakitenga Bay has having high natural character (according to the online overlay map).

Relief sought:

Amend the natural character mapping in those locations where the mapping is opposed; or

The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.

Natural Character Map 4 - Clova, Beatrix, Whangatoetoe Bay

Overlay Maps

Coastal Natural Character

Coastal Natural Character 4

Support the natural character mapping in respect of Clova Bay and Whangatoetoe Bay, Port Underwood.

Oppose the mapping of the headlands between Beatrix Bay and Waimaru Bay as having high natural character.

Relief sought:

Amend the natural character mapping in those locations where the mapping is opposed; or

The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.

Landscape Overlay Maps

Overlay Maps

Landscapes

The approach in Appendix 1 is focused on descriptions and characterisation, rather than "values". Very few values are identified.

Relief sought: The entirety of Appendix 1 needs to be re-written, so that it is consistent with the definition in Policy 7.1.1. This potential methodological flaw has resulted in incorrect mapping. The landscape maps should be amended accordingly.

Landscape Maps - Seaward Extent

Overlay Maps

Landscapes

Submit that there is insufficient justification for the seaward extent of the outstanding natural landscape (ONL) extending so far offshore into Cook Strait.

Relief Sought: A reduction in the seaward extent of the ONL.

Landscape Map 1 - Waihinau and Fitzroy Bays

Overlay Maps

Landscapes

Landscapes 1

Oppose the mapping of Fitzroy Bay and half of Waihinau Bay as areas of outstanding natural landscape.

Relief sought:

Amend the mapping of the ONL; or

The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.

Landscape Map 4 - MFA Farms

Overlay Maps

Landscapes

Landscapes 4

Support the mapping of Squally Cove, Crail Bay and Clova Bay.

Oppose the mapping of Fitzroy Bay and the headland between Beatrix Bay and Waimaru Bay as areas of outstanding natural landscape.

Relief sought:

Amend the mapping of the ONL at the locations where it is opposed; or

The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.

Landscape Map 5 - MFA Farms

Overlay Maps

Landscapes

Landscapes 5

Support the mapping of Anakoha Bay, inner Beatrix Bay and Clova Bay.

Oppose the mapping of the headland between Beatrix Bay and Waimaru Bay, and Whangatoetoe Bay (Port Underwood) as areas of outstanding natural landscape.

Relief sought:

Amend the mapping of the ONL at the locations where that is opposed; or

The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.

Ecologically Significant Marine Sites Maps 1 - 16

Overlay Maps

Ecologically Significant Marine Sites

Ecologically Significant Marine Sites Maps 1 - 16

The MFA acknowledges the work carried out in the Davidson 2011 Significant Sites report, and does not object per se to the mapping of these sites. However, the MFA opposes the policies implemented in respect of these sites.

The mapped sites do not apply the significance criteria in Policy 8.1.1 MEP, but adopt the Davidson 2011 criteria. The 2011 significant sites work is a regional assessment, and was not intended to mirror the approach in Policy 11 of the NZCPS. It is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear.

Relief sought: Changes to Chapter 8 Policies and Appendix 3 Significance Criteria, as proposed elsewhere.

Marine Mammal Map - Whales

Overlay Maps

Ecologically Significant Marine Sites

Ecologically Significant Marine Sites Map 17

Davidson's mapped sites (including whales and dolphins) should not be equated with Policy 11(a) sites, because the significant sites work did not adopt the NZCPS Policy 11(a) criteria. The assessment of whether the 2011 significant sites fall within Policy 11(a) or 11(b) criteria in the NZCPS is yet to be undertaken.

Whales have rarely been observed travelling through Tory Channel. The Davidson 2011 Significant Sites report refers to the migratory route for whales being in Cook Strait, rather than Tory Channel proper. The MFA encourages its members to have appropriate management plans in place in respect of marine mammals.

Relief sought: The map should be redrafted to be consistent with the text of the Davidson 2011 Significant Marine Sites report, or it should be expressly recognised that marine farms do not have an adverse effect on whales.

Marine Mammal Map - Dolphins

Overlay Maps

Ecologically Significant Marine Sites

Ecologically Significant Marine Sites Map 18

The Marine Mammal (Dolphin) map is based on the Davidson 2011 Significant Sites report. The authors of that report were asked to identify regionally, rather than nationally significant sites. The 2011 report does not mirror the approach taken in Policy 11 of the NZCPS.

Arguably only site 8.1 of Map 18 is a nationally significant site (for Hector's dolphins). However, Hector's dolphins are not necessarily seen regularly throughout the full extent of that area. Area 4.17 is not a nationally significant site, and arguably area 2.17 (Admiralty Bay) is significant habitat for Dusky dolphins (as opposed to nationally significant habitat in terms of Policy 11(a) of the NZCPS. For example, the *Admiralty Bay Consortium* Environment Court decision noted that the site was significant in terms of s 6(c), rather than under NZCPS Policy 11(a)). An avoid policy is not, therefore, justified in respect of these sites, or at least not an area including the side bays.

Relief sought:

The MEP should be amended:

So that a strict avoidance approach is not adopted in respect of these sites, consistent with the proposed changes to the policies at Chapter 8;

To specify which species of dolphin are relevant to each of the mapped areas; and

Maps should be updated in light of recent population research:

<http://www.stuff.co.nz/environment/82818673/research-shows-hectors-dolphin-population-bigger-than-previously-realised>.

Ecologically Significant Marine Sites - Maps 3, 4 and 8 (significant site 3.8)

Overlay Maps

Ecologically Significant Marine Sites

It is unclear from the mapping whether these sites are intended to be regionally or nationally significant sites.

Support the mapping of sensitive area 3.8, but oppose the planning approach implemented in respect of this area in the MEP provisions.

The potential adverse effects of marine farms on elephant fish spawning areas are minor, and adverse effects can be adequately mitigated using adaptive management if need be (*Clearwater Mussels Ltd v Marlborough District Council* [2016] NZEnvC 21 at [151] – [157]).

Relief sought: Changes to Vol 1, Chapter 8 provisions and the Significance Criteria in Vol 3, Appendix 3, as per the MFA submission, in particular in terms of providing for adaptive management where appropriate.

Ecologically Significant Marine Sites – Map 9 (significant site 3.13)

Overlay Maps

Ecologically Significant Marine Sites

Relief sought: The MEP should expressly recognise that marine farms do not adversely affect the gannet colony at the Waimaru Peninsula.

Ecologically Significant Marine Sites – Map 9 (significant site 3.14)

Overlay Maps

Ecologically Significant Marine Sites

Relief sought: The MEP should expressly recognise that the spat catching site in Clova Bay does not adversely affect the estuarine fringe and subtidal habitat inshore of the farm.

Ecologically Significant Marine Sites – Map 12 (significant site 3.20)

Overlay Maps

Ecologically Significant Marine Sites

Relief sought: Remove any area used for navigation and Havelock Port from mapped site 3.20. The effect of the mapping and proposed rule 16.13.16 is to require all boats using the channel to have a resource consent to take coastal water.

Ecologically Significant Marine Sites – Map 14 (significant site 6.3)

Overlay Maps

Ecologically Significant Marine Sites

Relief sought: The MEP should expressly recognise that marine farms do not adversely affect the red algae bed in Cutters Bay.

National Transportation Route

Overlay Maps

National Transportation Route

The National Transportation Route in Tory Channel and Queen Charlotte Sound should not be mapped to extend into all of the side bays.

Relief sought: The National Transportation Route map should show the route as being confined to the main part of Tory Channel and Queen Charlotte Sound.

Zoning Maps 64 and 111 - Okiwi Bay

Okiwi Bay

The commercial wharf and the boatramp at Okiwi Bay should be given recognition in the zoning maps.

Relief sought:

Amend zoning maps 64 and 111 to zone the commercial wharf and the boatramp at Okiwi Bay as Port Landing Area Zone; and

Relevant consequential amendments to policies and rules throughout the MEP.

Zoning Maps 65 and 103 – Elaine Bay

Elaine Bay

Relief sought:

Amend zoning maps 65 and 103 to zone the commercial wharf at Elaine Bay as Port Zone;

Expand the size of the zone to include more of the CMA and the adjacent road; and

Relevant consequential amendments to policies and rules throughout the MEP.

Zoning Maps 77 and 139 – Elaine Bay

Oyster Bay

Relief sought:

Amend zoning maps 77 and 139 to zone the commercial wharf at Oyster Bay as Port Zone;

Expand the size of the zone to include more of the CMA, the Open Space Zone, and the adjacent road; and

Relevant consequential amendments to policies and rules throughout the MEP.

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR
POLICY STATEMENT OR PLAN, CHANGE OR VARIATION**

Clause 6 of First Schedule, Resource Management Act 1991

To **MARLBOROUGH DISTRICT COUNCIL**

Name of submitter: **MARINE FARMING ASSOCIATION INCORPORATED**

The Marine Farming Association (MFA) is a subscription based organisation, representing marine farmers at the top of the South Island of New Zealand. The MFA has 124 ordinary members who own, lease or sublease Greenshell mussel, oyster and King salmon farms in the upper South Island. Marine farmers in the MFA's area grow 80% of the marine products farmed in New Zealand. Sales from those farms exceed \$270 million per year. Marine farms in Marlborough contribute around 5.7% of Marlborough's GDP (from farming and processing). The industry accounts for approximately 250 FTEs in farming and approximately 600 FTEs in processing in Marlborough.

The MFA was set up with the objective to promote, foster, advance, encourage, aid and develop the rights and interests of its members and the marine farming industry in general. The MFA works alongside other industry bodies to see the New Zealand aquaculture sector recognised within New Zealand and around the world as producing healthy, high quality, environmentally sustainable aquaculture products.

The MFA and its members are committed to the environment. Since the 1990s the MFA has operated an active Environmental Programme. The Environmental Programme is guided by the 'Top of the South Environmental Strategy' and managed by the MFA's Environment Committee. The Guiding Principles are:

- a) To minimise the impact of marine farming activities on the wider environment and community in which marine farms operate; and
- b) To minimise generic concerns that, from time to time, may be expressed by other stakeholders and users of the Marlborough Sounds, Golden Bay and Tasman Bay in respect of marine farming.

Industry volunteers regularly undertake Beach Clean Ups, coordinated by the MFA. Various Codes of Practice and Operating Standards have been developed by the MFA, to minimise the impact from debris, noise, vessel emissions and waste associated with marine farming activities. Industry Programmes and Codes of Practice include:

- a) Marine Farming Operating Standards, Marlborough Sounds, Golden Bay and Tasman Bay;
- b) Industry Code of Practice: Reducing Pollution and Emissions;
- c) Industry Code of Practice: Reducing Landfill Waste; and
- d) MFA Oyster Standard Operating Procedures.

The MFA Environment Committee has recently implemented a Certification Programme, designed to recognise and record active participation in, and agreement to the objectives of the MFA Environmental Programme, including adherence to the Standard Operating Procedures and Codes of Practice. A certified vessel/company is recognised by the industry as being committed to sustainable environmental performance.

The MFA's members are currently facing significant challenges and costs associated with consent renewals, with over half of currently consented marine farms in Marlborough due to come up for renewal in 2024.¹ Renewal costs for existing space between now and 2024 are conservatively estimated at \$23 million.² The changing planning and policy environment in Marlborough is adding to the uncertainty facing the sector. The broad objective of the MFA's submission is to alleviate some of that uncertainty, to encourage investment in the sector and to enable the industry to flourish.

1. This is a submission on the following proposed plan (the **proposal**):
 - (a) Proposed Marlborough Environment Plan.
2. MARINE FARMING ASSOCIATION INCORPORATED could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that this submission relates to, and the submissions are set out in **Schedule 1**.
4. MARINE FARMING ASSOCIATION INCORPORATED seeks that the Marlborough District Council make the decisions set out in **Schedule 1**. Where changes are proposed, further consequential amendments may be required. Alternative relief securing the same outcomes could be granted.

¹ Drew, A. and Destremau, K. *NZIER overview of the impacts of re-consenting uncertainty and delay on aquaculture investment in New Zealand* (2016, New Zealand Institute of Economic Research, Auckland).

² The threat to the Marlborough economy from a contraction in marine farming is outlined in a recent report: Clough, P. and Corong, E. *The economic contribution of marine farming in the Marlborough region: A Computable General Equilibrium (CGE) analysis* (2015, New Zealand Institute of Economic Research, Wellington). A copy is available here: http://nzier.org.nz/static/media/filer_public/b3/a4/b3a4a784-fadf-4e79-adc4-d1b8ceb949f0/economic_contribution_of_marlborough_aquaculture.pdf.

5. Where the submission is to support a provision, the relief sought is that the provision be retained. Where no reasons are given for a submission, it is because:
 - (a) The reason is self-evident;
 - (b) The proposal is the most appropriate option, consistent with s 32 of the Resource Management Act 1991 (RMA); or
 - (c) The submission accords with the purpose of the RMA.
6. MARINE FARMING ASSOCIATION INCORPORATED wishes to be heard in support of its submission.
7. If others make a similar submission, MARINE FARMING ASSOCIATION INCORPORATED will consider presenting a joint case with them at a hearing.




.....
 QAM Davies and A L Hills

Solicitors for Submitter

Date: 1 September 2016

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Note to person making submission

If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

.....
 Jonathan Large

President Marine Farming Association Inc

Date: 1 September 2016

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SCHEDULE 1

Marine Farming Association Incorporated Submission Proposed Marlborough Environment Plan

Marine Farming Association Submission on the Proposed Marlborough Environment Plan

Volume 1 – Issues, Objectives and Policies

1. Challenge to s 32 Evaluation

Chapter 01 Introduction

The Marine Farming Association (MFA) has general concerns regarding the approach taken by the Marlborough District Council (Council) to the s 32 evaluation. This should be done at the start of the process, to guide Council to the most appropriate option at the outset. Often relevant alternatives have not been identified. Typically, the alternatives considered are the status quo, greater regulation and alternative methods to achieve the policies. The alternatives which are put forward in this submission have not been considered as part of the s 32 analysis.

Costs should be quantified where possible. Costs of consenting/uncertainty have been quantified by the aquaculture industry in the NZIER report:

https://nzier.org.nz/static/media/filer_public/b3/a4/b3a4a784-fadf-4e79-adc4-d1b8ceb949f0/economic_contribution_of_marlborough_aquaculture.pdf.

Failure to take account of that (in the context of the general policies and rules) is inconsistent with s 32 of the Resource Management Act 1991 (RMA) and the New Zealand Coastal Policy Statement 2010 (NZCPS) Policy 8(b), which requires the Council to provide for aquaculture in appropriate places.

Relief Sought: The Council should re-evaluate the various alternatives in accordance with s 32, having particular regard to quantified benefits and costs and associated commentary. In the event that the s 32 evaluation reveals significant alternatives that have not been appropriately considered, it may be necessary to re-notify aspects of the proposed MEP.

2. Guiding Principles

Chapter 01 Introduction

There is a statement under "A healthy Marlborough economy requires a healthy environment" that it is not the role of the MEP to directly address economic matters. That is incorrect. The definition in s2(1) of the RMA of "environment" includes the economic conditions that affect people and communities. Sustainable management includes enabling people to provide for their economic and social wellbeing (s 5(2) RMA).

The guiding principles seem to ignore the fact that the farming, viticulture, aquaculture, forestry and tourism sectors all rely on resource use.

It is an omission not to include a guiding principle to promote economic development. The approach taken does not reflect the RMA, and does not reflect the views of the Marlborough community.

Relief sought: A guiding principle to that effect should be added, along with consequential changes to the commentary.

3. Guiding Principles

Chapter 01 Introduction

The guiding principle "Recognise that the Marlborough Sounds is the District's "jewel in the crown"" seems to suggest that the only relevance of the Marlborough Sounds is its value as a living and recreation environment. The aquaculture industry in the Sounds employs more people than tourism in the Sounds. In terms of GDP, aquaculture contributes approximately 150%+ of the GDP from tourism in the whole of Marlborough (ie. Not just the Sounds). There should be more focus on diversity of uses and experiences in the Sounds.

In 2014, the Ministry of Primary Industries (MPI) commissioned a Colmar Brunton report on New Zealanders' views about aquaculture. New Zealanders had an overwhelmingly positive view of the industry, a substantial amount of which is located in Marlborough. The Marlborough District Council commissioned a report from Corydon Consultants Limited, prepared for the Council in April 2012. Participants ranked bush clearance, residential subdivision/development, exotic forestry, resort development, port activities, windfarms, commercial boating and shipping (including ferries), motorised recreational boating (including jet skiing and water skiing), and wave turbines for energy generation as being activities that are more likely than marine farming (mussels/salmon) to have an adverse impact on the characteristics and qualities of value in the Marlborough Sounds.

The guiding principles should recognise that the Sounds has a diverse range of uses. Its values include economic values. A set of guiding principles that make no reference to that has failed to properly capture the needs of Marlborough.

Relief Sought: The guiding principles should be amended to reflect this. The clique "jewel in the crown" should be deleted, and replaced with something more reflective of Marlborough and the discussion above.

4. Guiding Principles

Chapter 01 Introduction

Support the guiding principle "Providing the community with a streamlined and simplified resource management framework to make it easier for resource users and other interested parties to use."

Relief sought: Submit that this philosophy should extend to the application of the MEP provisions, not simply to integrating the regional policy statement with the regional coastal, regional and district plan provisions.

5. Integrated Management of the Marlborough Environment

Chapter 02 Background

The document does not sufficiently recognise that the protection of one resource may have a positive or negative effect on another (*New Zealand Shipping Federation v Marlborough District Council W038/06*). This is reflected in the insufficient identification of costs in the s 32 analysis.

There are consistent references to "protection" throughout the MEP. However, the response to environmental integration in the MEP is insufficient.

Relief Sought: The Council should re-evaluate the various alternatives in accordance with s 32, having particular regard to quantified benefits and costs and associated commentary.

6. **RMA Terms - "Avoid"**

Chapter 02 Background

Oppose the approach where "avoid" has two meanings, dependent on its context. This results in the MEP being unclear, which in turn is likely to lead to significant future expenditure to determine meaning. We have addressed the use of the term "avoid" in other specific contexts where it arises.

"Avoid" should only be used in one sense, consistent with the approach taken by the Supreme Court in *New Zealand King Salmon* [2014] NZSC 38.

The word "avoid" is used repeatedly throughout the MEP. It is a word used in the NZCPS. In the MEP, it is said that the word has two meanings, depending on its context:

- (a) The method used to implement a policy is a rule that will prohibit something from occurring; or
- (b) An activity can be undertaken in such a way that the effect does not occur or is significantly reduced.

It is said that the context will determine which of those options is being followed in any particular instance. The Supreme Court in *New Zealand King Salmon* discussed the different possible interpretations of "avoid" at [92]. At [96] the Court concluded that in the context of the NZCPS "avoid" has its ordinary meaning of "not allow" or "prevent the occurrence of". It carries the same meaning when that word is used in s 5(2)(c) of the RMA. The word "avoid" should be given a consistent definition throughout the MEP. It is useful to make clear, as the Supreme Court did at [145], that when avoiding adverse effects one does not need to avoid minor effects, transient effects or other acceptable effects. Where the use of the word "avoid" is intended to be more flexible, it may be better to refer to taking all practical steps to minimise or eliminate effects rather than using the word "avoid".

Relief sought: Avoid should have only one meaning. Where a different meaning is preferred, this should be clear from the specific provision.

7. **RMA Terms - "Protect"**

Chapter 02 Background

Oppose the approach where "protect" can be interpreted in a number of different ways. This makes the MEP unclear.

Relief Sought: A single meaning should be adopted, consistent with the Supreme Court's approach in *New Zealand King Salmon*.

8. **Iwi's Economic Interests**

Chapter 03 Marlborough's Tangata Whenua Iwi

The policies in Chapter 3 do not appear to give adequate recognition to iwi's economic interests. For example, several of the gazetted aquaculture sites in the Marlborough Sounds

are unlikely to be consentable in light of the overlay mapping and proposed policies in the MEP.

Relief sought: The economic interests of iwi should be expressly recognised.

9. Social and Economic Wellbeing

Chapter 04 Use of Natural and Physical Resources

Issue 04A – Marlborough’s social and economic wellbeing relies on the use of its natural resources.

Support Issue 4A. This ethos should be reflected in the issues, objectives, policies and rules throughout the MEP.

10. Infrastructure

Chapter 04 Use of Natural and Physical Resources

Issue 04B – The social and economic wellbeing, health and safety of the Marlborough community are at risk if community infrastructure is not able to operate efficiently, effectively and safely.

Support Issue 4B and the supporting policies, but submit that the infrastructure used for commercial purposes at Elaine Bay (Tennyson Inlet), Oyster Bay (Port Underwood) and Okiwi Bay (Croisilles Harbour) be specifically recognised in policy 4.2.1.

11. Consequences of Acting and Not Acting

Chapter 04 Use of Natural and Physical Resources

Relief sought:

- (a) Add new Issue 4D - Recognise that the choice whether or not to use natural and physical resources has consequences;
- (b) Add new Objective 4.4 - Recognise that limiting development has a tradeoff; and
- (c) Add new Policy 4.4.1 - Identify the consequences of not allowing development in terms of:
 - (i) Substitution;
 - (ii) Adverse effects from other alternative activities in the area; and
 - (iii) Loss of environmental, economic and social benefits.

This proposed new policy is consistent with s 7(b) RMA.

12. Social and Economic Wellbeing

Chapter 04 Use of Natural and Physical Resources

Objective 04.1 – Marlborough’s primary production sector and tourism sector continue to be successful and thrive whilst ensuring the sustainability of natural resources.

There needs to be express reference to related servicing and processing industries in objective 4.1. The tourism and primary production sectors cannot operate in the absence of related services.

The commentary of objective 4.1 should refer to aquaculture’s need for water space, and high quality water. Recognition should be given to the fact that different water space and site characteristics are necessary for different forms of aquaculture. For example, cool fast flowing water is required for salmon farming, whereas access to high nutrient laden water is necessary for effectively farming mussels. Logistical considerations are important for all types of aquaculture.

Relief sought:

- (a) Amend objective 4.1 to include express reference to related servicing and processing industries; and
 - (b) Amend commentary as suggested.
-

13. Objective 4.3

Chapter 04 Use of Natural and Physical Resources

Objective 04.3 – The maintenance and enhancement of the visual, ecological and physical qualities that contribute to the character of the Marlborough Sounds.

Support, so long as new objective 4.3A is added (see below). Alternatively, Objective 4.3 should be amended to reflect the fact that social and cultural uses are part of the character of the Marlborough Sounds.

14. Qualities and Values of the Sounds

Chapter 04 Use of Natural and Physical Resources

Relief sought: Insert new Objective 4.3A - Recognise that the visual, ecological and physical qualities of the Marlborough Sounds have been altered by cultural and social use and those uses have become part of the character of the Marlborough Sounds and do not detract from it.

The 2014 Colmar Brunton report commissioned by MPI indicates that New Zealanders have an overwhelmingly positive view of the aquaculture industry. The 2012 Corydon Consultants report commissioned by the Marlborough District Council shows the community considers that many other activities, including recreational boating and residential subdivision, are more likely than marine farming (mussels/salmon) to have an adverse impact on the characteristics and qualities of the Sounds.

NOTE - New policy 4.3.6 should be added to support this Objective. Industry supports policies 4.3.1 - 4.3.5, provided this proposed objective and policy are added (as outlined below).

15. **Existing Uses**

Chapter 04 Use of Natural and Physical Resources

Relief sought: Add new Policy 4.1.1A to recognise existing uses of natural and physical resources. Existing use should be brought through into the MEP. Where it is necessary or desirable to curtail those uses, ensure where possible that production resulting from the existing use is able to be maintained. An existing use includes a use that is not substantially different from the existing use.

16. **Enabling sustainable use and development**

Chapter 04 Use of Natural and Physical Resources

Policy 04.1.2 – Enable sustainable use of natural resources in the Marlborough environment.

Relief sought: Amend Policy 4.1.2 to read "Enable sustainable use and development of natural resources in the Marlborough environment." Including "development" is a clear reference to potential future use of the environment and is consistent with s 5(2) RMA.

17. **Experimentation and Innovation**

Chapter 04 Use of Natural and Physical Resources

Relief sought: Insert new Policy 4.1.2A - allow for experimentation and innovation where there are sufficient controls to appropriately manage adverse effects. R & D is valuable and should be encouraged.

18. **Net Improvement**

Chapter 04 Use of Natural and Physical Resources

Relief sought: Add new Policy 4.1.2B - Allow for development where it will achieve a net improvement in sustainability or efficiency by:

- (a) Offsetting effects;
- (b) Compensating for effects; or
- (c) Substituting one use for another.

In terms of this Policy, the probability of offsetting or compensation being effective should be at least as likely as the probability of the adverse effect.

Seeking an overall net improvement is consistent with the purpose of the RMA.

19. **Quality of Natural Resources**

Chapter 04 Use of Natural and Physical Resources

Policy 04.1.3 – Maintain and enhance the quality of natural resources.

Relief sought: Delete policy 4.1.3 because it duplicates s 7(f) of the RMA. This is arguably inherent in policy 4.1.2.

20. **Infrastructure**

Chapter 04 Use of Natural and Physical Resources

Policy 04.2.1 – Recognise the social, economic, environmental, health and safety benefits from the following infrastructure, either existing or consented at the time the Marlborough Environment Plan became operative, as regionally significant:

Relief Sought: That the infrastructure used for commercial purposes at Elaine Bay (Tennyson Inlet), Oyster Bay (Port Underwood) and Okiwi Bay (Croisilles Harbour) be specifically recognised in policy 4.2.1 (along with other proposed changes).

21. **Integrated Management of Resources**

Chapter 04 Use of Natural and Physical Resources

Policy 04.3.1 – Integrate management of the natural and physical resources within the Marlborough Sounds environment.

Support Policy 4.3.1, provided new Objective 4.3A and Policy 4.3.6 are added as proposed.

22. **Identify Qualities and Values**

Chapter 04 Use of Natural and Physical Resources

Policy 04.3.2 – Identify the qualities and values that contribute to the unique and iconic character of the Marlborough Sounds and protect these from inappropriate subdivision, use and development.

Support Policy 4.3.2, provided new Objective 4.3A and Policy 4.3.6 are added as proposed.

23. **Provide Direction on Resource Use**

Chapter 04 Use of Natural and Physical Resources

Policy 04.3.3 – Provide direction on the appropriateness of resource use activities in the Marlborough Sounds environment.

Support Policy 4.3.3, provided new Objective 4.3A and Policy 4.3.6 are added as proposed.

24. Enhance Qualities and Values

Chapter 04 Use of Natural and Physical Resources

Policy 04.3.4 – Enhance the qualities and values that contribute to the unique and iconic character of the Marlborough Sounds

Support Policy 4.3.4, provided new Objective 4.3A and Policy 4.3.6 are added as proposed.

25. Recognise Sounds is Dynamic

Chapter 04 Use of Natural and Physical Resources

Policy 04.3.5 – Recognise that the Marlborough Sounds is a dynamic environment.

Support Policy 4.3.5, provided new Objective 4.3A and Policy 4.3.6 are added as proposed.

26. Qualities and Values of the Sounds

Chapter 04 Use of Natural and Physical Resources

Relief Sought: New Policy 4.3.6 should be added to give effect to proposed new Objective 4.3A.

27. Objective 4.1 Methods of Implementation

Chapter 04 Use of Natural and Physical Resources

Support the methods of implementation for Objective 4.1.

28. Anticipated Environmental Results

Chapter 04 Use of Natural and Physical Resources

Support the anticipated environmental results and monitoring effectiveness.

29. Deliberate Introduction of Exotic Plants

Chapter 04 Use of Natural and Physical Resources

Submit that, in order to manage biosecurity threats, the deliberate introduction of exotic or introduced plants into the coastal marine area should require a resource consent (as per rule 35.5 in the current Marlborough Sounds Resource Management Plan (MSRMP)).

Relief sought: A policy should be added to this effect.

30. **Development for Private Benefit**

Chapter 05 Allocation of Public Resource

Objective 05.10 – Equitable and sustainable allocation of public space within Marlborough’s coastal marine area.

Amend Objective 5.10. Use of the word "Equitable" is vague in this context. It could mean equality of opportunity to apply for use of the coastal marine area. Alternatively, it could mean that space should be equally apportioned between different uses.

Relief Sought:

- (a) The word "equitable" should be replaced with "efficient." This reflects two aims:
 - (i) Lowest transaction costs; and
 - (ii) Lowest cost/ highest net benefit to society as a whole; and
 - (b) The commentary to objective 5.10 should note that this "manages conflicts between users" rather than "avoids conflicts."
-

31. **Preventing Gazumping**

Chapter 05 Allocation of Public Resource

Policy 05.10.1 – Recognition that there are no inherent rights to be able to use, develop or occupy the coastal marine area.

Relief sought: The commentary to Policy 5.10.1 should note sections 124A, 124B and 124C of the RMA, as well as sections 165ZH, 165ZI and 165ZJ.

All of these provisions recognise that the current consent holder cannot be gazumped by somebody else.

32. **Allocation**

Chapter 05 Allocation of Public Resource

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

Relief sought: Support the first sentence (default method) of Policy 5.10.2, but delete the second sentence (alternative regime). An alternative regime could be referred to in the commentary.

33. **Exclusive Occupation**

Chapter 05 Allocation of Public Resource

Policy 05.10.3 – Where a right to occupy the coastal marine area is sought, the area of exclusive occupation should be minimised to that necessary and reasonable to undertake the activity, having regard to the public interest

Relief sought: Delete the words "necessary and" from policy 5.10.3, so that it reads "to that reasonable to undertake..." If these words are not deleted, absurd results are possible, with significantly higher costs for no real public benefit. The policy is valid, however, it should not be couched in the extreme.

34. **Coastal Occupancy Charges**

Chapter 05 Allocation of Public Resource

Policy 05.10.4 – Coastal occupancy charges will be imposed on coastal permits where there is greater private than public benefit arising from occupation of the coastal marine area.

It has always been the MFA's position that members support coastal occupancy charges provided:

- (a) The amount is fair, efficient and equitable (that is, equally distributed among all parties using the coastal marine area);
- (b) The MEP appropriately provides for aquaculture through controlled activity status; and
- (c) The formula for determining the charges is transparent.

Relief sought:

- (a) The imposition of charges is fair, efficient and equitable;
- (b) Appropriate provision is made for aquaculture in the MEP policy and mapping provisions (given that the aquaculture rules are not part of the MEP); and
- (c) The formula for determining charges is written into the MEP, rather than the Council's Annual Plan. The level of charges should reflect earlier work in the Coastal Occupancy Charges report prepared by Executive Finesse Ltd (January 2013).

The MFA provisionally supports policy 5.10.4 if the above relief is granted.

35. **Waiver of Coastal Occupancy Charges**

Chapter 05 Allocation of Public Resource

Policy 05.10.5 – The Marlborough District Council will waive the need for coastal occupancy charges for the following

Relief sought:

- (a) The imposition of charges is fair, efficient and equitable;
- (b) Appropriate provision is made for aquaculture in the MEP policy and mapping provisions (given that the aquaculture rules are not part of the MEP); and

- (c) The formula for determining charges is written into the MEP, rather than the Council's Annual Plan. The level of charges should reflect earlier work in the Coastal Occupancy Charges report prepared by Executive Finesse Ltd (January 2013).

The MFA provisionally supports policy 5.10.5 if the above relief is granted.

36. Application to Waive Coastal Occupancy Charges

Chapter 05 Allocation of Public Resource

Policy 05.10.6 – Where there is an application by a resource consent holder to request a waiver (in whole or in part) of a coastal occupation charge, the following circumstances will be considered:

Relief sought:

- (a) The imposition of charges is fair, efficient and equitable;
- (b) Appropriate provision is made for aquaculture in the MEP policy and mapping provisions (given that the aquaculture rules are not part of the MEP); and
- (c) The formula for determining charges is written into the MEP, rather than the Council's Annual Plan. The level of charges should reflect earlier work in the Coastal Occupancy Charges report prepared by Executive Finesse Ltd (January 2013).

The MFA provisionally supports policy 5.10.6 if the above relief is granted.

37. Coastal Occupancy Charges

Chapter 05 Allocation of Public Resource

Policy 05.10.7 – The manner in which the level of coastal occupancy charges has been determined is as follows

Oppose policy 05.10.7. under s 64A(3)(c) of the RMA, the Council must specify a formula for determining the level of coastal occupation charges. They cannot simply refer to the amount being set in the Annual Plan process. What is proposed in policy 5.10.7 amounts to an unlawful delegation of the Council's power.

Where the aquaculture industry is already contributing, through the resource consent process for example, to the cost of coastal monitoring, surveying or research, the reasonable costs of doing so should be taken into account.

Relief sought:

- (a) The imposition of charges is fair, efficient and equitable;
- (b) The existing contribution of aquaculture be taken into account; and
- (c) The formula for determining charges is written into the MEP, rather than the Council's Annual Plan. The level of charges should reflect earlier work in the Coastal Occupancy Charges report prepared by Executive Finesse Ltd (January 2013).
-

38. **Coastal Occupancy Charges**

Chapter 05 Allocation of Public Resource

Policy 05.10.8 - Any coastal occupancy charges collected will be used on the following to promote the sustainable management of the coastal marine area

Relief sought: A representative body should be established to oversee the work funded by coastal occupancy charges. The extent of representation on that body should be commensurate with the percentage of total charges levied on the aquaculture industry.

Relief sought:

- (a) The MFA is represented on the oversight body to an extent commensurate with the levy on the industry;
- (b) The imposition of charges is fair, efficient and equitable;
- (c) Appropriate provision is made for aquaculture in the MEP policy and mapping provisions (given that the aquaculture rules are not part of the MEP);
- (d) The formula for determining charges is written into the MEP, rather than the Council's Annual Plan. The level of charges should reflect earlier work in the Coastal Occupancy Charges report prepared by Executive Finesse Ltd (January 2013); and
- (e) Amend Policy 5.10.8 to read "...will be used on the following in accordance with a research priority strategy to promote the sustainable management of the coastal marine area. The research priority strategy will be determined in conjunction with the Marlborough District Council, central government, science providers, industry, and the community."

The MFA provisionally supports policy 5.10.8 if the above relief is granted.

39. **Methods of Implementation - Issue 5J**

Chapter 05 Allocation of Public Resource

We note that method 5.M.10 Regional Rules does not appear to have been implemented in volume 2 of the MEP. This may be an oversight.

Relief sought: Consequential amendments are made to the methods of implementation where needed, as a result of the submissions in relation to Issue 5J and Policies 5.10.1 - 5.10.8.

40. **"Modification" not "Degradation"**

Chapter 06 Natural Character

Issue 06A – Resource use and changes in resource use can result in the degradation of the natural character of the coastal environment, and of lakes, rivers and their margins.

Relief sought: Amend Issue 6A. The word "degradation" should be changed to "modification." This change should be reflected in the language throughout chapter 6, with consequential amendments where appropriate.

The word "degradation" implies a value judgement or negative attitude toward change. Resource use may modify rather than degrade natural character.

41. Extent of acceptable modification

Chapter 06 Natural Character

Objective 06.1 – Establish the degree of natural character in the coastal environment, and in lakes and rivers and their margins.

Relief sought: Amend objective 6.1 – add new sentence "Establish the extent of acceptable modification."

This objective should reflect the need to establish the degree of modification or level of acceptable change. Modification is not necessarily a bad thing, and recognition should be given to existing modifications.

42. Definition of Natural Character

Chapter 06 Natural Character

Policy 06.1.1 – Recognise that the following natural elements, patterns, processes and experiential qualities contribute to natural character

Oppose policy 06.1.1 as drafted. The focus of a definition of natural character should be on biological elements. Natural character is nature and people's perceptions of nature.

Relief sought:

- (a) Delete policy 6.1.1 and replace with "Natural character is natural, physical and biological processes, and how those processes are perceived"; or
 - (b) 6.1.1(b) - delete "and landscapes (including seascapes)." This is a confusing use of terminology in the context of the natural character policies; and
 - (c) 6.1.1(e) - amend to read "biological processes and biological patterns." (As compared with perceptual patterns); and
 - (d) Include in the discussion a record that the intent of this policy is to provide for a biological definition of natural character, overlaid with perceptions of biology.
-

43. Extent of Coastal Environment

Chapter 06 Natural Character

Policy 06.1.2 – The extent of the coastal environment is identified in the Marlborough Environment Plan to establish the areas of land and coastal marine area to which management may need to be applied in order to protect the natural character of the coast

Oppose the underlying methodology. The Boffa Miskell/MEP approach divides land and sea. They cannot be divorced in reality. It seems that the Natural Character of the Marlborough Coast (Boffa Miskell, 2014) work was initially underpinned by a terrestrial land-typing approach, which has been extended to the sea.

Incorrect definitions are used.

The MFA is critical of the seaward extent of the coastal environment extending to 12 nautical miles. The landward extent of the coastal environment is relatively small by comparison. 12 nautical miles appears random (apart from representing the territorial seas). Implication could be that this prevents offshore marine farming, which the MEP should provide for.

Much of natural character is dealt with in the indigenous biodiversity policies. The seaward extent of the coastal environment could be anything up to diving depth or some sort of light depth. Beyond that depth, indigenous biodiversity takes over, because the natural character values are equivalent to the indigenous biodiversity values at that point (because there is no perceptual element). There is no need to for the natural character policies to duplicate the indigenous biodiversity policies in this way.

Relief sought: That the seaward extent of the coastal natural character mapping be reduced to snorkelling or recreational diving depth, and the maps amended to reflect this (or relief securing same outcome). This approach is supported by the commentary in Natural Character of the Marlborough Coast (Boffa Miskell, 2014) at Appendix 6, page 316.

44. Scale - Natural Character

Chapter 06 Natural Character

Policy 06.1.3 – Determine the degree of natural character in both the coastal marine and coastal terrestrial components of the coastal environment by assessing:

Relief sought: Amend Policy 6.1.3 to read “Determine the degree of natural character in both the coastal marine and coastal terrestrial components of the coastal environment.” This change should be made because:

- (a) Paragraph (a) is inconsistent with the definition in 6.1.1 (both in terms of the proposed MEP wording and the wording proposed in this submission);
- (b) Paragraph (b) is wrong, in that the mapped scale of natural character is at the detailed (Level 5) scale. However, the “values” are described in Appendix 2 at between the area level and the local level. Natural character is correctly mapped at the detailed scale, and the values should relate to that level of detail. This will necessitate consequential revision of Vol 3, Appendix 2 in its entirety;
- (c) Natural character should only be assessed at the detailed level (level 5). The commentary should be amended to reflect this; and
- (d) The Natural Character of the Marlborough Coast Study (Boffa Miskell, 2014), on which the MEP is supposedly based, needs to be redrafted on the basis that:
 - (i) No cultural assessment has been undertaken (pp 24 – 25, 2014 Study);
 - (ii) Mapped areas illustrate abiotic and biotic values only, not experiential values (pp 63, 69, 75, 81, 85, 95, and Appendix 6, 2014 Study);
 - (iii) Many of the “marine values” identified are, in fact, terrestrial values (eg. pp 73 – 74, 2014 Study);
 - (iv) There is an undue focus on the effects of aquaculture on natural character. (Aquaculture is mapped on pp 63, 75, 81, 85 and 95 of the 2014 Study). Other

anthropological effects, such as sedimentation, dredging, fishing (recreational and commercial), vessel wake, and exotic species are not mapped;

- (v) The definition of “outstanding” in the 2014 Study is incorrect; and
- (vi) Frequent use of the terms “unmodified” or “largely unmodified” is unwarranted. It shows that the assessment was made based on an incorrect factual premise. Therefore, the output is also incorrect. All parts of the Marlborough Sounds are modified; it is simply a question of degree. Modification does not necessarily adversely effect natural character, based on the definition of natural character. Not all modification will interfere with abiotic and biotic processes.

45. Identifying Natural Character Areas

Chapter 06 Natural Character

Policy 06.1.4 – Identify those areas of the coastal environment that have high, very high or outstanding natural character.

Note: The commentary refers to a transition area between areas mapped high and very high, but there is none shown on the maps.

Relief Sought:

- (a) Delete 6.1.4, as this is addressed by Policy 6.1.3;
- (b) Define “natural character” as per submission on 6.1.1; and
- (c) Define “outstanding” as per submission on Vol 2, Chapter 25, Definitions.

46. Characteristics and Values

Chapter 06 Natural Character

Relief sought: Add new Policy 6.1.4 – “Identify the biological characteristics and the values inherent in the perception of those biological characteristics for each area mapped under Policy 6.1.3.”

The Natural Character of the Marlborough Coast (Boffa Miskell, 2014) does not separate characteristics from values. It uses a different set of definitions than that contained in the MEP at Policy 6.1.1. Adoption of a different methodology means that the maps contained in the MEP (derived from the 2014 Study) are inconsistent with the policy approach in the MEP.

47. Avoidance Policies - Natural Character

Chapter 06 Natural Character

Preferable policy approaches have been taken in other regions.

Relief sought: Delete Policies 6.2.1 - 6.2.3 and replace with:

New Policy 6.2.1 - In the coastal environment:

- (a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character.
- (b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character. Methods which may achieve this include:
 - (i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and
 - (ii) In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and
 - (iii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character has already been compromised.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(1).

New Policy 6.2.2 - Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of the natural character of freshwater bodies. A method which may achieve this includes minimising indigenous vegetation clearance and modification (including earthworks / disturbance and structures) to natural wetlands, the beds of lakes, rivers and their margins.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(2).

New Policy 6.2.3 - When considering whether there are any adverse effects on the characteristics and qualities of the natural character values in terms of 6.2.1(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of 6.2.1(b) and 6.2.2, and in determining the character, intensity and scale of the adverse effects:

- (a) Recognise that a minor or transitory effect may not be an adverse effect;
- (b) Recognise that many areas contain ongoing use and development that:
 - (i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established
 - (ii) May be dynamic, diverse or seasonal;
- (c) Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects;
- (d) Have regard to any restoration and enhancement on the characteristics and qualities of that area of natural character;
- (e) Recognise it may be appropriate to offset significant residual adverse effects on natural character to result in no net loss and preferably a net natural character gain. A

natural character offset should be developed in a manner consistent with the principles contained in Policy 6.2.6;

- (f) Recognise that where adverse effects cannot be practicably avoided, adverse effects could be minimised; and
- (g) Acknowledge that a future adverse effect may be avoided where the effect is temporary and is authorised for a finite term.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(3); save for (e), which is based on the proposed Bay of Plenty Regional Coastal Environment Plan at Policy NH 11(d); and (f), which is based on the proposed Auckland Unitary Plan (AUP) Regional Policy Statement Chapter D9.3(1)(a). Proposed new policy 6.2.3(g) adopts an approach similar to policy 7.2.6 in the MEP.

48. **Effects on high and very high natural character**

Chapter 06 Natural Character

Policy 06.2.3 – Where natural character is classified as high or very high, avoid any reduction in the degree of natural character of the coastal environment or freshwater bodies

Relief Sought: Delete Policy 6.2.3.

There is no justification for the threshold/classification. Under this approach, you could have a large effect within the same classification, but a marginal effect that drops you from very high to high would not be allowed under the policy. No such approach is taken in the NZCPS and this essentially creates a five scale approach. There is no justification for that in a policy context. It is not based on NZCPS policy 13(1)(b), as the MEP suggests.

Arguably removing the "reduction in degree" aspect is aimed at avoiding significant change. This is addressed in the proposed amendment to policies 6.2.1 - 6.2.3.

49. **Duplication**

Chapter 06 Natural Character

Policy 06.2.4 – Where resource consent is required to undertake an activity within coastal or freshwater environments with high, very high or outstanding natural character, regard will be had to the potential adverse effects of the proposal on the element

Relief sought: Delete policy 6.2.4. States the obvious and is dealt with elsewhere in the Chapter 6 policies.

50. **Existing Modification**

Chapter 06 Natural Character

Policy 06.2.5 – Recognise that development in parts of the coastal environment and in those rivers and lakes and their margins that have already been modified by past and present resource use activities is less likely to result in adverse effects on natural...

Support.

51. Enhancing Natural Character

Chapter 06 Natural Character

Policy 06.2.6 – In assessing the appropriateness of subdivision, use or development in coastal or freshwater environments, regard shall be given to the potential to enhance natural character in the area subject to the proposal.

Support. Allows for 'avoidance' (net benefit) and offsetting in appropriate cases.

52. Natural Character - Cumulative Effects

Chapter 06 Natural Character

Policy 06.2.7 – In assessing the cumulative effects of activities on the natural character of the coastal environment, or in or near lakes or rivers, consideration shall be given to:

Relief sought: Amend Policy 6.2.7 to read: "Recognition should be given to the extent of cumulative effects from existing modifications in the environment." (Implication is that recognition should be given to the ability of the existing environment to absorb further modification). Then an addition should be assessed in light of that.

Current wording focuses on the cumulative effect of one additional structure. This comes from an 'accept what we have, but don't allow further change' approach.

53. Natural Character Restoration

Chapter 06 Natural Character

Policy 06.2.9 – Encourage and support private landowners, community groups and others in their efforts to restore the natural character of the coastal environment, wetlands, lakes and rivers.

Support, with proposed amendment.

Relief sought: Amend Policy 6.2.9 to read: "...community groups, businesses, and others in their efforts..."

This approach is consistent with Policy 14 of the NZCPS.

54. Methods of Implementation

Chapter 06 Natural Character

Relief sought: Add new 6.M.2A – "Natural Character Assessment Method." New Appendix 2A should be included in the MEP, setting out a detailed method to encourage consistency of approach between landscape architects.

55. **Anticipated Results - Retaining Natural Character**

Chapter 06 Natural Character

Anticipated environmental results - focus is on retaining natural character. This is consistent with the wording in the issues and objectives (focus on maintenance/preservation). Supports approach where existing activities are allowed.

Relief sought: Support, on the basis that natural character can be retained while allowing for existing activities, including existing aquaculture.

56. **"Degree" of change**

Chapter 06 Natural Character

General opposition to use of the word "degree" throughout policies, if that is intended to refer to the scale outstanding - very low. The focus should be on the magnitude of the change, not whether the classification is affected.

Relief sought: Amend the natural character policies to make it clear that "degree" refers to the magnitude of change, not the classification.

57. **Landscape/Natural Character/Indigenous Biodiversity**

Chapter 06 Natural Character

Alternative submission:

Delete Natural Character chapter 6 altogether. Reference to natural character can be made in the indigenous biodiversity chapter (biophysical elements) and in the landscape chapter (experiential elements).

Or consider whether all three topics (landscape, natural character and indigenous biodiversity) could be dealt with under one category "Natural Heritage," which is the approach taken in the proposed Bay of Plenty Regional Coastal Plan and the Regional Policy Statement for Northland (May 2016).

58. **Amenity Value**

Chapter 07 Landscape

Objective 07.1 – Identify Marlborough’s outstanding natural features and landscapes and landscapes with high amenity value.

Relief sought: Remove reference to "high amenity value." This is a s 7 RMA matter, not a s 6/NZCPS matter. There is no basis for the presumption that everything is a high amenity landscape if it is not outstanding.

This approach is continued throughout chapter 7, so consequential amendments should also be made.

59. **Objective 7.2**

Chapter 07 Landscape

Objective 07.2 – Protect outstanding natural features and landscapes from inappropriate subdivision, use and development and maintain and enhance landscapes with high amenity value.

Relief sought: Delete reference to amenity.

60. **Landscape Criteria**

Chapter 07 Landscape

Policy 07.1.1 – When assessing the values of Marlborough’s landscapes, the following criteria will be used:

Support.

61. **Defining Landscape**

Chapter 07 Landscape

Policy 07.1.2 – Define the boundaries of significant landscapes using the following methods:

The boundaries of a landscape should be defined using a visual catchment approach. This approach was taken by Judge Jackson in *Port Gore Marine Farms* and *R J Davidson Family Trust* (Beatrix Bay), and by Judge Borthwick in *Clearwater Mussels Ltd* (Camel Point). This was also the approach taken in the Wainui Bay landscape workshop.

Relief sought:

- (a) Amend Policy 7.1.2 - by deleting the word "significant" and only using the visual catchment approach (ie. A bay, reach or valley approach); and
 - (b) Delete Map 2 from Vol 3, Appendix 1 and replace with a map that reflects the visual catchment approach.
-

62. **Defining Feature**

Chapter 07 Landscape

A clear distinction should be made between landscapes and features.

Relief sought:

- (a) Add new Policy 7.1.2A - "Define the boundaries of a feature as a coherent land and sea type"; and
 - (b) Map those features and describe their values in Vol 3, Appendix 1.
-

63. **Assessment of Values**

Chapter 07 Landscape

Policy 07.1.3 – Assessment of the values in Policy 7.1.1 will determine:

Relief sought:

- (a) 7.1.3(b) - delete reference to "high." Section 7(c) RMA deals with amenity generally, and does not necessarily require this to be ranked; and
 - (b) Delete subparagraph 7.1.3(c) - problem is that people tend to have a mindset around what a landscape is sensitive to.
-

64. **Values Identification**

Chapter 07 Landscape

Policy 07.1.4 – Landscapes that meet the criteria to be identified as an outstanding natural feature and landscape, or landscapes with high amenity value, where those values are more sensitive to change

Support the identification of outstanding natural landscapes (ONL), but oppose the methodology in the MEP.

Relief sought:

- (a) Delete reference to "high" amenity values;
 - (b) Delete "where those values are more sensitive to change"; and
 - (c) In relation to Policy 7.1.4(b), Appendix 1, volume 3 tends to describe or characterise. Very few values are identified. The entirety of Appendix 1 needs to be re-written, so that it is consistent with the definition in 7.1.1. This methodological flaw has resulted in incorrect mapping.
-

65. **Reassessing Boundaries**

Chapter 07 Landscape

Policy 7.1.5 - Refine the boundaries of outstanding natural features and landscapes and landscapes with high amenity value in response to:

Delete policy 7.1.5 - redundant. Policy only applies for the life of the MEP.

Also suggests that once you have defined the boundary of an ONL, you must go through the First Schedule RMA process in order to change the classification. Really means the opposite of what it says.

66. **Amenity**

Chapter 07 Landscape

Policy 07.2.3 – Control activities that have the potential to degrade the amenity values that contribute to those areas of the Marlborough Sounds Coastal Landscape not identified as being an outstanding natural feature and landscape by

The Marlborough Landscape Study (Boffa Miskell, 2015) takes the approach that the entirety of the Marlborough Sounds is an ONL in a national sense (p 61 Study). The MFA opposes that approach. There is no basis for this approach (*Man O'War*). The whole of the Sounds is not a landscape. The suggestion that it is underlines the fact that the 2015 Study starts from an incorrect premise, and should not have been used in the MEP.

Relief Sought:

- (a) Delete policy 7.2.3 - amenity should not be in the landscape policies chapter; and
- (b) Delete Map 4 at Vol 3, Appendix 1, page 32.

67. **Duplication**

Chapter 07 Landscape

Policy 07.2.4 – Where resource consent is required to undertake an activity within an outstanding natural feature and landscape or a landscape with high amenity value, regard will be had to the potential adverse effects of the proposal on the values that

Relief Sought: Delete Policy 7.2.4, as this duplicates 7.2.1.

68. **Avoidance Policies - Landscape**

Chapter 07 Landscape

Policy 07.2.5 – Avoid adverse effects on the values that contribute to outstanding natural features and landscapes in the first instance. Where adverse effects cannot be avoided and the activity is not proposed to take place in the coastal environment

Preferable policy approaches have been taken in other regions.

Relief sought: Delete 7.2.1, 7.2.4 and 7.2.5 and replace with:

New Policy 7.2.5 - In the coastal environment:

- (a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural features and outstanding natural landscapes.
- (b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural features and natural landscapes. Methods which may achieve this include:
 - (i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and

- (ii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural landscape has already been compromised.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(1).

New Policy 7.2.5A - Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of outstanding natural features and outstanding natural landscapes. Methods which may achieve this include:

- (a) In outstanding natural landscapes, requiring that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins; and
- (b) In outstanding natural features, requiring that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(2).

New Policy 7.2.5B - When considering whether there are any adverse effects on the characteristics and qualities of the natural features and landscape values in terms of 7.2.5(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of 7.2.5(b) and 7.2.5A, and in determining the character, intensity and scale of the adverse effects:

- (a) Recognise that a minor or transitory effect may not be an adverse effect;
- (b) Recognise that many areas contain ongoing use and development that:
 - (i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established
 - (ii) May be dynamic, diverse or seasonal;
- (c) Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects;
- (d) Have regard to any restoration and enhancement of the characteristics and qualities of that area of natural features and/or natural landscape;
- (e) Recognise it may be appropriate to offset significant residual adverse effects on a landscape or feature to result in no net loss and preferably a net landscape gain;
- (f) Recognise that where adverse effects cannot be practicably avoided, adverse effects could be minimised; and
- (g) Acknowledge that a future adverse effect may be avoided where the effect is temporary and is authorised for a finite term.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(3); save for (e), which is based on the proposed Bay of Plenty Regional Coastal Environment Plan at Policy NH 11(d); and (f), which is based on the

proposed Auckland Unitary Plan (AUP) RSP Chapter D9.3(1)(a). Proposed 7.2.5B(g) is based on the premise underlying the proposed change to Policy 7.2.6 (below).

69. **Activities in Outstanding Landscapes**

Chapter 07 Landscape

Policy 07.2.6 – Where the following activities are proposed to take place in an area with outstanding natural features and landscapes, then any adverse effects on the values of those areas can be mitigated, provided the overall qualities and integrity

Relief Sought: Amend policy 7.2.6 by adding 7.2.6(d) - "aquaculture activities where the method and effects of farming are reversible."

The key link between renewable energy and aquaculture is the concept of reversibility. So long as you can demonstrate that effects are reversible within a short period of time, then it is consistent with this policy. Davidson's 12 year Marlborough District Council funded study looking at the impact and recovery of a retired mussel farm in East Bay demonstrates that this is possible for mussel farming (Davidson and Pande 2002, Davidson and Richards 2005). Shell remained for the longest period, and even this is smothered after approximately 10 years. In terms of effects on landscape, these are instantly reversible upon removal of the farms.

70. **Barges used in Aquaculture**

Chapter 07 Landscape

Policy 07.2.7 – Protect the values of outstanding natural features and landscapes and the high amenity values of the Wairau Dry Hills and the Marlborough Sounds Coastal Landscapes by:

Relief sought:

- (a) Amend Policy 7.2.7(a)(ii) by adding after "to the foreshore" - ", excluding barges used for aquaculture." (NB. These are not covered by the workers' accommodation in the definition of Dwelling, as that applies only to land-based farming); and
 - (b) Remove reference to amenity.
-

71. **Existing Primary Production**

Chapter 07 Landscape

Policy 07.2.8 – Recognise that some outstanding natural features and landscapes and landscapes with high amenity value will fall within areas in which primary production activities currently occur.

Support policy 7.2.8 if the following relief is provided:

- (a) Reference to amenity is deleted; and
- (b) Specific recognition is given to aquaculture in this context, as an existing primary production activity. Explanation currently focuses on land use.

72. **Activities adjacent to ONFLs**

Chapter 07 Landscape

Policy 07.2.9 – When considering resource consent applications for activities in close proximity to outstanding natural features and landscapes, regard may be had to the matters in Policy 7.2.7.

The MEP should provide clear guidance on the appropriateness of activities adjacent to ONFLs. A case by case assessment is uncertain and inefficient.

Relief sought: Delete Policy 7.2.9. Taking a visual catchment approach to landscape, and a coherent land and sea type approach to features will substantially avoid this problem.

73. **Wilding Pines**

Chapter 07 Landscape

Policy 07.2.10 – Reduce the impact of wilding pines on the landscape by:

Support.

74. **Amenity**

Chapter 07 Landscape

Policy 07.2.12 – Encourage landowners and resource users to consider landscape qualities in the use or development of natural and physical resources in landscapes with high amenity value.

Relief sought: Delete Policy 7.2.12. Amenity should not be addressed in the landscape chapter.

75. **Amenity**

Chapter 07 Landscape

All reference to amenity should be removed from Chapter 7. It is not a landscape matter. Amenity is addressed in Chapter 13 (Use of the Coastal Environment) and Chapter 8 (indigenous biodiversity).

76. **Methods of Implementation**

Chapter 07 Landscape

Relief sought: Add new 7.M.3A – “Landscape Assessment Method.” New Appendix 1A should be included in the MEP at volume 3, setting out a detailed method to encourage consistency of approach between landscape architects.

77. Anticipated Environmental Results

Chapter 07 Landscape

Support the anticipated environmental result - landscapes are protected from degradation (rather than enhanced).

Relief sought:

- (a) Policies, issues and objectives should be consistent with this intended outcome; and
 - (b) Recognition that landscape is not degraded by allowing for the continuation of existing activities, such as aquaculture.
-

78. Section 32 Analysis

Chapter 07 Landscape

The Chapter 7 s 32 evaluation suggests that the costs associated with future resource consent applications in the coastal marine area in relation to policy 7.2.4 are negligible, because resource consent is already required. Under the MSRMP, expert landscape evidence is not always required. No recognition is given to the cost of landscape assessment, which is specifically required under Policy 7.2.1.

Relief sought: The s 32 analysis should be redone to take account of re consenting costs, using publicly available information where possible. The NZIER reports commissioned by the MFA should be referenced. Where existing marine farms are at risk, the cost of loss of farming space should be acknowledged.

79. Risk and Biodiversity

Chapter 08 Indigenous Biodiversity

Issue 08A – A reduction in the extent and condition of indigenous biodiversity in Marlborough.

Relief sought: The MEP should better address the concepts of "avoid" and risk.

80. Protect Remaining Biodiversity

Chapter 08 Indigenous Biodiversity

Objective 08.1 – Marlborough's remaining indigenous biodiversity in terrestrial, freshwater and coastal environments is protected.

This Objective 8.1 should be consistent with s 6(c) of the RMA.

Relief sought: Amend objective 8.1 to read "Marlborough's remaining areas of significant indigenous biodiversity in terrestrial, freshwater and coastal environments are protected."

81. Increase in Extent of Biodiversity

Chapter 08 Indigenous Biodiversity

Objective 08.2 – An increase in area/extent of Marlborough’s indigenous biodiversity and restoration or improvement in the condition of areas that have been degraded

Support objective 8.2, provided other relief sought in respect of chapter 8 is granted.

82. Identifying Areas of Significant Indigenous Biodiversity

Chapter 08 Indigenous Biodiversity

Policy 08.1.1 – When assessing whether wetlands, marine or terrestrial ecosystems, habitats and areas have significant indigenous biodiversity value, the following criteria will be used:

Policy 8.1.1 does not implement Policy 11 NZCPS. There is a regional approach taken in the MEP, as the Davidson 2011 Significant Sites report took a regional approach. By contrast, Policy 11 of the NZCPS requires a national approach. Areas mapped in the MEP are based on the Davidson work, so are not necessarily "nationally significant." This is problematic, because the MEP does not follow the cascading approach to managing effects seen in Policy 11 NZCPS. Rather, a straight avoidance approach is adopted.

The MEP does not follow the approach in Davidson 2011. Pattern is no longer part of 2011 approach (see 2015 amendments to Davidson). Sustainability has been added to the criteria at 8.1.1(g), along with other textual changes in the appendices. In any event, the 2011 significant sites work was not intended to mirror the Policy 11 NZCPS approach.

The authors of the Davidson 2011 report almost certainly intended that experts/biologists would use the significance criteria to identify sites. The process and criteria are designed to be used by experts. Identification should be undertaken by the expert panel, not a layman. The way the criteria are set out in the MEP essentially opens the way for anyone to attempt to identify significant sites using that criteria.

Relief sought: Adopt approach taken in the proposed Regional Policy Statement for Northland (May 2016) at Appendix 5, pages 175 - 178.

83. Mapped Sites

Chapter 08 Indigenous Biodiversity

Policy 08.1.2 – Sites in the coastal marine area and natural wetlands assessed as having significant indigenous biodiversity value will be specifically identified in the Marlborough Environment Plan.

The mapped sites in Volume 4 do not apply the significance criteria in Policy 8.1.1, but adopt the Davidson 2011 criteria. Do not agree with the proposed significance criteria.

Relief sought: Adopt approach taken in the proposed Regional Policy Statement for Northland (May 2016) at Appendix 5, pages 175 - 178.

84. Increased Knowledge

Chapter 08 Indigenous Biodiversity

Policy 08.1.3 – Having adequate information on the state of biodiversity in terrestrial, freshwater and coastal environments in Marlborough to enable decision makers to assess the impact on biodiversity values from various activities and uses.

There are three elements to Policy 8.1.3:

- (a) Increasing information as an intrinsic good;
- (b) Allowing for adaptive management; and
- (c) Recognising that uncertainty is inherent in biological systems and, consequently, not deferring decision making on account of uncertainty.

Relief sought:

- (a) Rewrite Policy 8.1.3 to read "Recognise that increased information is an intrinsic good. Where there is uncertainty and real risk of a significant adverse effect, use adaptive management techniques to address that risk;" and
 - (b) Add to the commentary the importance of Council partnering with industry to increase knowledge.
-

85. Partnership

Chapter 08 Indigenous Biodiversity

Policy 08.2.1 – A variety of means will be used to assist in the protection and enhancement of areas and habitats with indigenous biodiversity value, including partnerships, support and liaison with landowners, regulation, pest management, legal

Relief sought: Policy 8.2.1 should be amended to refer to "resource users", not simply landowners. Partnership should include industry.

86. Partnership

Chapter 08 Indigenous Biodiversity

Policy 08.2.2 – Use a voluntary partnership approach with landowners as the primary means for achieving the protection of areas of significant indigenous biodiversity on private land, except for areas that are wetlands.

Relief sought:

- (a) Amend Policy 8.2.2 to refer to "resource users", in addition to landowners;
 - (b) Add "encourage and promote the protection, restoration and re-establishment of areas of indigenous biodiversity;" and
 - (c) As a result: delete policies 8.2.10, 8.2.11 and 8.2.12.
-

87. **Priority Sites on Land**

Chapter 08 Indigenous Biodiversity

Policy 08.2.3 – Priority will be given to the protection, maintenance and restoration of habitats, ecosystems and areas that have significant indigenous biodiversity values, particularly those that are legally protected

Focus of Policy 8.2.3 is terrestrial based work. This reflects the voluntary (non-mapping) approach to significant sites on land. Does not deal with marine reserves or marine protected areas.

Relief sought:

- (a) Delete Policy 8.2.3; or
 - (b) Amend to expressly limit this policy to the terrestrial environment.
-

88. **Partnerships and Priority Marine sites**

Chapter 08 Indigenous Biodiversity

Relief sought: Add new Policy 8.2.3A - "Work with marine resource users and develop partnerships to protect, maintain and restore significant marine habitats."

The intention would be to encourage Council to work with marine users to identify priority sites at which funding and monitoring can be directed. Industry could then decide whether it has the capacity/willingness/inclination to engage. No expectation, just as landowners cannot be forced to engage.

Note that this will require a consequential addition to 8.M.11 Partnership/Liaison method of implementation.

89. **Priority Areas**

Chapter 08 Indigenous Biodiversity

Policy 08.2.5 – Encourage the legal protection of sites with significant indigenous biodiversity value through covenanting.

This is based on terrestrial work. No mention of marine reserves. Focus is on where funding should be directed.

Relief sought:

- (a) Delete Policy 8.2.5; or
 - (b) Amend to expressly limit the policy to the terrestrial environment.
-

90. **Pest Management**

Chapter 08 Indigenous Biodiversity

Policy 08.2.7 – A strategic approach to the containment/eradication of undesirable animals and plants that impact on indigenous biodiversity values will be developed and maintain

Relief sought: Amend to say "will be developed and maintained in partnership with MPI and affected industries and communities."

91. **Review Approach**

Chapter 08 Indigenous Biodiversity

Policy 08.2.8 – Where monitoring ecosystems, habitats and areas with significant indigenous biodiversity value shows that there is a loss of or deterioration in condition of these sites, then the Marlborough District Council will review the approach to

Relief sought: Delete Policy 8.2.8. This policy states the obvious; there is a statutory duty on Council to do this and this is likely to happen regardless of whether there is a policy. Moreover, the policy will not ensure this occurs. The policy does not add any value to the MEP.

92. **Duplication**

Chapter 08 Indigenous Biodiversity

Policy 08.2.9 – Maintain, enhance or restore ecosystems, habitats and areas of indigenous biodiversity even where these are not identified as significant in terms of the criteria in Policy 8.1.1, but are important for:

Relief sought: Delete Policy 8.2.9. This is addressed in policy 8.3.2(b), or in the proposed new avoidance policies. Remove duplication.

93. **Duplication**

Chapter 08 Indigenous Biodiversity

Policy 08.2.10 – Promote the general public and landowners the importance of protecting and maintaining indigenous biodiversity because of its intrinsic, conservation, social, economic, scientific, cultural, heritage and educational worth and for its co

Relief sought: Delete - Policy content can be incorporated into 8.2.2 (as per the suggested amendment) and policy 8.2.10 can be deleted.

94. **Duplication**

Chapter 08 Indigenous Biodiversity

Policy 08.2.11 – Promote corridors of indigenous vegetation along waterbodies to allow the establishment of native ecosystems and to provide wildlife habitat and linkages to other fragmented bush or wetland remnants.

Relief sought: Delete - Policy content can be incorporated into 8.2.2 (as per the suggested amendment) and policy 8.2.11 can be deleted.

95. **Duplication**

Chapter 08 Indigenous Biodiversity

Policy 08.2.12 – Encourage and support private landowners, community groups and others in their efforts to protect, restore or re-establish areas of indigenous biodiversity.

Relief sought: Delete Policy 8.2.12. Address content in 8.2.2, as suggested above. Remove duplication.

96. **Avoidance Policies - Biodiversity**

Chapter 08 Indigenous Biodiversity

Policy 08.3.1 – Manage the effects of subdivision, use or development in the coastal environment by:

Issues: The avoidance policies at 8.3.1 and 8.3.2 overreach, because the MEP fails to distinguish between regionally significant and nationally significant sites. In addition, the MEP modifies the Davidson 2011 significance criteria and leaves it open to a layperson to determine significance. The MEP does not adopt the cascading approach to protection in Policy 11 of the NZCPS. Preferable policy approaches have been taken in other regions.

Relief sought: Delete 8.3.1 and 8.3.2 and replace with:

New Policy 8.3.1 - In the coastal environment, avoid adverse effects, and outside the coastal environment avoid, remedy or mitigate adverse effects of subdivision, use and development so they are no more than minor on:

- (a) Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;
- (b) Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 3; and
- (c) Areas set aside for full or partial protection of indigenous biodiversity under other legislation.

New Policy 8.3.2 - In the coastal environment, avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision, use and development on:

- (a) Areas of predominantly indigenous vegetation;
- (b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes; and

- (c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, intertidal zones, rocky reef systems, coastal and headwater streams, floodplains, margins of the coastal marine area and freshwater bodies, spawning and nursery areas and saltmarsh.

New Policy 8.3.2A - Outside the coastal environment and where Policy 8.3.1 does not apply, avoid, remedy or mitigate adverse effects of subdivision, use and development so they are not significant on any of the following:

- (a) Areas of predominantly indigenous vegetation;
- (b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes; and
- (c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, headwater streams, floodplains and margins of freshwater bodies, spawning and nursery areas.

New Policy 8.3.2B - For the purposes of Policies 8.3.1, 8.3.2 and 8.3.2A, when considering whether there are any adverse effects and/or any significant adverse effects:

- (a) Recognise that a minor or transitory effect may not be an adverse effect;
- (b) Recognise that many areas contain ongoing use and development that:
 - (i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established
 - (ii) May be dynamic, diverse or seasonal;
- (c) Recognise that where the effects are or may be irreversible, then they are likely to be more than minor;
- (d) Recognise that there may be more than minor cumulative effects from minor or transitory effects;
- (e) Have regard to any restoration and enhancement of the areas and species listed in Policies 8.3.1 and 8.3.2; and
- (f) Have regard to any technical or operational requirements.

New Policy 8.3.2C - For the purpose of Policy 8.3.2A, if adverse effects cannot be reasonably avoided, remedied or mitigated then it may be appropriate to consider the next steps in the mitigation hierarchy i.e. biodiversity offsetting, followed by environmental biodiversity compensation, as set out in Policy 8.3.8.

Note: This adopts the approach in the Regional Policy Statement for Northland (May 2016), Policy 4.4.1. A similar approach is taken in proposed Bay of Plenty Regional Coastal Environment Plan at Policies NH 4 - NH 11; and in the AUP Regional Policy Statement, at Chapter E6.2, Policy 16 and D9.3(1)(a). Policy 8.3.2B(b) and (e) are based on Northland Policy 4.6.1(3). Policy 8.3.2B(f) adopts the approach in BOP Policy NH 11(b).

97. **Adverse Effects**

Chapter 08 Indigenous Biodiversity

Policy 08.3.5 – In the context of Policy 8.3.1 and Policy 8.3.2, adverse effects to be avoided or otherwise remedied or mitigated may include:

Relief sought:

- (a) Delete Policy 8.3.5. AUP has a policy with similar wording, but it is tied to a specific overlay. AUP is also tied in with offsetting. The MEP adopts that approach in respect of Policy 8.3.1(b), which could be anything (for example, landscape); or
- (b) Replace with a far shorter list containing more targeted effects, which would be of assistance to ecologists.

98. **Biodiversity Offsets**

Chapter 08 Indigenous Biodiversity

Policy 08.3.8 – With the exception areas with significant indigenous biodiversity value, where indigenous biodiversity values will be adversely affected through land use or other activities, a biodiversity offset can be considered to mitigate residual a

Relief sought: Delete Policy 8.3.8 and replace with the following:

Where a biodiversity offset is proposed, the following criteria will apply [taken from Chapter M, Appendix 8 proposed AUP Independent Hearing Panel's Recommendations]:

- (a) Restoration, enhancement and protection actions will only be considered a biodiversity offset where it is used to offset the significant residual effects of activities after the adverse effects have been avoided, remedied or mitigated.
- (b) Restoration, enhancement and protection actions undertaken as a biodiversity offset are demonstrably additional to what otherwise would occur, including that they are additional to any avoidance, remediation or mitigation undertaken in relation to the adverse effects of the activity.
- (c) Offset actions should be undertaken close to the location of development, where this will result in the best ecological outcome.
- (d) The values to be lost through the activity to which the offset applies are counterbalanced by the proposed offsetting activity, which is at least commensurate with the adverse effects on indigenous biodiversity. Where possible the overall result should be no net loss, and preferably a net gain in ecological values.
- (e) The offset is applied so that the ecological values being achieved through the offset are the same or similar to those being lost.

Note: Offsetting is in addition to avoidance through restoration and enhancement. This policy should be read in conjunction with the New Zealand Government Guidance on Good Practice Biodiversity Offsetting in New Zealand, New Zealand Government et al, August 2014 (or any successor document).

99. **Missing annotation for RPS/C/R/D**

Chapter 08 Indigenous Biodiversity

This chapter has no annotation as to whether the objectives and policies are part of the regional policy statement, coastal plan, regional plan or district plan.

Relief sought: Provisions in the entire chapter are annotated with RPS / C / R / D.

100. **Adaptive Management**

Chapter 08 Indigenous Biodiversity

The MEP should allow for adaptive management where appropriate.

Relief sought: Add a new policy – “Risk of an effect occurring will be considered appropriate if one or a combination of the following criteria can be met:

- (a) The effects of an activity are likely to be reversible;
- (b) Adverse effects are likely to be reversible before they reach a significant level;
- (c) The normal state of the environment can be adequately defined;
- (d) The development could occur on a staged basis; and/or
- (e) The temporal and spacial scale does not impact on the full range of the species or relevant habitat or area.

Note: See EIANZ Guidelines for Ecological Impact Assessment 2015.”

101. **Methods of Implementation and Anticipated Environmental Results**

Relief sought: Consequential amendments may be necessary to the Methods of Implementation and Anticipated Environmental Results in light of the above submissions.

102. **Unrestricted Access to the Coast**

Chapter 09 Public Access and Open Space

Policy 09.1.5 – Acknowledge the importance New Zealander’s place on the ability to have free and generally unrestricted access to the coast.

Relief sought: Policy 9.1.5 should specifically state that the existing aquaculture industry does not impede public access to and along the coast. Support Policy 9.1.13, so long as the proposed change to 9.1.5 is made.

103. **Existing Infrastructure**

Chapter 09 Public Access and Open Space

Policy 09.1.7 – Recognise there is existing network of marinas at Picton, Waikawa and Havelock, publicly owned community jetties, landing areas and launching ramps that make a significant contribution in providing access for the public to Marlborough's...

Relief sought: Amend Policy 9.1.7 to read "...and launching ramps (for example, at Elaine Bay, Oyster Bay and Okiwi Bay) that make a significant contribution..."

104. **MNZ 2005 Guidelines**

Chapter 09 Public Access and Open Space

The Maritime New Zealand (MNZ) Guidelines for Aquaculture Management Areas and Marine Farms (December 2005) are outdated and not well suited to the Marlborough Sounds environment.

Relief sought: Insert new Policy 9.1.14A to state that the 2005 MNZ Guidelines do not need to be considered in the Marlborough Sounds context.

105. **Restrictions on Public Access**

Chapter 09 Public Access and Open Space

Policy 09.2.1 – Public access to and along the coastal marine area and the margins of lakes and rivers may be restricted to:

The MEP should seek to manage threats to biosecurity.

Relief sought: An additional sub-section (h) should be added to policy 9.2.1 to allow access to and along the coastal marine area to be restricted to manage threats to biosecurity.

106. **Constraints on Public Access**

Chapter 09 Public Access and Open Space

Policy 09.2.2 – Aside from the circumstances in Policy 9.2.1 above, constraints on public access shall not be imposed unless:

Relief sought: Amend Policy 9.2.2. Subsection (a) should be replaced with "the constraint is reasonable."

107. **Open Space**

Chapter 09 Public Access and Open Space

Policy 09.3.2 – Seek diversity in the type and size of open spaces and recreational facilities to meet local, district, regional and nationwide needs, by:

Relief sought: Policy 9.3.2(d) should be amended to read "recognising the value of open space in the coastal marine area..." Use of the word "protecting" suggests an absolute outcome, which is not warranted in the context.

108. **Water Transportation**

Chapter 13 Use of the Coastal Environment

Issue 13H – Water transportation is a significant aspect of Marlborough's overall transportation network but has the potential to be affected by various uses and activities.

Support.

109. **Ports and Marinas**

Chapter 13 Use of the Coastal Environment

Issue 13I – It is important that Marlborough's existing ports, port landing areas and marinas continue to contribute to community economic and social wellbeing.

Support.

110. **Ports and Port Landing Areas**

Chapter 13 Use of the Coastal Environment

Issue 13K – There is potential for adverse effects to arise from the operation and maintenance of existing ports at Picton and Havelock, port landing areas at Elaine Bay and Oyster Bay and existing marinas at Picton, Waikawa and Havelock.

Relief sought (in light of submission to rezone Elaine Bay, Oyster Bay, and Okiwi Bay): Amend Issue 13K to read "...and maintenance of existing ports at Picton, Havelock, Elaine Bay, Oyster Bay, port landing areas at Okiwi Bay and existing marinas at Picton, Waikawa and Havelock."

111. **Duplication**

Chapter 13 Use of the Coastal Environment

Objective 13.1 – Areas of the coastal environment where the adverse effects from particular activities and/or forms of subdivision, use or development are to be avoided are clearly identified.

Relief sought: Delete this provision. These matters are addressed elsewhere in specific chapters - duplication.

112. Use and Development

Chapter 13 Use of the Coastal Environment

Objective 13.2 – Subdivision, use or development activities take place in appropriate locations and forms and within appropriate limits.

Support.

113. Express Exclusion of Aquaculture

Chapter 13 Use of the Coastal Environment

Objective 13.10 – Structures in the coastal environment including jetties, boatsheds, decking, slipways, launching ramps, retaining walls, coastal protection structures, pipelines, cables and/or other buildings or structures are appropriately located and

Relief sought: Objective 13.10 and associated policies should expressly exclude aquaculture.

114. Water Transportation

Chapter 13 Use of the Coastal Environment

Objective 13.14 – The use of the coastal marine area as part of Marlborough’s overall transportation network continues to contribute to the social, economic and cultural wellbeing of Marlborough and New Zealand.

Support.

115. Water Transportation

Chapter 13 Use of the Coastal Environment

Objective 13.15 – The efficient and safe use of the coastal marine area for water transportation.

Support.

116. Ports and Marinas

Chapter 13 Use of the Coastal Environment

Objective 13.17 – Enable the efficient operation of Marlborough’s ports and marinas.

Support.

117. **Ports and Port Landing Areas**

Chapter 13 Use of the Coastal Environment

Objective 13.18 – Operation and maintenance of the Port, Port Landing Area and Marina Zones occurs in a way that minimises adverse effects on adjoining zones, water quality, air quality and values of the coastal environment.

Relief sought: Delete the word "minimises" and replace with "takes reasonable steps to minimise."

118. **Avoid Adverse Effects**

Chapter 13 Use of the Coastal Environment

Policy 13.1.1 – Avoid adverse effects from subdivision, use and development activities on areas identified as having:

Relief sought: Delete this provision. These matters are addressed elsewhere in specific chapters - duplication.

Introduces a new term at 13.1.1(c) - "significant marine biodiversity value".

The commentary on avoidance is inconsistent with the discussion in other policies, such as page 2-13, 7.2.5 and 8.3.1.

119. **Duplication**

Chapter 13 Use of the Coastal Environment

Policy 13.1.2 – Areas identified in Policy 13.1.1 as having significant values will be mapped to provide certainty for resource users, Marlborough's tangata whenua iwi, the wider community and decision makers.

Relief sought: Delete this provision. These matters are addressed elsewhere in specific chapters - duplication.

120. **Appropriateness**

Chapter 13 Use of the Coastal Environment

Policy 13.2.1 – The appropriate locations, forms and limits of subdivision, use and development activities in Marlborough's coastal environment are those that recognise and provide for, and otherwise avoid, remedy or mitigate adverse effects on the follow

Relief sought: Delete 13.2.1 in its entirety (duplication);

OR

13.2.1(a) - either:

(a) Delete entire sub-paragraph; or

(b) Delete "the characteristics and qualities that contribute to", or substitute "values" for reference to "characteristics and qualities."

AND

13.2.1(g) remove reference to "individual and".

121. Appropriateness

Chapter 13 Use of the Coastal Environment

Policy 13.2.2 – In addition to the values in Policy 13.2.1, the following matters shall be considered by decision makers in determining whether subdivision, use and development activities in Marlborough’s coastal environment are appropriate at the locatio

Support.

122. Term of Consent

Chapter 13 Use of the Coastal Environment

Policy 13.2.3 – To enable periodic reassessment of whether activities and developments are affecting the values of the coastal marine area, to encourage efficient use of a finite resource and in consideration of the dynamic nature of the coastal environme

Oppose 13.2.3(b).

Term - 20 years is a statutory minimum for a coastal permit under s 123A of the RMA. If these provisions are to apply to aquaculture, then the MEP should allow for a 35 year term where appropriate, particularly where a significant amount is spent in re consenting. (Section 32 analysis would likely support that approach, if NZIER report and costs to Council/community of re consenting process were taken into account).

Relief sought: Amend Policy 13.2.3(b) to read "will generally be granted for a minimum period of 20 years."

123. Amenity

Chapter 13 Use of the Coastal Environment

Policy 13.2.4 – Attributes that may be considered when assessing any effects on coastal amenity value in a particular location include natural character, biodiversity, public access, visual quality, high water quality, recreational opportunities, structur

Note there does not appear to be reference to the definition of amenity in the RMA. Policy does not add anything.

Relief sought: Put a fullstop after "in a particular location". Delete the rest of the policy.

124. Duplication

Chapter 13 Use of the Coastal Environment

Policy 13.2.5 – Amenity values of the coastal environment can be maintained and enhanced by:

Relief sought: Delete policy 13.2.5. Many of these matters are addressed in other chapters. Remaining issues can be dealt with in the rules.

125. Duplication

Chapter 13 Use of the Coastal Environment

Policy 13.2.6 – In determining the extent to which coastal amenity values will be affected by any particular subdivision, use and/or development, the following shall be considered:

Relief sought: In conjunction with amendment suggested to policy 13.2.4, delete this policy. Single reference needed to definition of amenity in the RMA.

126. Recreation and reverse sensitivity issues

Chapter 13 Use of the Coastal Environment

Policy 13.3.1 – A permissive approach to recreational activities will be adopted, except where these:

Relief sought: Add new sub-section (g) "may give rise to potential reverse sensitivity issues".

127. Tory Channel

Chapter 13 Use of the Coastal Environment

Policy 13.3.4 – Ensure recreational use has priority over commercial activities that require occupation of the coastal marine area in Queen Charlotte Sound, including Tory Channel. (This policy does not apply to areas zoned Port or Marina.)

Relief sought: Add "excluding Tory Channel and East Bay" (NB. Delete "including Tory Channel").

Plainly commercial activities do have priority in Tory Channel, as commercial ferries have priority over all recreational activities. Policy does not reflect reality. East Bay and Tory Channel have a number of marine farms (in addition to forestry and some farmland).

128. Reverse Sensitivity Policy

Chapter 13 Use of the Coastal Environment

Subdivision in the Coastal Environment has the potential to give rise to reverse sensitivity issues.

Relief sought:

- (a) Add new Policy 13.5.10 - "Protect aquaculture from reverse sensitivity effects arising from residential activity and subdivision for residential purposes in the Coastal Environment"; and
 - (b) Add new Method of Implementation 13.M.11A - Add a marine farm protection overlay within 1000m of the boundary of any marine farm.
-

129. Reverse Sensitivity Issues

Chapter 13 Use of the Coastal Environment

Discharge into the coastal marine area can give rise to reverse sensitivity issues for marine farms.

Relief sought: Add new Method of Implementation 13.M.17A - Create a new marine farm protection overlay within 1000m of the boundary of any marine farm.

130. Anchorage of Boats

Chapter 13 Use of the Coastal Environment

Policy 13.7.2 – Restrict the long-term or permanent anchorage of boats.

Relief sought: Policy 13.7.2 should be amended to expressly record that barges used in aquaculture are excluded from the ambit of the policy.

131. Efficient Use

Chapter 13 Use of the Coastal Environment

Policy 13.10.3 – Efficient use of the coastal marine area can be achieved by using the minimum area necessary for structures.

Relief sought: Replace the word "necessary" in policy 13.10.3 with "reasonable." Necessity is a high threshold.

132. Structures

Chapter 13 Use of the Coastal Environment

Policy 13.10.6 – Structures should be in an appropriate location and of an appropriate scale, design, cladding and colour to avoid or mitigate adverse effects on the landscape and amenity values of the coastal environment.

Relief sought: Delete "the landscape and", as this is an unnecessary duplication with the landscape chapter.

133. **Removal of Structures**

Chapter 13 Use of the Coastal Environment

Policy 13.10.10 – Coastal structures shall be required to be removed from the coastal marine area in the following circumstances:

Relief sought: Sub-section (c) should read "where consent to authorise an existing structure is refused or any appeals have been exhausted."

134. **Jetties and Reverse Sensitivity**

Chapter 13 Use of the Coastal Environment

Policy 13.10.11 – Where an application is made to construct a new jetty or to alter or extend an existing jetty, the following matters will be considered:

Relief sought: New sub-section (d) should be added "whether the new, altered or extended jetty may give rise to potential reverse sensitivity issues, and how that could be avoided."

135. **Reverse Sensitivity - Boatsheds and Slipways**

Chapter 13 Use of the Coastal Environment

Policy 13.10.20 – Where an application is made to construct a boatshed and/or slipway or to extend an existing structure, the following matters will be considered:

Relief sought: New sub-section (d) should be added "whether the new or extended boatshed and/or slipway may give rise to potential reverse sensitivity issues, and how that could be avoided."

136. **Disposal**

Chapter 13 Use of the Coastal Environment

Policy 13.12.1 – Proposals to dispose of dredged or other material in the coastal marine area must demonstrate that:

Relief sought: Amend policy 13.12.1(a) to read "where the dredged or other material is derived from the land, no reasonable and practicable alternatives are available on land." If the material is derived from the sea, then it is unlikely to be appropriate to dispose of that material on land.

137. **Disposal of Contaminants**

Chapter 13 Use of the Coastal Environment

Policy 13.12.2 – The disposal of contaminants or material containing contaminants should be avoided.

Relief sought: Delete Policy 13.12.2 for the following reasons:

- (a) Does not say it prohibits disposal in the CMA (although implied);

- (b) Contaminant has a broad meaning, some of which are harmful, others not. No policy reason for prohibiting the disposal of non-harmful contaminants;
 - (c) Material containing a contaminant is a contaminant, so there is duplication within the policy itself;
 - (d) Presume this is an example where use of the word "avoid" does not mean avoid; and
 - (e) This duplicates Issue 15A and associated policies, which address discharge of contaminants into water, including coastal water.
-

138. Disturbance of the Seabed

Chapter 13 Use of the Coastal Environment

Policy 13.13.4 – Where disturbance of the foreshore and seabed will occur as a result of structures being fixed to the seabed (for example, during the construction of jetties, boatsheds or retaining walls, or when placing moorings on the seabed), this sha

Support

139. Water Transportation

Chapter 13 Use of the Coastal Environment

Policy 13.14.1 – Enable water transportation activities where these do not have an adverse effect on the coastal environment.

Relief sought: Add the word "significant" before "adverse effect."

140. Water Transportation

Chapter 13 Use of the Coastal Environment

Policy 13.14.2 – The strategic importance of areas of the Marlborough Sounds as a transportation route for inter-island shipping will be recognised as a 'National Transportation Route'.

The 'National Transportation Route' should not apply beyond the headlands of each of the side bays in the Sounds. It should be limited to the main channels.

Relief sought: the National Transportation Route overlay in volume 4 MEP should be redrafted to exclude the side bays.

141. Water Transportation

Chapter 13 Use of the Coastal Environment

Policy 13.14.3 – Ensure the following existing ports, marinas and community/commercial jetties/landing areas continue to provide links between land transport modes and water transport to the Marlborough Sounds and beyond:

Support.

142. **Water Transportation**

Chapter 13 Use of the Coastal Environment

Policy 13.15.1 – Activities and/or structures along the National Transportation Route shall be sited and/or undertaken in such a way that adverse effects on the safety and efficiency of ships transiting this route are avoided.

Relief sought: Amend to read "of ships transiting this route are appropriately managed."
Avoidance is a high threshold.

143. **Water Transportation**

Chapter 13 Use of the Coastal Environment

Policy 13.15.2 – Avoid, remedy or mitigate adverse effects on water transportation by:

Relief sought:

- (a) 13.15.2(a) - delete "unimpeded by structures";
 - (b) 13.15.2(b) - commercial shipping routes is not a clear definition. "Avoiding" should be changed to "appropriately managing";
 - (c) 13.15.2(c) - "avoiding" should be changed to "appropriately managing"; and
 - (d) 13.15.2(d) - Amend to read "are not significantly affected by activities or structures..."
-

144. **Water Transportation**

Chapter 13 Use of the Coastal Environment

Policy 13.15.3 – Ensure that all lighting associated with any land based activity will be shielded or directed away from navigation channels to avoid the spill of light or glare that is a hazard to navigation within the coastal marine area (unless the pur...

Support.

145. **Ports and Marinas**

Chapter 13 Use of the Coastal Environment

Policies 13.17.1 - 13.17.11

Support Policies 13.17.1 - 13.17.11.

Relief sought:

- (a) Consider whether the commercial wharves at Elaine Bay and Oyster Bay should be rezoned as Port Zone, and the wharf and boatramp at Okiwi Bay rezoned as Port Landing Areas, with consequential amendments made to the rest of the MEP provisions; or

- (b) Amend Policy 13.17.5 to include ship repair and maintenance, and transportation activities, as operational requirements in the Port Landing Area Zone (in addition to consequential changes to the Port Landing Area Zone rules).
-

146. Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Policy 13.18.1 – Ensure the intensity, character and scale of development and operation of Port, Port Landing Area and Marina Zones is appropriate in relation to the values of the coastal environment in these locations.

Relief sought: Amend Policy 13.18.1 to read - "Ensure any substantial change to the intensity, character..."

This is to avoid minor or incremental changes to infrastructure triggering the policy. The commentary should reference Policy 9 (Ports) of the NZCPS. Policy 6(2)(c) NZCPS is not, by itself, enough to override the avoidance policies in the NZCPS.

147. Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Policy 13.18.2 – Ensure that activities occurring within Port, Port Landing Area and Marina Zones do not adversely affect water, air or soil quality within or beyond the zone boundary, by:

Relief sought: Amend Policy 13.18.2 to read "do not inappropriately affect water, air or soil quality..."

148. Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Policy 13.18.3 – Ensure the potential for reverse sensitivity effects arising from any noisesensitive activities located in zones adjoining Port, Port Landing Area and Marina Zones is minimised by:

Support.

149. Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Policy 13.18.4 – The environmental effects from activities within Port, Port Landing Area and Marina Zones are avoided, remedied or mitigated through the setting of standards so that:

Relief sought: Amend Policy 13.18.4 to read "Inappropriate environmental effects from activities..."

150. Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Policy 13.18.5 – Dredging for the maintenance of berths and identified navigation channels shall be recognised as an appropriate activity in Port and Marina Zones subject to standards to mitigate adverse effects, including those on navigational safety, wa

Support.

151. Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Policy 13.18.7 – Where a resource consent is required to extend or alter port or marina infrastructure and this is to occur within that part of the Port or Marina Zone located in the coastal marine area, the following matters shall be considered:

Relief sought: Delete Policy 13.18.7 - duplication.

152. Consequential Amendments - Amenity

Chapter 13 Use of the Coastal Environment

Relief sought: Make consequential amendments where amenity policies are changed.

153. Application of Chapter 13

Chapter 13 Use of the Coastal Environment

Relief Sought: Support the comment that "This chapter does not contain provisions managing marine farming." However, this should be reworded to say "This chapter does not apply to marine farming or structures and activities associated with marine farming."

In reality, we cannot have a set of policies managing non-marine farming activities which are inconsistent with the marine farming provisions.

154. Methods of implementation

Chapter 13 Use of the Coastal Environment

Relief sought: Any relevant consequential changes to methods of implementation 13.M.19 - 13.M.23.

155. Ports and Port Landing Areas

Chapter 13 Use of the Coastal Environment

Relief sought: Consequential changes should be made to methods of implementation 13.M.24 - 13.M.27 and to the anticipated environmental results in light of the above submissions.

156. **Water Quality**

Chapter 15 Resource Quality (Water, Air, Soil)

Issue 15A – The discharge of contaminants to water can adversely affect the life supporting capacity and the community’s use of Marlborough’s coastal waters, rivers, lakes, wetlands and aquifers.

Support.

157. **Contamination of Coastal Waters**

Chapter 15 Resource Quality (Water, Air, Soil)

Discharge of human sewage to land has the potential to affect human health by contaminating coastal waters and affecting water quality.

Relief sought:

- (a) Add new Policy 15.1.19A - "Avoid the discharge of human sewage to land where it may contaminate coastal water within the marine farm protection overlay, or areas used for fishing or shellfish gathering";
 - (b) Add new Policy 15.1.19B – "Require any accidental discharge to be notified to the Marlborough District Council immediately. The Marlborough District Council will then advise potential affected persons"; and
 - (c) Add new Method of Implementation 15.M.15A - Create a new marine farm protection overlay within 1000m of the boundary of any marine farm.
-

158. **Discharge to Air**

Chapter 15 Resource Quality (Water, Air, Soil)

Policy 15.3.5 – Manage discharges of contaminants to air not specifically provided for in Policies 15.2.1 to 15.2.3 or 15.3.1 to 15.3.4 by:

Relief sought: Amend Policy 15.3.5(a) to read "into air from industrial, trade or primary production premises or industrial, trade or primary production processes that have..."

159. **Sedimentation from Land**

Chapter 15 Resource Quality (Water, Air, Soil)

Policy 15.4.3 – Control land disturbance activities to retain topsoil and minimise the potential for eroded soil to degrade water quality in lakes, rivers, significant wetlands and coastal waters

Support.

160. **Sedimentation from Land**

Chapter 15 Resource Quality (Water, Air, Soil)

Policy 15.4.4 – In considering any land use consent application to undertake land disturbance, regard shall be had to:

Support

161. **Water Quality**

Chapter 15 Resource Quality (Water, Air, Soil)

Support the water quality provisions in the MEP so far as they protect the quality of coastal water for shellfish gathering. The aquaculture sector relies on the quality of Marlborough's coastal waters, and considers these provisions will help to maintain that water quality.

162. **Ocean Acidification**

Chapter 19 Climate Change

Objective 19.1 – Mitigation of and adaptation to the adverse effects on the environment arising from climate change.

Ocean acidification is one of the major anthropogenic threats to Marlborough's marine environment, and this should be recognised in the MEP.

Relief sought: Amend objective 19.1 to read "...effects on the environment arising from climate change and ocean acidification."

163. **Ocean Acidification**

Chapter 19 Climate Change

Policy 19.1.2 – Improve the community's understanding of the potential effects of climate change on the Marlborough environment.

Ocean acidification is one of the major anthropogenic threats to Marlborough's marine environment, and this should be recognised in the MEP.

Relief sought: Amend Policy 19.1.2 to read "...potential effects of climate change and ocean acidification..."

164. **Ocean Acidification**

Chapter 19 Climate Change

Policy 19.1.3 – Enable primary industries to adapt to the effects of climate change.

Ocean acidification is one of the major anthropogenic threats to Marlborough's marine environment, and this should be recognised in the MEP.

Relief sought: Amend Policy 19.1.3 to read "Enable primary industries to adapt to the effects of climate change and ocean acidification."

165. **Ocean Acidification**

Chapter 19 Climate Change

Ocean acidification is one of the major anthropogenic threats to Marlborough's marine environment, and this should be recognised in the MEP.

Relief sought: Amend chapter 19 title to read "Climate Change and Ocean Acidification."

166. **New Title**

Oppose the title "Marlborough Environment Plan."

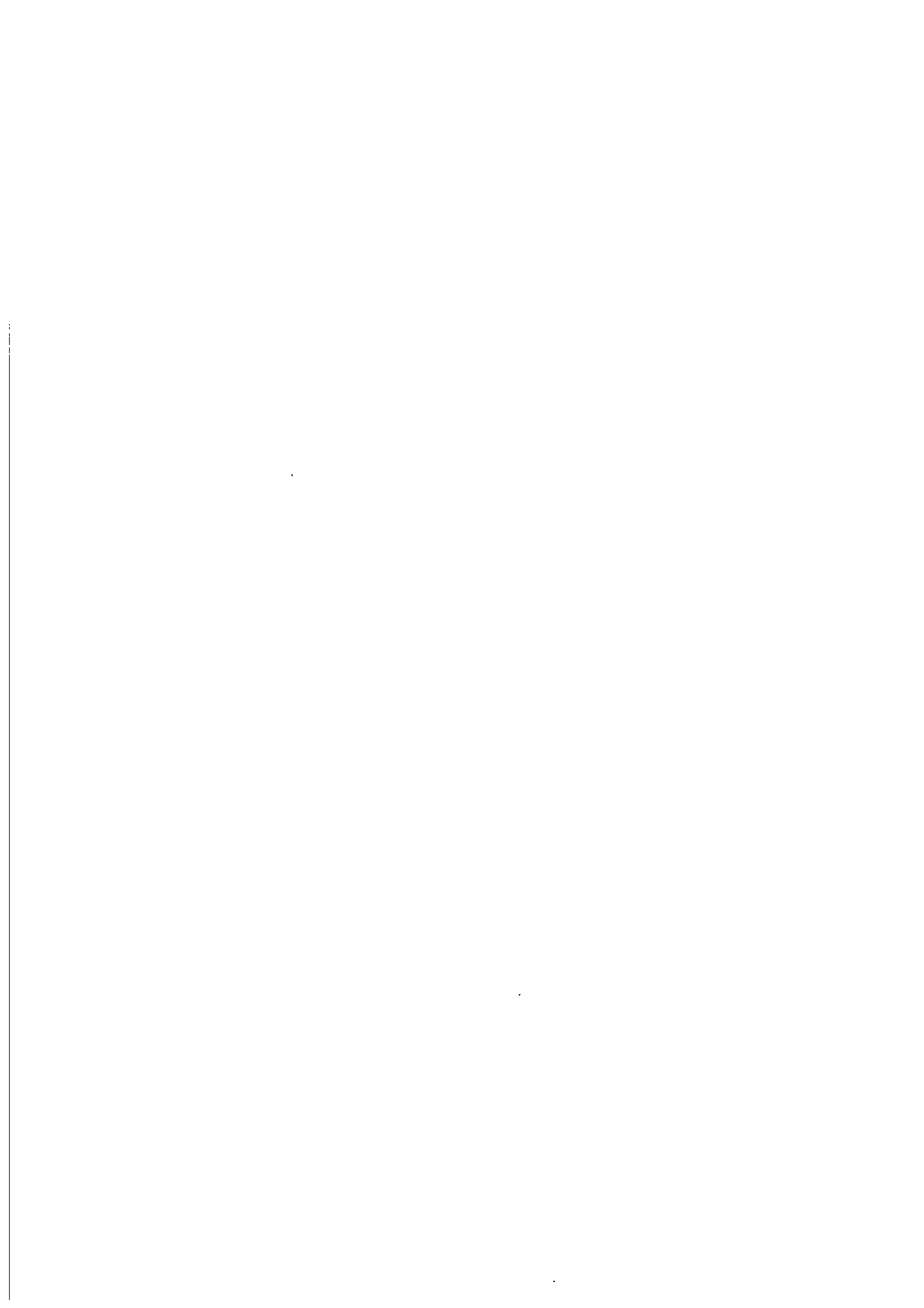
Relief Sought: Change the title to "The Sustainable Management Plan for Marlborough."

The proposed title is more consistent with the purpose of the RMA.

167. **Support Federated Farmers**

The MFA generally supports the submission of Federated Farmers of New Zealand, in so far as it seeks that the Council support and enable primary production within Marlborough.

Relief sought: Enable primary production in Marlborough, as set out in the submission of Federated Farmers of New Zealand, save for where the submission or intended outcomes are inconsistent with the MFA's submission.



**Marine Farming Association Submission on the Proposed Marlborough
Environment Plan**

Volume 2 – Rules

200. Discharge to Coastal Water

Chapter 02. General Rules

02.16. Permitted Activities

02.16.4. Discharge of stormwater to coastal water from the Port, Port Landing Area and Marina Zones.

Support

201. Discharge to Coastal Water

Chapter 02. General Rules

02.16. Permitted Activities

02.16.5. Discharge of coastal water to coastal water in the Port, Port Landing Area and Marina and Coastal Marine Zones.

Support

202. Discharge to Coastal Water

Chapter 02. General Rules

02.17. Standards that apply to specific permitted activities

02.17.4. Discharge of stormwater to coastal water from the Port, Port Landing Area and Marina Zones.

Support.

203. Signage

Chapter 02. General Rules

02.34. Permitted Activities

02.34.10. Sign required for, or established by statute, rule or regulation

Aquaculture activities often require signage by virtue of conditions of consent, but may also need signs for practical or health and safety reasons.

Relief sought: Amend rule 2.34.10 to read "Sign required for, or established by statute, rule, regulation or resource consent."

204. **Port Zone**

Chapter 13. Port Zone

13.1. Permitted Activities

Support

205. **Port Zone Noise Limits**

Chapter 13. Port Zone

13.2. Standards that apply to all permitted activities

13.2.3. Noise.

The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a property. The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.

Relief sought:

- (a) Amend standard 13.2.3.1 to read:

“For port operations in Picton and Shakespeare Bay, an activity must be conducted to ensure that noise does not exceed the following noise limits:

Location	Day-night (Long term)	Night-time (Short term)
At any point on land at, or beyond, the Inner Noise Control Boundary.	65 L_{dn} (5 days) 68 L_{dn} (1day)	60 dB L_{Aeq} (9 hours) 65 L_{Aeq} (15 min) 85 dB L_{AFMax} ”;

- (b) Amend standard 13.2.3.2 to include the following noise limits:

“For port operations in Havelock, Elaine Bay and Oyster Bay, an activity must be conducted to ensure that noise does not exceed the following noise limits:

Location	Day-night (Long term)	Night-time (Short term)
At any point on land at, or beyond, the Outer Noise Control Boundary.	55 L_{dn} (5 days) 58 L_{dn} (1day)	50 dB L_{Aeq} (9 hours) 55 L_{Aeq} (15 min) 75 dB L_{AFMax} ”;

- (c) Consequential changes to the maps in Volume 4 to create a Noise Control Boundary for Elaine Bay and Oyster Bay.

206. Port Zone Noise Sensitive Activity

Chapter 13. Port Zone

13.2. Standards that apply to all permitted activities

13.2.4. Noise sensitive activity.

Consequential changes will be necessary if the commercial wharves at Elaine Bay and Oyster Bay are rezoned as Port Zone.

Relief sought: Amend standard 13.2.4.1 to read "...at the port in Picton, Shakespeare Bay, Havelock, Elaine Bay and Oyster Bay are adequately insulated from port noise."

207. Marine Oil Spill Clean-up

Chapter 13. Port Zone

13.3. Standards that apply to specific permitted activities

13.3.21. Marine oil spill clean-up activity and the associated release of oil dispersants.

Oil spill dispersants should be able to be administered by trained staff where authorised by the Harbour Master.

Relief sought: Amend standard 13.3.21 to read - "Oil spill dispersants must be used by a person described by Section 467 of the Maritime Transport Act 1994 or a person authorised by the Harbour Master."

208. Manual Scraping of Anti-Foul Paint/Bio-Foul Waste

Chapter 13. Port Zone

13.3. Standards that apply to specific permitted activities

13.3.4. Manual scraping of an anti-foul paint coating or bio-foul waste from a ship.

Clarification is needed to ensure that the waste arising from this activity is captured and stored, and that it is not the activity itself that needs to be undertaken under cover.

Relief sought: Amend standard 13.3.4.2 to read "All anti-foul or bio-foul waste, coating waste or other contaminant removed must be captured upon removal. The waste must be stored for disposal in a covered container located in a roofed area."

209. Port Zone - Monitoring Equipment

Chapter 13. Port Zone

13.3. Standards that apply to specific permitted activities

13.3.10. Temporary structure or equipment for scientific monitoring purposes.

Relief sought: Standard 13.3.10 should be amended:

- (a) So that it is clear that it only applies to monitoring equipment in the coastal marine area;
 - (b) To allow monitoring equipment to remain at a specific coordinate for no longer than 3 months in any calendar year (13.3.10.1);
 - (c) To allow structures or equipment up to 2.5m in height above water level (13.3.10.2); and
 - (d) To ensure that contaminants released as a result of the activity, or from equipment being used for the activity are not materially distinguishable from background sedimentation (13.3.10.5).
-

210. Facility

Chapter 13. Port Zone

13.4. Restricted Discretionary Activities

13.4.4. Processing facility for fish, shellfish or any other marine organism, including the processing and curing of marine harvest, minerals and premises for the wholesale and retail sale of harvested products.

Support.

211. Discharge of Human Sewage within 1000m of MHWS

Chapter 13. Port Zone

13.6. Prohibited Activities

13.6.4. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of MHWS

Relief sought: Amend rule 13.6.4 by deleting "From 9 June 2022".

212. Discharge of Human Sewage within 1000m of a Marine Farm

Chapter 13. Port Zone

13.6. Prohibited Activities

13.6.5. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.

Relief sought: Amend rule 13.6.5 by deleting "From 9 June 2022".

213. **Discharge of Sewage into CMA**

Chapter 13. Port Zone

13.6. Prohibited Activities

13.6.6. Discharge of untreated human sewage into the coastal marine area.

Support.

214. **Port Zone - Prohibited Activities**

Chapter 13. Port Zone

13.6. Prohibited Activities

Support

215. **Port Landing Area Zone**

Chapter 14. Port Landing Area Zone

14.1. Permitted Activities

Support

216. **Port Landing Area Zone - Noise**

Chapter 14. Port Landing Area Zone

14.2. Standards that apply to all activities

14.2.3. Noise.

The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a "property." The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.

Relief sought: Amend standard 14.2.3.1 to read:

"An activity must be conducted to ensure that noise when measured at or within the notional boundary of dwellings as they exist at 9 June 2016 outside the Port Landing Area Zone does not exceed the following noise limits:

7.00 am to 10.00 pm	55 dB L_{Aeq}	
10.00 pm to 7.00 am	45 dB L_{Aeq}	75 dB L_{AFmax} "

217. Buildings and Structures in Port Landing Area Zone

Chapter 14. Port Landing Area Zone

14.3. Standards that apply to specific activities

14.3.1. Maintenance, repair or replacement of a building or structure in the coastal marine area.

Small/minor alterations to a building or structure's scale, size, or height should be permitted and not trigger the need for a resource consent.

Relief sought: Amend standard 14.3.1.2 to read - "There must be no more than a minor increase in the height, size or scale of the building or structure being replaced."

218. Port Landing Area Zone - Monitoring Equipment

Chapter 14. Port Landing Area Zone

14.3. Standards that apply to specific activities

14.3.5. Temporary structure or equipment for scientific monitoring purposes.

Relief sought: Standard 14.3.5.1 should be amended:

- (a) To allow monitoring equipment to remain at a specific coordinate for no longer than 3 months in any calendar year (14.3.5.1);
 - (b) To allow structures or equipment up to 2.5m in height above water level (14.3.5.2); and
 - (c) To ensure that contaminants released as a result of the activity, or from equipment being used for the activity are not materially distinguishable from background sedimentation (14.3.5.5).
-

219. Marine Oil Spill Clean-up

Chapter 14. Port Landing Area Zone

14.3. Standards that apply to specific activities

14.3.11. Marine oil spill clean-up activity and the associated release of oil dispersants.

Oil spill dispersants should be able to be administered by trained staff where authorised by the Harbour Master.

Relief sought: Amend standard 14.3.11.1 to read - "Oil spill dispersants must be used by a person described by Section 467 of the Maritime Transport Act 1994 or a person authorised by the Harbour Master."

220. Discharge of Human Sewage within 1000m of MHWS

Chapter 14. Port Landing Area Zone

14.5. Prohibited Activities

14.5.4. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of MHWS

Relief sought: Amend rule 14.5.4 by deleting "From 9 June 2022".

221. Discharge of Human Sewage within 1000m of a Marine Farm

Chapter 14. Port Landing Area Zone

14.5. Prohibited Activities

14.5.5. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.

Relief sought: Amend rule 14.5.5 by deleting "From 9 June 2022".

222. Port Landing Area Zone - Prohibited Activities

Chapter 14. Port Landing Area Zone

14.5. Prohibited Activities

Support.

223. Marina Zone - Permitted Activities

Chapter 15. Marina Zone

15.1. Permitted Activities

Support

224. Marina Zones - Clubrooms

Chapter 15. Marina Zone

15.1. Permitted Activities

15.1.21. Use of a clubroom for a marine recreation group.

The policy should allow a marine recreation group to invite others to use its clubroom.

Relief sought: Amend 15.1.21 to read "Use of a marine recreation group clubroom."

225. **Marina Zone - Noise Limit**

Chapter 15. Marina Zone

15.2 Standards that apply to all permitted activities

15.2.3. Noise.

The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a "property." The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.

Relief sought:

- (a) Amend 15.2.3.1 to read:

"An activity must be conducted to ensure that noise when measured at the boundary of the Marina Zone does not exceed the following limits:

7.00 am to 10.00 pm	60 dB L_{Aeq}	
10.00 pm to 7.00 am	45 dB L_{Aeq}	75 dB L_{AFmax} "; and

- (b) Amend 15.2.3.2 to include the following noise limits:

7.00 am to 10.00 pm	55 dB L_{Aeq}	
10.00 pm to 7.00 am	45 dB L_{Aeq}	75 dB L_{AFmax} .

226. **Marina Zone - Monitoring Equipment**

Chapter 15. Marina Zone

15.3. Standards that apply to specific permitted activities

15.3.9. Temporary structure or equipment for scientific monitoring purposes.

Relief sought: Amend standard 15.3.9:

- (a) To allow monitoring equipment to remain at a specific coordinate for no longer than 3 months in any calendar year (15.3.9.1);
- (b) To allow structures or equipment up to 2.5m in height above water level (15.3.9.2); and
- (c) To ensure that contaminants released as a result of the activity, or from equipment being used for the activity are not materially distinguishable from background sedimentation (15.3.9.5).
-

227. Marine Oil Spill Clean-up

Chapter 15. Marina Zone

15.3. Standards that apply to specific permitted activities

15.3.19. Marine oil spill clean-up activity and the associated release of oil dispersants.

Oil spill dispersants should be able to be administered by trained staff where authorised by the Harbour Master.

Relief sought: Amend standard 15.3.19.1 to read - "Oil spill dispersants must be used by a person described by Section 467 of the Maritime Transport Act 1994 or a person authorised by the Harbour Master."

228. Marina Zone - Prohibited Activities

Chapter 15. Marina Zone

15.7. Prohibited Activities

Support

229. Marina Zone - Prohibited Activities

Chapter 15. Marina Zone

15.7. Prohibited Activities

15.7.4. From 6 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of MHWS.

Relief sought: Amend rule 15.7.4 by deleting "From 9 June 2022".

230. Marina Zone - Prohibited Activities

Chapter 15. Marina Zone

15.7. Prohibited Activities

15.7.5. From 6 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.

Relief sought: Amend rule 15.7.5 by deleting "From 9 June 2022".

231. Coastal Marine Zone - Permitted Activities

Chapter 16. Coastal Marine Zone

16.1. Permitted Activities

Support.

232. **Mussel Reef Restoration**

Chapter 16. Coastal Marine Zone

16.1. Permitted Activities

The Marlborough Sounds used to contain extensive natural mussel beds. Attempts to restore those mussel beds in appropriate areas is consistent with NZCPS policy 14.

Relief sought:

- (a) Add new Permitted Activity 16.1.24 - "Restoration of shellfish reefs in the Marlborough Sounds and associated activities in appropriate areas"; and
- (b) Consequential changes should be made to the Permitted Activity Standards at 16.2, allowing for restoration to be achieved using a variety of techniques, including, but not limited to, depositing natural fibre substrate, placing waste shell or old mooring blocks on the seabed, or undertaking other activities to kick start reef development.

233. **Coastal Marine Zone - Disturbance of Foreshore or Seabed**

Chapter 16. Coastal Marine Zone

16.2. Standards that apply to all permitted activities

16.2.1. Disturbance of the foreshore or seabed.

Relief sought: Amend 16.2.1.4 to read "Take practical steps to minimise or eliminate contaminants released from equipment being used for the activity." This recognises that a motor may be needed to drive equipment, which will run off petrol or diesel.

234. **Permitted Activity Noise Standard**

Chapter 16. Coastal Marine Zone

16.2. Standards that apply to all permitted activities

16.2.3. Noise.

The standard implies that noise measurement could be taken at the noise source, rather than at the notional boundary of a "property." The standard is marginally more restrictive than the current limits under the operative MSRMP, even allowing for the different measurement.

Relief sought:

- (a) Amend standard 16.2.3.1 to read:

"An activity must be conducted to ensure that noise when measured at or within the notional boundary of any dwelling existing at 9 June 2016 does not exceed the following noise limits:

7.00 am to 10.00 pm	50 dB L _{Aeq}	
10.00 pm to 7.00 am	40 dB L _{Aeq}	75 dB L _{AFmax} "; and

- (b) Add new 16.2.3.2(d) "noise ordinarily generated by commercial fishing activities, including marine farming servicing and harvesting ships."
-

235. Anchoring of a Ship

Chapter 16. Coastal Marine Zone

16.3. Standards that apply to specific permitted activities

16.3.2. Anchoring of a ship

It is unclear whether the policy is intended to apply to ships and barges used for the purpose of aquaculture. "Ship" is defined in the MEP as having the same meaning as in s 2 of the Maritime Transport Act 1994. The caselaw suggests that a barge could be captured by that definition.

Relief sought: Amend rule 16.3.2.1, so it expressly does not apply to any ship or barge used in aquaculture.

236. Monitoring Equipment - Coastal Marine Zone

Chapter 16. Coastal Marine Zone

16.3. Standards that apply to specific permitted activities

16.3.9. Temporary structure or equipment for scientific monitoring purposes.

Relief sought: Delete Policy 16.3.9; or

Policy 16.3.9 should be amended:

- (a) To allow monitoring equipment to remain at a specific coordinate for no longer than 7 months in any calendar year (16.3.9.1); and
 - (b) To allow structures or equipment up to 2.5m in height above water level (16.3.9.2); and
 - (c) To ensure that contaminants released as a result of the activity, or from equipment being used for the activity are not materially distinguishable from background sedimentation (16.3.9.5).
-

237. Take and Use of Coastal Water

Chapter 16. Coastal Marine Zone

16.3. Standards that apply to specific permitted activities

16.3.16. Take and use of coastal water.

Boats of all sizes take and use coastal water for cooling, or non-consumptive uses. The standards should allow for this.

Relief sought: Standard 16.3.16.1 should be amended so that it does not apply to the take and use of coastal water for the ordinary operation of vessels.

238. Removal of Anti-Foul Paint from a Ship

Chapter 16. Coastal Marine Zone

16.7. Prohibited Activities

16.7.6. Removal of anti-foul paint from a ship.

Minor and spot removal of biofouling (including marine pests) from a ship, that inadvertently removes antifouling, should be permitted. Maintenance and applications of antifouling below MHWS should be prohibited, other than minor works and keel strip.

Relief sought: Amend rule 16.7.6 accordingly and add a new permitted activity rule to 16.1 to secure this relief.

239. Discharge of Contaminants

Chapter 16. Coastal Marine Zone

16.7. Prohibited Activities

16.7.1. Discharge of contaminants to air arising from the burning of any of the following materials:

Support

240. Discharge of Human Sewage from a Ship

Chapter 16. Coastal Marine Zone

16.7. Prohibited Activities

16.7.2. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of MHWS.

Relief sought: Amend 16.7.2 by deleting "From 9 June 2022".

241. Discharge of Human Sewage from a Ship

Chapter 16. Coastal Marine Zone

16.7. Prohibited Activities

16.7.3. From 9 June 2022, the discharge of human sewage, except Grade A or B treated sewerage, from a ship within 1000m of a marine farm.

Relief sought: Amend 16.7.3 by deleting "From 9 June 2022".

242. **Discharge of Human Sewage into CMA**

Chapter 16. Coastal Marine Zone

16.7. Prohibited Activities

16.7.4. Discharge of treated or untreated human sewage into the coastal marine area, except for the discharge of treated human sewage from regionally significant infrastructure.

Support

243. **Definition - Non-consumptive Uses**

Chapter 25. Definitions

Relief sought: Amend the definition of "Non-consumptive uses" to read "...For example, fishing, swimming and cooling of vessels."

244. **Definition - Primary Production**

Chapter 25. Definitions

Primary Production is referred to throughout the MEP, but is not defined.

Relief sought: Add definition of "Primary Production" to read "All forms of agriculture, horticulture, silviculture and aquaculture, whether on land or on sea, and includes the processing, preparation for market and sale of those products."

245. **Definition – Ecologically Significant Marine Site**

Chapter 25. Definitions

Support

246. **Definition - Outstanding**

Chapter 25. Definitions

Outstanding is referred to throughout the MEP, but is not defined.

Relief sought: Add definition of "Outstanding" to read "Obviously exceptional, notable, eminent."

The word "obvious" comes from the Environment Court in *Clearwater Mussels Limited v Marlborough District Council* [2016] NZEnvC 21 at [78]. Synonyms come from cases such as *Wakatipu Environmental Society Incorporated v Queenstown Lakes District Council* C180/99 at [82]; *Opoutere Ratepayers and Residents Association v Waikato Regional Council* [2015] NZEnvC 105 at [236]; and *Man O'War Station Limited v Auckland Council* [2015] NZHC 767 at [37].

Marine Farming Association Submission on the Proposed Marlborough

Environment Plan

Volume 3 – Appendices

300. Appendix 1 - Identifying Landscape "Values"

Appendix 1

Oppose: The approach in Appendix 1 is focused on descriptions and characterisation, rather than "values". Very few values are identified. It should be made clear that existing aquaculture is consistent with those values.

Relief sought:

- (a) The entirety of Appendix 1 needs to be re-written, so that it is consistent with the definition in Policy 7.1.1 and the requirement in Policy 7.1.4;
- (b) This potential methodological flaw has resulted in incorrect mapping, meaning the landscape overlay maps should be redrafted accordingly; and
- (c) Where existing marine farms are present, there should be an express statement that those farms do not affect landscape values. This reflects the approach taken in Northland, the Bay of Plenty and Auckland.

301. Appendix 2 - Natural Character "Values"

Appendix 2

Oppose: The approach in Appendix 2 is focused on descriptions and characterisation, rather than "values". Very few values are identified. It should be made clear that existing aquaculture is consistent with those values.

Relief sought:

- (a) The entirety of Appendix 2 needs to be re-written, so that it is consistent with the definition in Policy 6.1.1 and the requirement in Policy 6.1.4;
 - (b) This potential methodological flaw has resulted in incorrect mapping, meaning the coastal natural character overlay maps should be redrafted accordingly; and
 - (c) Where existing marine farms are present, there should be an express statement that those farms do not affect natural character values. This reflects the approach taken in Northland, the Bay of Plenty and Auckland.
-

302. Appendix 3 - Significance Criteria

Appendix 3

Oppose: The significance criteria in the MEP do not mirror those used in the 2011 Davidson Significant Sites study. Such criteria should only be applied by suitably qualified and experienced ecologists.

Relief sought: A note should be added at the beginning of Appendix 3 stating "These criteria are intended to be applied by suitably qualified and experienced ecologists." (This is modelled off the approach in the Regional Policy Statement for Northland (May 2016), at Appendix 5).

AND

Oppose: The criteria in Appendix 3 MEP are not suitable to determine national significance under Policy 11 of the NZCPS. Sites identified using the proposed significance criteria will not all trigger an avoidance policy under the NZCPS.

Relief sought:

- (a) Delete Appendix 3 and replace with approach taken in the proposed Regional Policy Statement for Northland (May 2016) at Appendix 5, pages 175 – 178;
- (b) The MEP should clearly distinguish between areas of national significance and areas of regional significance; and
- (c) A cascading approach to managing effects on these different areas should be included in the Chapter 8 Policies, consistent with Policy 11 of the NZCPS, rather than a straight avoidance approach (this is reflected in the submissions in respect of the Policies in Chapter 8).

303. Appendix 4 - Significant Effects

Appendix 4

Oppose Appendix 4. No indication as to what duration is significant.

Could argue that criteria for determining significance are so vague as to be meaningless.

Relief sought:

- (a) Delete Appendix 4; or
- (b) Use appropriate quantitative measure to define significance.

304. Appendix 5 - Coastal Water Quality

Appendix 5

Support Water Quality Classification of SG for all coastal water in respect of the value of food gathering (page 5-17).

Support the interpretation of the temperature, dissolved oxygen and suitability of fish for human consumption standards/parameters for SG classification on pages 5-21 and 5-22.

305. **Appendix 7 - Scheme Plan and other Subdivision Requirements**

Appendix 7

Discharge of human sewage to land has the potential to affect human health by contaminating coastal waters and affecting water quality.

Relief sought:

- (a) Add new item 24 under "Other Relevant Site Details" - "The location of any relevant marine farm protection overlay"; and
 - (b) Under heading "Sewerage" add - "Any subdivision of land within the marine farm protection overlay must assess the potential for contamination of coastal water."
-



Marine Farming Association Submission on the Proposed Marlborough Environment Plan

Volume 4 – Maps

400. Coastal Natural Character Maps

Overlay Maps

Coastal Natural Character

The 2014 Natural Character of the Marlborough Coast study does not separate characteristics from values. It uses a different set of definitions than that contained in the MEP at Policy 6.1.1. Adoption of a different methodology means that the maps contained in the MEP (derived from the 2014 Study) are inconsistent with the policy approach in the MEP.

Relief sought: The Coastal Natural Character maps and/or the policies in the MEP need to be redrafted accordingly.

401. Natural Character - Seaward Extent

Overlay Maps

Coastal Natural Character

Submit that there is insufficient justification for the seaward extent of the outstanding/very high/high natural character ratings extending so far offshore into Cook Strait.

Relief sought: Redraft the Coastal Natural Character maps to show a reduction in the seaward extent of the outstanding/very high/high natural character areas.

402. Coastal Natural Character Map 1 - Fitzroy and Waihinau Bays

Overlay Maps

Coastal Natural Character

Coastal Natural Character 1

Support the natural character mapping in respect of Waihinau Bay.

Oppose the mapping of the waters of Fitzroy Bay as high natural character and the surrounding land as very high natural character.

Relief sought:

- (a) Amend the natural character mapping in those locations where the mapping is opposed; or
 - (b) If Fitzroy Bay rating is correct, the MEP should expressly recognise that the presence of marine farming does not affect the values that lead to that classification.
-

403. Natural Character Map 2 - Beatrix and Anakoha Bays

Overlay Maps

Coastal Natural Character

Coastal Natural Character 2

Support the mapping of the seascape in Beatrix Bay and Anakoha Bay has not having high, very high or outstanding natural character.

Oppose the mapping of the land in Beatrix Bay and the western headland of Anakoha Bay as having high natural character.

Relief sought:

- (a) Amend the natural character mapping in those locations where the mapping is opposed; or
- (b) The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.

404. Natural Character Map 3 - Crail Bay and Squally Cove

Overlay Maps

Coastal Natural Character

Coastal Natural Character 3

The MFA notes that Natural Character Map 3 does not in correspond with the Natural Character Index. Squally Cove is not included in the map.

Support the natural character mapping at the head of Crail Bay.

Oppose the mapping of the land on the southern side of Whakitenga Bay has having high natural character (according to the online overlay map).

Relief sought:

- (a) Amend the natural character mapping in those locations where the mapping is opposed; or
- (b) The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.

405. Natural Character Map 4 - Clova, Beatrix, Whangatoetoe Bay

Overlay Maps

Coastal Natural Character

Coastal Natural Character 4

Support the natural character mapping in respect of Clova Bay and Whangatoetoe Bay, Port Underwood.

Oppose the mapping of the headlands between Beatrix Bay and Waimaru Bay as having high natural character.

Relief sought:

- (a) Amend the natural character mapping in those locations where the mapping is opposed; or
 - (b) The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.
-

406. Landscape Overlay Maps

Overlay Maps

Landscapes

The approach in Appendix 1 is focused on descriptions and characterisation, rather than "values". Very few values are identified.

Relief sought: The entirety of Appendix 1 needs to be re-written, so that it is consistent with the definition in Policy 7.1.1. This potential methodological flaw has resulted in incorrect mapping. The landscape maps should be amended accordingly.

407. Landscape Maps - Seaward Extent

Overlay Maps

Landscapes

Submit that there is insufficient justification for the seaward extent of the outstanding natural landscape (ONL) extending so far offshore into Cook Strait.

Relief Sought: A reduction in the seaward extent of the ONL.

408. Landscape Map 1 - Waihinau and Fitzroy Bays

Overlay Maps

Landscapes

Landscapes 1

Oppose the mapping of Fitzroy Bay and half of Waihinau Bay as areas of outstanding natural landscape.

Relief sought:

- (a) Amend the mapping of the ONL; or
 - (b) The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.
-

409. **Landscape Map 4 - MFA Farms**

Overlay Maps

Landscapes

Landscapes 4

Support the mapping of Squally Cove, Crail Bay and Clova Bay.

Oppose the mapping of Fitzroy Bay and the headland between Beatrix Bay and Waimaru Bay as areas of outstanding natural landscape.

Relief sought:

- (a) Amend the mapping of the ONL at the locations where it is opposed; or
- (b) The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.

410. **Landscape Map 5 - MFA Farms**

Overlay Maps

Landscapes

Landscapes 5

Support the mapping of Anakoha Bay, inner Beatrix Bay and Clova Bay.

Oppose the mapping of the headland between Beatrix Bay and Waimaru Bay, and Whangatoetoe Bay (Port Underwood) as areas of outstanding natural landscape.

Relief sought:

- (a) Amend the mapping of the ONL at the locations where that is opposed; or
- (b) The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.

411. **Ecologically Significant Marine Sites Maps 1 - 16**

Overlay Maps

Ecologically Significant Marine Sites

Ecologically Significant Marine Sites Maps 1 - 16

The MFA acknowledges the work carried out in the Davidson 2011 Significant Sites report, and does not object per se to the mapping of these sites. However, the MFA opposes the policies implemented in respect of these sites.

The mapped sites do not apply the significance criteria in Policy 8.1.1 MEP, but adopt the Davidson 2011 criteria. The 2011 significant sites work is a regional assessment, and was not intended to mirror the approach in Policy 11 of the NZCPS. It is unclear whether the mapped sites are 11(a) or 11(b) NZCPS sites. Overall, the mapping lacks consistency with policy, and the intended outcome is unclear.

Relief sought: Changes to Chapter 8 Policies and Appendix 3 Significance Criteria, as proposed elsewhere.

412. Marine Mammal Map - Whales

Overlay Maps

Ecologically Significant Marine Sites

Ecologically Significant Marine Sites Map 17

Davidson's mapped sites (including whales and dolphins) should not be equated with Policy 11(a) sites, because the significant sites work did not adopt the NZCPS Policy 11(a) criteria. The assessment of whether the 2011 significant sites fall within Policy 11(a) or 11(b) criteria in the NZCPS is yet to be undertaken.

Whales have rarely been observed travelling through Tory Channel. The Davidson 2011 Significant Sites report refers to the migratory route for whales being in Cook Strait, rather than Tory Channel proper. The MFA encourages its members to have appropriate management plans in place in respect of marine mammals.

Relief sought: The map should be redrafted to be consistent with the text of the Davidson 2011 Significant Marine Sites report, or it should be expressly recognised that marine farms do not have an adverse effect on whales.

413. Marine Mammal Map - Dolphins

Overlay Maps

Ecologically Significant Marine Sites

Ecologically Significant Marine Sites Map 18

The Marine Mammal (Dolphin) map is based on the Davidson 2011 Significant Sites report. The authors of that report were asked to identify regionally, rather than nationally significant sites. The 2011 report does not mirror the approach taken in Policy 11 of the NZCPS.

Arguably only site 8.1 of Map 18 is a nationally significant site (for Hector's dolphins). However, Hector's dolphins are not necessarily seen regularly throughout the full extent of that area. Area 4.17 is not a nationally significant site, and arguably area 2.17 (Admiralty Bay) is significant habitat for Dusky dolphins (as opposed to nationally significant habitat in terms of Policy 11(a) of the NZCPS. For example, the *Admiralty Bay Consortium* Environment Court decision noted that the site was significant in terms of s 6(c), rather than under NZCPS Policy 11(a)). An avoid policy is not, therefore, justified in respect of these sites, or at least not an area including the side bays.

Relief sought:

The MEP should be amended:

- (a) So that a strict avoidance approach is not adopted in respect of these sites, consistent with the proposed changes to the policies at Chapter 8;
- (b) To specify which species of dolphin are relevant to each of the mapped areas; and

- (c) Maps should be updated in light of recent population research:
<http://www.stuff.co.nz/environment/82818673/research-shows-hectors-dolphin-population-bigger-than-previously-realised>.
-

414. Ecologically Significant Marine Sites - Maps 3, 4 and 8 (significant site 3.8)

Overlay Maps

Ecologically Significant Marine Sites

It is unclear from the mapping whether these sites are intended to be regionally or nationally significant sites.

Support the mapping of sensitive area 3.8, but oppose the planning approach implemented in respect of this area in the MEP provisions.

The potential adverse effects of marine farms on elephant fish spawning areas are minor, and adverse effects can be adequately mitigated using adaptive management if need be (*Clearwater Mussels Ltd v Marlborough District Council* [2016] NZEnvC 21 at [151] – [157]).

Relief sought: Changes to Vol 1, Chapter 8 provisions and the Significance Criteria in Vol 3, Appendix 3, as per the MFA submission, in particular in terms of providing for adaptive management where appropriate.

415. Ecologically Significant Marine Sites – Map 9 (significant site 3.13)

Overlay Maps

Ecologically Significant Marine Sites

Relief sought: The MEP should expressly recognise that marine farms do not adversely affect the gannet colony at the Waimaru Peninsula.

416. Ecologically Significant Marine Sites – Map 9 (significant site 3.14)

Overlay Maps

Ecologically Significant Marine Sites

Relief sought: The MEP should expressly recognise that the spat catching site in Clova Bay does not adversely affect the estuarine fringe and subtidal habitat inshore of the farm.

417. Ecologically Significant Marine Sites – Map 12 (significant site 3.20)

Overlay Maps

Ecologically Significant Marine Sites

Relief sought: Remove any area used for navigation and Havelock Port from mapped site 3.20. The effect of the mapping and proposed rule 16.13.16 is to require all boats using the channel to have a resource consent to take coastal water.

418. Ecologically Significant Marine Sites – Map 14 (significant site 6.3)

Overlay Maps

Ecologically Significant Marine Sites

Relief sought: The MEP should expressly recognise that marine farms do not adversely affect the red algae bed in Cutters Bay.

419. National Transportation Route

Overlay Maps

National Transportation Route

The National Transportation Route in Tory Channel and Queen Charlotte Sound should not be mapped to extend into all of the side bays.

Relief sought: The National Transportation Route map should show the route as being confined to the main part of Tory Channel and Queen Charlotte Sound.

420. Zoning Maps 64 and 111 - Okiwi Bay

Okiwi Bay

The commercial wharf and the boatramp at Okiwi Bay should be given recognition in the zoning maps.

Relief sought:

- (a) Amend zoning maps 64 and 111 to zone the commercial wharf and the boatramp at Okiwi Bay as Port Landing Area Zone; and
 - (b) Relevant consequential amendments to policies and rules throughout the MEP.
-

421. Zoning Maps 65 and 103 – Elaine Bay

Elaine Bay

Relief sought:

- (a) Amend zoning maps 65 and 103 to zone the commercial wharf at Elaine Bay as Port Zone;
 - (b) Expand the size of the zone to include more of the CMA and the adjacent road; and
 - (c) Relevant consequential amendments to policies and rules throughout the MEP.
-

422. Zoning Maps 77 and 139 – Elaine Bay

Oyster Bay

Relief sought:

- (a) Amend zoning maps 77 and 139 to zone the commercial wharf at Oyster Bay as Port Zone;
 - (b) Expand the size of the zone to include more of the CMA, the Open Space Zone, and the adjacent road; and
 - (c) Relevant consequential amendments to policies and rules throughout the MEP.
-

Form 6

Further submission in support of, or in opposition to, submissions on the publicly notified proposed Marlborough Environment Plan

Clause 8 of Schedule 1, Resource Management Act 1991

To: The Marlborough District Council

Name of person making further submission: The Marine Farming Association Incorporated/
Aquaculture New Zealand Limited

This is a set of further submissions on the proposed Marlborough Environment Plan (being a combined Regional Policy Statement, Regional Plan and District Plan).

We are representing a relevant aspect of the public interest. We are two representative bodies of the aquaculture industry. The industry provides employment of around 859 jobs or about 3.7% of the Marlborough region's total labour force. We pay average wages that are substantially higher than the average earnings in Marlborough. In 2014 we generated export sales of \$276m. We contribute almost 6% (\$162m) to Marlborough. We delivered around 62% of New Zealand's aquaculture production by tonnes in 2014. We represent the farmers and processors, as well as those industries that support our industry. Our industry sustains Marlborough's reputation as a food and wine destination. Ultimately, we represent our consumers, who eat our products in top international restaurants, and purchase our product as part of their weekly shop here in New Zealand.

The members of the Marine Farming Association have an interest that is greater than the interest of the general public. As primary producers, we are reliant on the environment to sustain our industry. Regulation has a direct impact on the livelihood of our members.

We set out in the **attached** schedule each of the submission points we support or oppose (or in some cases a combination of the two). In addition to the reasons listed for supporting or opposing a provision (as the case may be):

- a. We support the identified submissions, because what is proposed in accordance with:
 - i. The Resource Management Act 1991;
 - ii. A section 32 analysis; and
 - iii. Other relevant plan provisions and policy statements.
- b. We oppose the identified submissions, because what is proposed is not in accordance with:
 - i. The Resource Management Act 1991;
 - ii. A section 32 analysis; and
 - iii. Other relevant plan provisions and policy statements.

In addition, we **attach** three maps as part of our further submission. These maps depict:

- a. The Outstanding Natural Landscapes or Features in the overlay maps in Volume 4 of the proposed Plan, along with the extensions to that overlay as proposed by various submitters;
- b. The Outstanding Natural Character overlay in the maps in Volume 4 of the proposed Plan, along with the extensions to the areas mapped as outstanding, very high, high or moderate to high natural character as proposed by various submitters; and
- c. The Ecologically Significant Sites overlay in the maps in Volume 4 of the proposed Plan, along with the extensions to those areas as proposed by various submitters.

These maps are based on our best interpretation of the written descriptions of proposed extensions, as set out in various submissions. Maps identifying specific proposed demarcations were not provided by submitters. Our further submissions in relation to these points are set out in detail in the **attached** schedule.

We wish to be heard in support of our further submission.

If others make a similar submission, we would consider presenting a joint case with them at a hearing.



Quentin A M Davies / Amanda L Hills

For and on behalf of:

The Marine Farming Association Incorporated and

Aquaculture New Zealand Limited

23 June 2017

Address for Service: Gascoigne Wicks, PO Box 2, Blenheim 7240, 79 High Street, Blenheim 7201.
Telephone: (03) 578-4229
Fax: (03) 578-4080
E-mail: qdavies@gwlaw.co.nz / ahills@gwlaw.co.nz
Contact person: Quentin Davies / Amanda L Hills

Note to person making further submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on local authority.

If you are making a submission to the Environment Protection Authority, you should use Form 16C.

SCHEDULE
MARINE FARMING ASSOCIATION
FURTHER SUBMISSIONS
VOLUME 1 – ISSUES, OBJECTIVES AND POLICIES

1.	<p>We support the submission of the New Zealand Transport Agency, PO Box 5084, Lambton Quay, Wellington (1002).</p> <p>The particular part of the submission we support is point 291, which suggests a new numbering system.</p> <p>The reason for our support is that:</p> <ol style="list-style-type: none"> 1. The proposed numbering system is logical. <p>We seek the whole of submission point 291 be allowed.</p>
2.	<p>We support the submission of Fulton Hogan Limited, c/- Tonkin & Taylor, PO Box 13055, Armagh, Christchurch 8141 (717).</p> <p>The particular part of the submission we support is submission point 1, which seeks to delete superfluous explanatory text in the Plan.</p> <p>The reason for our support is that:</p> <ol style="list-style-type: none"> 1. In the most part, the issue, objective or policy should be written so that it does not require explanatory text. <p>We seek that the whole of submission point 1 be allowed.</p>
3.	<p>We oppose the submission of:</p> <p>Tony Mortiboy 49, Kent Street, Picton 7220 (43).</p> <p>The particular part of the submission we oppose is:</p> <p>His point 3, where he suggests that tourism and not primary production is the best use of Marlborough’s natural resources.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. Marlborough’s economy is best served by having a diverse range of industries to support it. 2. Tourism in Marlborough relies on primary production. It is Marlborough’s mussels, salmon, oysters and wine that have raised Marlborough’s International profile. <p>We seek the whole of submission point 3 be disallowed.</p>
4.	<p>We support the submissions of:</p>

	<p>Ted and Shirley Culley, PO Box 872, Blenheim 7201 (447) and Sanford Limited, PO Box 443, Auckland, 1010 (1140).</p> <p>The particular parts of the submissions we support are:</p> <p>Point 1, (Culley) and Point 2 (Sanford) where they seek to add words to the effect of “A healthy Marlborough economy is place where people and businesses are encouraged to grow and flourish with certainty and confidence” to the second guiding principle in Volume 1, Chapter 1.</p> <p>The reasons for our support are:</p> <ol style="list-style-type: none"> 2. Certainty assists businesses in making investment decisions. 3. Confidence in the business sector enables those businesses to employ staff in Marlborough, which will enhance Marlborough’s welfare. <p>We seek the whole of submission points 1 and 2 be allowed.</p>
5.	<p>We support the submission of Spark New Zealand Trading Limited, Private Bag 92028, Auckland 1010 (1158).</p> <p>The particular part of the submission we support is point 1, which seeks to retain the guiding principle relating to reverse sensitivity.</p> <p>The reason for our support is that:</p> <ol style="list-style-type: none"> 1. This is an appropriate guiding principle. <p>We seek that that whole of submission point 1 be allowed.</p>
6.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission Point 1, which proposes changes to Volume 1, Chapter 1 and, in particular, the insertion of the words “and sustainable” and “for future generations”.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The added words serve to obscure the point that the sentence is attempting to make. <p>We seek the whole of submission point 1, and in particular the insertion of the words “and sustainable” and “for future generations” be disallowed.</p>
7.	<p>We support the submission of:</p> <p>The Marlborough Environment Centre Incorporated 72 Ferry Road, Spring Creek 7202 (1193).</p>

	<p>The particular part of the submission we support is:</p> <p>Point 74, which seeks that scientific reports on environmental issues can be easily accessed by the public, the dissemination of information about natural resources and their use to the wider public becomes policy, that compliance monitoring results be publicly available and that the Marlborough District Council website include a list of easily searched resource consents, including those associated with discharge to land of wastewater and solid waste, and salmon farm ES levels. Monitoring reports should be immediately posted along with other relevant documents, such as hearing documents.</p> <p>The reasons for our support are:</p> <ol style="list-style-type: none"> 1. These are all things that should happen. 2. All of the information identified is available on the Marlborough District Council website at the present point in time. <p>We seek that point 74 of the submission be allowed, noting that there may be a more appropriate location for this submission point to be found in the Plan.</p>
8.	<p>We oppose the submission of:</p> <p>Queen Charlotte Sound Residents Association, PO Box 319, Picton 7250 (504).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission Point 1 - The insertion of (f) The sustainability of natural and physical resources into a discussion of integrated management on page 2 – 3 of the proposed Plan.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The added words do not assist in defining what integrated management is. <p>We seek that the whole of submission point 1 be disallowed.</p>
9.	<p>We oppose the submission of:</p> <p>The Environmental Defence Society Incorporated, PO Box 911736, Victoria Street West, Auckland 1042 (698).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 5 and their proposed amendments on pages 2-13 under the heading “Enable”.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The Supreme Court in <i>New Zealand King Salmon</i> found that the RMA intended to install a regulatory regime that provided “something in the nature of an environmental bottom line”. The Supreme Court was not absolute in its approach. For example, the Supreme Court stated “it is improbable that it would be necessary to prohibit an activity that has a minor or transitory adverse effect in order to preserve the natural character of the coastal environment, even where that natural character is outstanding. Moreover, some uses or developments may enhance the

	<p>natural character of an area". Other exceptions may arise around infrastructure, existing effects, and where coexistence of human activity with the environment can appropriately occur.</p> <p>We seek that Point 5 of the submission be disallowed.</p>
10.	<p>We oppose the submission of:</p> <p>Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission Point 27, where it seeks to include s 5 in full on page 4-1.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. It is never helpful to restate the Act. <p>We seek that the whole of the submission Point 27 be disallowed.</p>
11.	<p>We support the submission of:</p> <p>Federated Farmers of New Zealand, PO Box 945, Palmerston North 4340 (425).</p> <p>The particular part of the submission we support is:</p> <p>Submission Point 8, inserting into the explanatory text the value of primary production to Marlborough.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. That the submission provides a helpful context for decision making. <p>We seek that the whole of submission point 8 be allowed. This submission is secondary to our primary submission that almost all explanatory text ought to be deleted. Doing that will streamline Volume 1.</p>
12.	<p>We support the submission of the Awatere Water Users Group Incorporated, 25 Old Ford Road, RD 1, Seddon 7285 (548).</p> <p>The particular part of the submission we support is submission point 1, which seeks that the Council undertake a review of the social and economic benefits to Marlborough of primary production and associated commentary.</p> <p>The reason for our support is that:</p> <ol style="list-style-type: none"> 1. This change would provide a helpful context for decision-making. <p>We seek the whole of submission point 1 be allowed.</p>
13.	<p>We support the submission of Dairy NZ, Private Bag 3221, Hamilton 3240 (676).</p>

	<p>The particular part of the submission we support is submission point 1, which is a proposed amendment to Volume 1, Chapter 4 Issue 4A, by inserting the word “development”, so that the issue refers to “use and development of its natural resources”.</p> <p>The reason for our support is that:</p> <ol style="list-style-type: none"> 1. The word “development” envisages change, and it is important to recognise that change will need to occur over the life of the Plan. <p>We seek that the whole of submission point 1 be allowed.</p>
14.	<p>We support the submission of:</p> <p>Rodney Roberts, 11 View Mount, Nelson 7011 (1077).</p> <p>The particular part of the submission we support is:</p> <p>Point 4, where he wishes to amend issue 4C as follows:</p> <p>“The use and development of natural and physical resources in the Marlborough Sounds has a potential to detract from the character and intrinsic values of this unique and iconic environment. However, marine farming is part of the already heavily modified landscape/seascape of the Marlborough Sounds and many people do not find that it detracts from the character of the Marlborough Sounds”.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. This is consistent with the Marine Farming Association’s submission 13 (which refers to objective 4.3). <p>We seek that the whole of submission Point 4 be allowed.</p>
15.	<p>We support the submission of PF Olsen Limited, kitrichards@pfolsen.com (149).</p> <p>The particular part of the submission we support is submission point 5, which seeks a change to Volume 1, Chapter 4, Issue 4C, to remove the word “iconic” and/or partition the Sounds areas to those that justify being described as “iconic” and those that do not. Furthermore, the submission seeks to insert the qualifier “inappropriate” before “use and development”.</p> <p>The reason for our support is that:</p> <ol style="list-style-type: none"> 1. The changes proposed are appropriate and better reflect the NZCPS and the Act. <p>We seek that the whole of submission point 5 be allowed.</p>
16.	<p>We support the submission of:</p> <p>Fulton Hogan Limited, c/- Tonkin & Taylor, PO Box 13055, Armagh, Christchurch 8141 (717).</p> <p>The particular part of the submission we support is:</p>

	<p>Submission Point 12, namely the addition of a new objective “Marlborough’s natural resources are recognised as an enabler of the economic and social wellbeing of the region.”</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. The reference to primary production and tourism in objective 4.1 is overly narrow. <p>We seek that Point 12 of the submission be allowed.</p>
17.	<p>We support the submission of:</p> <p>Marlborough Roads, PO Box 1031, Blenheim 7240 (967).</p> <p>The particular part of the submission we support is:</p> <p>Point 7, which seeks to amend objective 4.2 so it reads “... this includes the ability to operate maintain, upgrade and replace and expand existing infrastructure”.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. The Objective should provide for change over time. <p>We seek that submission point 7 be allowed, by adding the words identified in bold above to the objective.</p>
18.	<p>We support the submission of:</p> <p>Marlborough Roads, PO Box 1031, Blenheim 7240 (967).</p> <p>The particular part of the submission we support is:</p> <p>Submission point 3, which amends objective 4.2 to provide for the resilient operation of regionally significant infrastructure, as well as amending the commentary to include reference to the economy and operating existing infrastructure.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. These changes appropriately reflect the role that infrastructure plays in our community and are consistent with the provisions of the Act. <p>We seek that submission point 3 be allowed.</p>
19.	<p>We support the submission of:</p> <p>The Nelson/Marlborough District Health Board, angela.lenz.nmdhb.govt.nz (280).</p> <p>The particular part of the submission we support is:</p> <p>Point 7, which seeks to amend objective 4.2 so it reads “... this includes the ability to operate maintain, upgrade and replace and expand existing infrastructure”.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. The Objective should provide for change over time.

	<p>We seek that submission point 7 be allowed, by adding the words identified in bold above to the objective.</p>
20.	<p>We oppose the submission of:</p> <p>Port Underwood Association, PO Box 59, Blenheim 7240 (1042).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 2, where they submit that policy 4.12 should be altered so that consents for more than 20 years should not be granted in the public space.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 2. 20 years is the statutory minimum under the RMA. 3. Prescribing the statutory minimum as a maximum in the Plan creates inefficiencies, by increasing the cost (both public and private) of consenting. 1. Consent for more than 20 provides greater certainty for businesses operating in the public space and ensures a financial return on investments. 2. Consents for more than 20 years are often justifiable, such as where the effects are well understood or able to be managed through adaptive management. <p>We seek that Point 2 of the submission be disallowed.</p>
21.	<p>We support the submissions of:</p> <p>Marlborough Roads, PO Box 1031, Blenheim 7240 (967) and The New Zealand Transport Agency, PO Box 5084, Lambton Quay, Wellington 6145 (1002).</p> <p>The particular parts of the submissions we support are:</p> <p>Point 5 (Marlborough Roads) and Point 10 (NZTA): The addition of the words “including reverse sensitivity and cumulative effects” to Policy 4.2.2.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. The added words give greater clarity to what adverse effects of other activities regionally significant infrastructure may be protected from. <p>We seek that the whole of submission Point 5 (Marlborough Roads) and submission Point 10 (NZTA) be allowed.</p>
22.	<p>We oppose the submission of:</p> <p>The Environmental Defence Society, PO Box 91736, Victoria Street West, Auckland 1042 (698).</p> <p>The particular parts of the submission we oppose are:</p>

	<p>Points 8 and 9, which seek to amend Chapter 4, and in particular to add a new Objective 4.3.1 and supporting policy.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. The submitter has not described what the “clear and non-derogable” environmental limits are for each resource. 2. That is particularly so in relation to landscape and natural character, where values are typically not quantified. Judgements vary over time and between commentators. 3. Having said that, should environmental limits reflect agreed values of the community (with industry being part of that community), industry would support this proposal. <p>We seek that the whole of submission Points 8 and 9 be disallowed, unless agreement can be reached as to what the appropriate environmental limits are for each resource.</p>
23.	<p>We support the submission of:</p> <p>The Fishing Industry Submitters, Level 6, Eagle Technology House, PO Box 297, Wellington 6140 (710).</p> <p>The particular part of the submission we support is:</p> <p>Point 6, which seeks to add two additional points for the Council to monitor:</p> <ol style="list-style-type: none"> a. Marlborough continues to contribute over 1% of New Zealand’s GDP; and b. Where appropriate, environmental accounting is used to monitor effectiveness. <p>The reasons for our support are:</p> <ol style="list-style-type: none"> 1. While a number of factors can impact upon economic activity, it is straightforward to report on the amount of economic activity in Marlborough in comparison to other regions. 2. The use of economic accounting (and more broadly the use of economic tools to improve environmental outcomes) will become increasingly relevant. The Plan should anticipate and foster the use of such tools. <p>We seek that the whole of submission Point 6 be allowed.</p>
24.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission Point 40, where it argues for a new anticipated environmental result where effectiveness would be measured by whether the majority of residents, visitors and</p>

	<p>ratepayers consider that the Marlborough Sounds has not been the subject of human induced degradation.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The terrestrial and marine environments in the Marlborough Sounds have been the subject of extensive modification, primarily through land clearance. Improvements in the environment will not alter the fact of historic human induced degradation. 2. It is unlikely that effectiveness will be adequately monitored in this way. <p>We seek that the whole of submission Point 4 be disallowed.</p>
25.	<p>We oppose the submission of:</p> <p>The Environmental Defence Society Incorporated, PO Box 917136, Victoria Street West, Auckland 1042 (698).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 10, which seeks allocation only occur above non-derogable environmental bottom lines set to safeguard the life-supporting capacity of the resource in question.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. The submission presupposes that there are obvious environmental bottom lines that should be imposed. In practice, that is often not the case. 2. As per the submission in respect of Points 8 and 9 above, should there be agreement amongst the community (of which the industry is part) on relevant environmental standards, then this change may be supported. <p>We seek that the whole of submission Point 10 be disallowed, unless and until there is agreement as to what the relevant the relevant environmental standards ought to be.</p>
26.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 41. That change seeks to delete text that indicates that a change in approach to resource use may have significant implications for Marlborough’s economic, cultural and social wellbeing. The alteration suggests that mistakes were made in past decisions.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. The text in the Plan was valuable. 2. The reference in the submission to climate change is, while important, out of place. 3. On the whole, decisions which have been made by the regulators are justifiable.

	We seek that the whole of submission point 41 be disallowed.
27.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 45. That submission seeks to alter objective 5.2 which, as notified, refers only to freshwater resources, and apply it to all waterbodies.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. The intent of the original objective should be retained by referring only to freshwater resources. 2. The submitter's concerns should be (and are) addressed elsewhere. <p>We seek that the whole of submission point 45 be disallowed.</p>
28.	<p>We support the submission of Royal Forest and Bird Protection Society of New Zealand Incorporated, PO Box 266, Nelson 6140 (715).</p> <p>The particular part of the submission we support is point 5, which seeks the renaming of Chapter 5 to "Freshwater Use and Allocation" and shifting Coastal Matters into Chapter 13.</p> <p>The reason for our support is that:</p> <ol style="list-style-type: none"> 1. It is more efficient if all matters relating to the coast are dealt with in fewer policy chapters. Parts of Chapter 13 would then need to apply to aquaculture, although that can be made clear following notification of the aquaculture provisions. <p>We seek that the whole of submission point 5 be allowed.</p>
29.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 48, which seeks to add the words "while recognising cumulative effects in a finite resource" to objective 5.10.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The words used do not add anything over and above the word "sustainable" in the objective. <p>We seek that the whole of submission point 48 be disallowed.</p>
30.	We support the submission of:

	<p>The Waikawa Boating Club, 6 Rimu Terrace, Waikawa, Picton 7220 (580).</p> <p>The particular part of the submission we support is:</p> <p>Point 3, which adds a new policy under objective 5.10 as follows: “Recognition that there are inherent rights of a coastal permit holder over the use of the coastal structure(s) that occupy coastal space.”</p> <p>The reasons for our support are:</p> <ol style="list-style-type: none"> 1. This policy dovetails with policy 5.10.3. Exclusive occupation should be minimised. 2. Nevertheless, the crop on the mussel rope or the right to use a mooring are rights inherent in the resource consent. <p>We seek that the whole of submission point 3 be allowed.</p>
31.	<p>We support the submissions of the Royal Forest and Bird Protection Society of New Zealand Incorporated, PO Box 266, Nelson 6140 (715) and Federated Farmers of New Zealand, PO Box 945, Palmerston North 4340 (425).</p> <p>The parts of the submissions we support are Forest and Bird submission point 100 and Federated Farmers submission point 79, which seek to move Volume 1, Chapter 5, Issue 5J to the Coastal Environment Chapter 13.</p> <p>The reason for our support is that:</p> <ol style="list-style-type: none"> 1. That will result in all coastal environment policies being collated in the one place. <p>We seek that submission point 100 and point 79 be allowed.</p>
32.	<p>We oppose the submission of Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (869).</p> <p>The particular part of the submission we oppose is submission point 43, which seeks to delete from Coastal Occupancy Charges coastal permits for moorings, jetties and boatsheds.</p> <p>The reason for our opposition is that:</p> <ol style="list-style-type: none"> 1. Owners of moorings, jetties and boatsheds are generally occupying public space. In practice, the public does not benefit, but where it does (such as a community jetty or community mooring used to access public land) an exception ought to be made. <p>We seek the whole of submission point 43 be disallowed.</p>
33.	<p>We oppose the submission of East Bay Conservation Society, Stingray Bay, Private bag 427, Picton 7250 (100).</p> <p>The particular part of the submission we oppose is point 8 at paragraphs/sub-points 4 and 5.</p> <p>Paragraph 4 seeks a reduction in coastal occupancy charges for jetties based on public use.</p> <p>Paragraph 5 seeks to differentiate between commercial use of a coastal structure and residential use.</p> <p>The reasons for our opposition are:</p>

	<ol style="list-style-type: none"> 1. There should be no reduction for ordinary jetties. Even though the public has a right of entry onto most jetties, generally the public does not access private foreshore structures. Fishers use marine farms to catch fish. Marine farmers do not seek a reduction because fishers use the structures for recreational purposes. There might be a case for community jetties used to access public land to be exempt. This could similarly be extended to community moorings (used to access public land). 2. There is no basis for distinguishing between commercial use and residential use. Residential properties are often used for commercial purposes. Both occupy what is understood to be public space. <p>We seek that paragraphs 4 and 5 of submission point 8 be disallowed.</p>
34.	<p>We oppose the submission of:</p> <p>The East Bay Conservation Society, Stingray Bay, Private Bag 427, Picton 7250 (100).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 14 where it states “to add an anticipated environmental result” the “improvement of benthic performance under aquaculture – effectiveness all farms operating within industry Best Practice Guidelines and no farm operating at or near azoic and anoxic levels.”</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. These provisions would be more appropriate within the Marine Farming chapter. 2. Anoxic levels are seen in nature, particularly in areas of high density of marine organisms. The presence of a large number of living mussels directly underneath a mussel farm (and consequently the anoxic layer very close to the surface of sediment) can be the indicator of a healthy environment. <p>We seek that the whole of submission point 14 be disallowed.</p>
35.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 55 where the submitter seeks to insert into the introduction to chapter 6 part of the text of policy 13(2) of the NZCPS and the deletion of words that better describe what natural character is.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. Quoting part of the NZCPS out of context does not assist in defining what the key components of natural character are. 2. The proposed words were at least an attempt to begin to describe what natural character is.

	We seek that the whole of submission point 55 be disallowed.
36.	<p>We oppose the submission of the East Bay Conservation Society, Stingray Bay, Private Bag 427, Picton 7250 (100).</p> <p>The particular part of the submission we oppose is submission point 15, which seeks the whole of East Bay from ridge to ridge to be zoned outstanding natural feature and landscape.</p> <p>The reason for our opposition is that:</p> <ol style="list-style-type: none"> 1. The whole of East Bay is not an outstanding natural feature and landscape. <p>We seek that the whole of submission point 15 be disallowed.</p>
37.	<p>We oppose the submission of:</p> <p>The Clova Bay Residents Association, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 20, where they seek Clova Bay be identified as an area at threat or risk from significant adverse cumulative effects on natural character.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That Clova Bay is not an area at threat or risk from significant adverse cumulative effects on natural character to the extent relevant, substantial change has already occurred in Clova Bay, primarily due to vegetation clearance on land. <p>We seek that the whole of submission point 20 be disallowed.</p>
38.	<p>We support the submission of:</p> <p>Totaranui Limited, mark@smartalliances.co.nz (233)</p> <p>The particular part of the submission we support is:</p> <p>Point 17, which adds a new policy to “recognise that there may be locations within areas identified as having natural character of either high, very high, or outstanding quality within any of those levels prescribed in policy 6.1.3 that results in development being potentially appropriate within a specific defined location despite being within a wider area identified as having high, very high, or outstanding natural character.”</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. As the Supreme Court found in <i>New Zealand King Salmon</i>, not all development, even in areas where natural character is outstanding, needs to be curtailed ([145]). <p>We seek that the whole of submission point 17 be allowed.</p>
39.	We oppose the submission of:

	<p>The Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>The proposed inclusion of Dr Steven’s methodology on natural character into the Marlborough Environment Plan (Point 57).</p> <p>The reasons for our opposition is:</p> <ol style="list-style-type: none"> 1. Natural character and its methodology should (ideally) be defined on a national rather than regional basis. The Plan should only provide a definition in the absence of National Direction. 2. Adopting Dr Steven’s methodology may result in Marlborough being out of step with developments at a national level. 3. While we would wish there to be a standard method of assessment for natural character, it is unclear whether the model proposed by Dr Steven has support across the landscape architecture profession. <p>We seek that the whole of submission point 57 be disallowed.</p>
40.	<p>We oppose the submissions of:</p> <p>The Environmental Defence Society, PO Box 91736, Victoria Street West, Auckland 1042 (698)</p> <p>The particular part of the submission we oppose is:</p> <p>Point 39, which seeks to include hydrological, geological and geomorphological aspects into the contributing factors for natural character at policy 6.1.1. That amendment replaces a policy that defines natural character, with a policy that lists a series of factors.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. Hydrological, geological and geomorphological aspects are already included in other elements and need not be listed twice; and 2. There needs to be a definition of natural character in the Plan (in the absence of a definition of natural character in the Act or in national Policy documents). <p>We seek that the whole of submission point 39 be disallowed.</p>
41.	<p>We oppose the submission of the East Bay Conservation Society, Stingray Bay, Private Bag 427, Picton 7250 (100).</p> <p>The particular part of the submission we oppose is submission point 16, which seeks the addition of the seascape to the first coastal ridge as part of the natural character maps.</p> <p>The reason for our opposition is that:</p> <ol style="list-style-type: none"> 1. The areas identified do not warrant inclusion in the natural character maps. <p>We seek that the whole of submission point 16 be disallowed.</p>

42.	<p>We oppose the submission of:</p> <p>The Environmental Defence Society, PO Box 91736, Victoria Street West, Auckland 1042 (698)</p> <p>The particular part of the submission we oppose is:</p> <p>Point 40, which suggests that the degree of human induced modification is the pre-eminent factor in determining natural character.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. This is inconsistent with the definition as proposed in the main submission on policy 6.1.1. 2. Characterising natural character at a range of scales adds unwarranted complexity. <p>We seek that the whole of submission point 40 be disallowed.</p>
43.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 60, where the submitter proposes a definition of natural character focusing on human-induced modification, and modifies the text from referring to a spatial scale to referring to a ranking scale.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. Natural character should be defined in policy 6.1.1 and not otherwise. 2. “The seven-range scale range of natural character” has nothing to do with spatial scale. <p>We seek that the whole of submission point 60 be disallowed.</p>
44.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 61, which suggests that policy 6.1.4 should refer to the seven-range scale of natural character proposed in Dr Steven’s report.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. Natural character methodology should (ideally) be determined on a national rather than regional basis.

	<p>2. Adopting Dr Steven’s methodology may result in Marlborough being out of step with developments at a national level.</p> <p>3. While we would wish there to be a standard method of assessment for natural character, it is unclear whether the model proposed by Dr Steven has support across the landscape architecture profession.</p> <p>We seek that the whole of submission point 61 be disallowed.</p>
45.	<p>We oppose the submission of:</p> <p>Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (870).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 3, which seeks to include a natural character assessment of all Marlborough Sounds coastal areas, including the identification of areas adversely impacted by reversible effects.</p> <p>The reason for our opposition is:</p> <p>1. The context for any Plan review is the situation that exists at the point the Plan is being considered, overlaid with the implementation of any resource consent which has been granted, where it seems that implementation of those resource consents is likely. Plan drafters should not prejudge future resource consent decisions. In the planning context it is appropriate to assume that the present state of affairs will remain.</p> <p>We seek that the whole of submission point 3 be disallowed.</p>
46.	<p>We oppose the submission of:</p> <p>The Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 1, which seeks that all of the Sounds should be subject to all of the natural character provisions, irrespective of whether or not the area is classed as high natural character or something less than high natural character.</p> <p>The reason for our opposition is:</p> <p>1. Such a policy is over-broad.</p> <p>We seek that the whole of submission point 1 be disallowed.</p>
47.	<p>We support the submission of:</p> <p>Sanford Limited, PO Box 443, Auckland 1010 (1140).</p> <p>The particular part of the submission we support is:</p>

	<p>Point 16 which seeks to preserve <u>the values</u> in the natural character, rather than avoiding changes to the character, and to recognise ongoing use and developments that are lawfully established.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. Change is inherent in our environment. Seeking to avoid change is neither necessary nor desirable. <p>We seek that the whole of submission point 16 be allowed.</p>
48.	<p>We oppose the submission of the Royal Forest and Bird Protection Society of New Zealand Incorporated, PO Box 266, Nelson 6140 (715).</p> <p>The particular part of the submission we oppose is submission point 65, which seeks to amend policy 6.2.2 in such a way that all effects on natural character would need to be avoided.</p> <p>The reason for our opposition is that:</p> <ol style="list-style-type: none"> 1. Such a policy is not required by the NZCPS. 2. In practice such a policy would be unworkable. <p>We seek that the whole of submission point 65 be disallowed.</p>
49.	<p>We oppose the submission of the Clova Bay Residents Association, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is submission point 19, which seeks to have policy 6.2.3 applied to the coastal marine area irrespective of the classification of natural character.</p> <p>The reason for our opposition is that:</p> <ol style="list-style-type: none"> 1. Such a policy would be over-broad. <p>We seek that the whole of submission point 19 be disallowed.</p>
50.	<p>We oppose the submission of:</p> <p>The Environmental Defence Society, PO Box 91736, Victoria Street West, Auckland 1042 (698).</p> <p>The particular part of the submission we oppose is:</p> <p>The amendments to policy 6.2.4 (Point 44), which includes a list of 11 matters which must be addressed in applications where natural character is high, very high or outstanding.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. Some of that list is inconsistent with the definition of natural character as provided for in policy 6.1.1 (as per our original submission). 2. The list contains duplication (the extent of anthropogenic change and the presence [or] absence of structures, buildings or infrastructure”).

	We seek that the whole of submission point 44 be disallowed.
51.	<p>We oppose the submission of:</p> <p>Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 17, which seeks to reduce the amount of resource consent renewals (which obviously refers to marine farming) in Clova Bay.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That the policy change is not warranted. The cumulative adverse effects on natural character do not warrant change. <p>We seek that the whole of submission point 17 be disallowed.</p>
52.	<p>We oppose the submission of:</p> <p>Laurence Etheredge, 6099 Croisilles French Pass Road, RD 3, French Pass 7193 (879).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 1, which seeks that policy 6.2.5 be amended so that adverse effects on natural character are to be avoided, remedied or mitigated regardless of any prior adverse effects having taken place.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. This would make the policy overbroad. 2. On the whole, past decisions made by the regulators are justifiable. <p>We seek that the whole of submission point 1 be disallowed.</p>
53.	<p>We oppose the submission of:</p> <p>Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 9 where they seek to amend the policy to make it clear that opportunities for restoration or rehabilitation include declining consents for resource consent renewals.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That the intent of the policy is to enable the granting of resource consents subject to enhancement of natural character in appropriate cases. <p>We seek that the whole of submission point 9 be disallowed.</p>

54.	<p>We oppose the submissions of:</p> <p>The Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152) and The Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Clova Bay Point 16 and Kenepuru and Central Sounds Residents Association Incorporated Point 10, where they seek amendments to policy 6.2.7 whereby re-consenting existing structures would be treated the same way as new activities in so far as cumulative effects are concerned.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The Plan should recognise existing activities as the context in which future resource management decisions are made. <p>We seek that the whole of Clova Bay's submission point 16 and Kenepuru and Central Sounds Residents Association Incorporated's submission Point 10 be disallowed.</p>
55.	<p>We support the submission of:</p> <p>Port Marlborough New Zealand Limited, Mitchell Daysh Limited, PO Box 489, Dunedin 9054 (433).</p> <p>The particular part of the submission we support is:</p> <p>Point 21, which modifies policy 6.2.8 by ensuring that activities which have a functional or operational need to be located adjacent to the coastal marine area can be located adjacent to the coastal marine area.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. The submission is logical. <p>We seek that the whole of submission point 21 be allowed.</p>
56.	<p>We support and oppose in part the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we support is:</p> <p>Point 72 - That policy 7.1 which (as amended by our submission) requires the identification of Marlborough's outstanding natural features and landscapes is a policy and not an objective.</p> <p>The particular part of the submission we oppose is:</p>

	<p>The wording of the two objectives proposed by Friends of Nelson Haven.⁶The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. The objective should be to protect outstanding natural features and landscapes (and not all natural features and landscapes) from inappropriate subdivision, use and development. 2. The NZCPS does require the avoidance of significant adverse effects on other natural features and natural landscapes in the coastal environment. This could be reflected in a separate objective or policy. <p>We seek that the part of submission point 72 that we support be allowed, and the part of submission point 72 that we oppose be disallowed.</p>
57.	<p>We oppose the submission of:</p> <p>Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 12, which seeks that a cumulative effects on landscape values policy be included in the Plan.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The premise upon which this policy is sought is incorrect. The coastal values of Clova Bay are not under threat from adverse cumulative effects. <p>We seek that the whole of submission point 12 be disallowed.</p>
58.	<p>We oppose the submission of:</p> <p>The Environmental Defence Society, PO Box 91736, Victoria Street West, Auckland 1042 (698).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 47, which seeks to add words into policy 7.1.1.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. The proposed additional words add nothing. Topographical and hydrological values are biophysical values. Expressions of natural and formative processes are biophysical values. <p>We seek that the whole of submission point 47 be disallowed.</p>
59.	<p>We oppose the submission of:</p> <p>The Royal Forest and Bird Protection Society of New Zealand Incorporated, PO Box 2516, Christchurch 8140 (715).</p> <p>The particular part of the submission we oppose is:</p>

	<p>Point 145, which seeks add words into policy 7.1.1.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The submission seeks the emphasis when assessing landscape to be on the landscape’s characteristics, rather than its values. Consequently, the emphasis would be on how it is described, rather than why it is important. We believe the reason why it is important is what matters. <p>We seek that the whole of submission point 145 be disallowed.</p>
60.	<p>We oppose the submission of:</p> <p>Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 73, which seeks to add “the presence of water, including in seas, lakes, rivers and streams” into policy 7.1.1.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. As policy 15(c)(ii) of the NZCPS 2010 observes, the presence of water including in seas, lakes, rivers and streams is a characteristic, not a value. Confusing characteristics and values is unhelpful. <p>We seek that the whole of submission point 73 be disallowed.</p>
61.	<p>We support the submission of:</p> <p>Federated Farmers of New Zealand, PO Box 945, Palmerston North 4340 (425).</p> <p>The particular part of the submission we support is:</p> <p>Point 104, seeking the addition (under Objective 7.2) of a new policy which reads “activities that are consistent with the values and factors of outstanding natural landscapes will be recognised for their contribution to the landscape and provided for. Primary production activities in particular will be enabled”.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. That primary production and other human modification have shaped the Marlborough Sounds. This position is reflected in proposed new policy 7.2.5B(b)(i) of our original submission. <p>We seek that the whole of submission point 104 be allowed.</p>
62.	<p>We oppose the submission of:</p> <p>The Environmental Defence Society Incorporated, PO Box 91736, Victoria Street West, Auckland 1042 (698).</p> <p>The particular part of the submission we oppose is:</p>

	<p>Point 51, which seeks to amend policy 7.2.1 by adding a criteria of 11 factors that must be considered.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. A nearly identical set of factors has been suggested for inclusion in the Natural Character chapter. However, natural character and landscape are different (refer NZCPS: 2010 policy 13(2)). 2. The factors will not necessarily be relevant to the values identified in Appendix 1. <p>We seek that the whole of submission point 51 be disallowed.</p>
63.	<p>We support the submission of:</p> <p>KiwiRail Holdings Limited, PO Box 593, Wellington 6140 (873).</p> <p>The particular part of the submission we support is:</p> <p>Point 18, which seeks to limit policy 7.2.1 to new structures and new activities.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. That existing structures and activities have generally gone through a prior assessment process. <p>We seek that the whole of submission point 18 be allowed.</p>
64.	<p>We support the submission of:</p> <p>Trustpower Limited, Private Bag 12023, Tauranga 3143 (1201).</p> <p>The particular part of the submission we support is:</p> <p>Point 69. The proposed amendment to policy 7.2.1, which seeks to delete aspects of the policy that are already covered by the Resource Management Act.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. The deleted words are already covered in the Fourth Schedule of the Resource Management Act and need not be repeated in policy. <p>We seek that the whole of submission point 69 be allowed.</p>
65.	<p>We oppose the submissions of:</p> <p>Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152); and Michael and Kristen Gerard, Elie Bay, Private Bag 65034, Havelock (424); and Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular parts of the submissions we oppose are:</p>

	<p>Point 14 of Clova Bay Residents Association, point 21 of Michael and Kristen Gerard, and Point 12 of Kenepuru and Central Sounds Residents Association, which seek the inclusion of marine farming within policy 7.2.3(c).</p> <p>The reason for our opposition is that:</p> <ol style="list-style-type: none"> 1. Section 68A Resource Management Act 1991 requires aquaculture to obtain a resource consent. There is no need for a policy in the Plan to do likewise. <p>We seek that the whole of the submission points as listed above be disallowed.</p>
66.	<p>We oppose the submission of:</p> <p>The Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD2, Picton 7282 (868).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 13, which seeks to amend policy 7.2.4 to require, at a resource consent level, an assessment of cumulative effects of all similar activities in the locality.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. Effectively, this change would require every consent holder to justify the activity of every other consent holder undertaking the same activity or similar activities. It is inefficient to do that in a resource consent context. 2. The proposed amendment would make the cost of obtaining consent for a mooring or jetty significantly more expensive. <p>We seek that the whole of submission point 13 be disallowed.</p>
67.	<p>We oppose the submission of the Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 81, where it seeks the addition of the following words to Volume 1, Chapter 7, policy 7.2.3 “only granting resource consent to activities and structures within the coastal marine area in proximity to this zone that have a functional requirement to be located in these areas or are reasonably necessary to facilitate access to and from the land.”</p> <p>The reason for our opposition is that:</p> <ol style="list-style-type: none"> 1. This addition would prevent aquaculture being located adjacent to the coastal living zone, as it would not always be necessary to be located adjacent “to this zone”. <p>We seek that the whole of submission point 81 be disallowed.</p>
68.	<p>We support parts and oppose other parts of the submission of the Environmental Defence Society, PO Box 91736, Victoria Street West, Auckland 1042 (698).</p> <p>The particular part of the submission we support is:</p>

	<p>Submission point 53, where the rewording makes it clear that avoidance does not mean that there can be no new resource use within outstanding natural features or landscapes.</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 53, where reference is made to the characteristics as well as the values of the outstanding natural features and landscapes.</p> <p>The reasons for our submission are:</p> <ol style="list-style-type: none"> 1. New resource use can occur in areas of outstanding natural features and landscapes, so long as the qualities and significance of the values are not diminished. 2. Having said that, reference to characteristics as well as values focuses on how landscapes and features are described, rather than why we think they are important. The policy should emphasise the latter. <p>If our primary submission (that is the deletion of policy 7.2.5 and its replacement) is not accepted, we seek that part of submission point 53 be allowed and part of submission point 53 be disallowed as identified above.</p>
69.	<p>We oppose the submissions of:</p> <p>The Environmental Defence Society Incorporated, PO Box 91736, Victoria Street West, Auckland 1042 (698); and The Royal Forest and Bird Protection Society of New Zealand Incorporated, PO Box 2516, Christchurch 8140 (715); and The Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular parts of the submissions we oppose are:</p> <p>The EDS submission point 54, Forest and Bird submission point 158 and Friends submission point 84 requesting a rewriting or deletion of policy 7.2.6.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. It is appropriate to take a broad view where infrastructure, passive recreation and reversible effects are concerned. <p>We seek that the whole of the submission points listed above be disallowed.</p>
70.	<p>We oppose the submissions of:</p> <p>The Pinder Family Trust, 4 Poynter Street, Blenheim 7201 (578); and Guardians of the Sounds, PO Box 197, Picton 7220 (752); and Sea Shepherd New Zealand, 67 Milton Terrace, Picton 7220 (1146).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Point 16 of each of the three identified submissions - The characterisation of Tory Channel, East Bay and Melville Cove as outstanding natural features and/or landscapes.</p> <p>The reason for our opposition is:</p>

	<p>1. All of those areas lack the values to be characterised as outstanding.</p> <p>We seek that the whole of submission point 16 of each submitter listed above be disallowed.</p>
71.	<p>We oppose the submission of:</p> <p>The Kenepuru and Central Sounds Residents Association incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 18 seeking to identify marine farming as a matter listed in Methods of Implementation 7.M.3.</p> <p>The reason for our opposition is:</p> <p>1. Marine farming will be addressed in a separate chapter. The aquaculture provisions have not yet been notified.</p> <p>We seek that the whole of submission point 18 be disallowed.</p>
72.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 93 in relation to Issue 8A, page 8-3: Marine Environments. If the submission can be interpreted as seeking to include “feeding areas of seabirds including the threatened king shag in the Sounds... [as] ecologically significant marine sites” (which we deny) then we oppose that part of the submission.</p> <p>The reasons for our opposition are:</p> <p>1. The submitter’s own publications suggest that the conservation management priorities for the king shag are:</p> <ul style="list-style-type: none"> a. Protecting breeding grounds and ensuring that boats do not approach those colonies closer than 100 metres during the breeding season; b. Minimising seabird bycatch; c. Introducing pest quarantine measures to protect king shag breeding colonies; and d. Establishing king shags at new colony sites. <p>2. The proposed area has not been assessed through the protocol used to identify the ecologically significant marine sites in Marlborough.</p> <p>3. Feeding areas are diffuse. The present state of knowledge does not lend itself to use of broad areas as a decision-making tool.</p>

	If submission point 93 has been validly made, we seek that it be disallowed.
73.	<p>We oppose the submissions of:</p> <p>Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868) and Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Point 36 of Kenepuru and Central Sounds Residents Association and Point 3 of Clova Bay Residents Association submission, which seek to add a new policy to address cumulative effects.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That there is no factual basis or merit for the new policy. 2. It will be inefficient to address cumulative effects on a consent by consent basis. Rather, any assessment of cumulative effects should be addressed through the Plan provisions. <p>We seek that the whole of submission point 36 and point 3 be disallowed.</p>
74.	<p>We oppose the submissions of:</p> <p>Queen Charlotte Residents Association, PO Box 319, Picton 7250 (504); and Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868); and The Marlborough Environment Centre Incorporated, 72 Ferry Road, Spring Creek 7202 (1193).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Point 30 of the Queen Charlotte Residents Association, point 26 of Kenepuru and Central Sounds Residents Association Incorporated, and point 129 of The Marlborough Environment Centre Incorporated submission, which inferentially seeks that the MEP include a process whereby the community can identify new information on indigenous biodiversity matters and new sites can be included after the MEP is notified.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. That the process of identifying areas of significant indigenous biodiversity is a process for experts. It is not a process able to be undertaken without a comprehensive overview of the relevant sites. The expert must be able to assess the value of a particular site relative to other sites. 2. Site specific information will of course be relevant in the context of any application at or near that site. <p>We seek that the whole of submission point 30 Queen Charlotte Residents Association and submission point 26 Kenepuru and Central Sounds Residents Association and The Marlborough Environment Centre Incorporated submission point 129 be disallowed.</p>

75.	<p>We oppose the submission of:</p> <p>The Royal Forest and Bird Protection Society of New Zealand Incorporated, PO Box 266, Nelson 6140 (715).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 96, which seeks to amend policy 8.1.1 to refer to the ecological significance criteria in Appendix 3 and then amend Appendix 3 to recognise important bird feeding areas as a criteria for determining ecological significance.</p> <p>The reasons for this opposition are:</p> <ol style="list-style-type: none"> 1. Set out in our original submission on policy 8.1.1. 2. In addition, the amendment to Appendix 3 is not warranted. The significance criteria has been used to identify discreet areas which warrant a high level of protection. A different form of protection may be warranted for broader areas. <p>We seek that the whole of submission point 96 be disallowed.</p>
76.	<p>We oppose the submission of Matthew David Oliver, 162 Muller Road, Blenheim 7201 (921).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 2, which seeks an amendment to policy 8.1.2 to require a Peripheral Management Area around each Ecologically Significant Marine Site to be identified in the Plan.</p> <p>The reasons for our conditional support are:</p> <ol style="list-style-type: none"> 1. This would make the policy overbroad. 2. The appropriateness of any buffer zone will need to be assessed on a case by case basis. 3. Recognition should be given to the fact that marine farms provide a buffer from other human activity which have, in many cases, preserved the sites. <p>We seek that submission point 2 be disallowed.</p>
77.	<p>We oppose the submission of:</p> <p>Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 10, which seeks that Policy 8.1.3 be extended to include “the attainment of knowledge on the degree of change that has occurred in coastal marine indigenous flora and fauna biodiversity and abundance that may be reversible and that is attributable to activities that can be managed by resource consent conditions or processes – notably with regard to marine farming.”</p> <p>The reasons for our opposition are:</p>

	<ol style="list-style-type: none"> 1. The evidence demonstrates that marine farming has had substantially less effect on indigenous flora and fauna than other human-induced modifications. 2. Any focus on marine farming in this context is disproportionate. <p>We seek that the whole of submission point 10 be disallowed.</p>
78.	<p>We oppose the submission of:</p> <p>The Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 28, which seeks to amend policy 8.2.1 to include cumulative ecological impact thresholds for regulated activities.</p> <p>The reasons for our opposition are that:</p> <ol style="list-style-type: none"> 1. Such a policy would be highly inefficient. Addressing cumulative effects at every resource consent hearing would be costly and time consuming. 2. The amount of change that could be made to a cumulative effect would be small. Alternative methods need to be devised to resolve any issues relating to cumulative effects. <p>We seek the whole of submission point 28 be disallowed.</p>
79.	<p>We oppose the submission of:</p> <p>Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 9, which seeks that Policy 8.1.3 be extended to include the determination of acceptable cumulative ecological impact thresholds for regulated activities in the coastal marine area such as marine farming.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. The evidence is that the effects of marine farming are insignificant when compared with background variation and other human-induced change. 2. The change in proposed policy is disproportionate. <p>We seek that the whole of submission point 9 be disallowed.</p>
80.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 102, which seeks to include marine habitats in policy 8.2.4.</p>

	<p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The policy is directed at lowland habitats. Marine habitats are dealt with elsewhere in the Plan. <p>We seek that the whole of submission point 102 be disallowed.</p>
81.	<p>We oppose the submissions of:</p> <p>The Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152) and Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Point 4 of the Clova Bay submission and point 35 of the Kenepuru and Central Sounds Residents Association submission, which seek an addition to the matters listed in policy 8.3.5 to refer to alternation of the abundance of elements in the water column.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. That a change is not necessarily an adverse environmental effect. 2. The modification lacks merit. <p>We seek that the whole of submission point 4 of Clova Bay's submission and point 35 of Kenepuru and Central Sounds Residents Association be disallowed.</p>
82.	<p>We oppose the submission of:</p> <p>The Department of Conservation, Private Bag 4715, Christchurch Mail Centre, Christchurch 8140 (479).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 93, which seeks to amend policy 8.3.7 to broaden its scope, so that all activities that disturb the seabed must be avoided in ecologically significant marine sites, rather than only excluding fishing techniques that result in the disturbance of the seabed.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. Marine farms have generally been located so that they do not affect ecologically significant marine sites. 2. On the rare occasion that marine farms are located in or at the edge of an ecologically significant marine site, the placement of those structures has a trivial effect on the seabed which need not be avoided. <p>We seek that the whole of submission point 93 be disallowed.</p>
83.	<p>We oppose the submission of:</p> <p>The Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868).</p>

	<p>The particular part of the submission we oppose is:</p> <p>Submission point 38, which seeks to exclude the marine environment from the offsetting policy 8.3.8.</p> <p>The reason for our opposition is that:</p> <ol style="list-style-type: none"> 1. There is no reason why offsetting cannot occur in the marine environment. <p>We seek that the whole of submission point 38 be disallowed.</p>
84.	<p>We oppose the submissions of:</p> <p>The Pinder Family Trust, 4 Poynter Street, Blenheim 7201 (578); The Guardians of the Sounds, PO Box 197, Picton 7220 (752); and Sea Shepherd New Zealand Incorporated, 67 Milton Terrace, Picton 7220 (1146).</p> <p>The particular parts of the submissions we oppose are:</p> <p>The Pinder Family Trust point 24, The Guardians of the Sounds point 24 and Sea Shepherd New Zealand Incorporated point 24.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The case has not been made for a substantial marine protected area/marine park, including all of Queen Charlotte Sound and Tory Channel. <p>We seek that the whole of submission point 24 in each of the submissions be disallowed.</p>
85.	<p>We support the submission of:</p> <p>The Department of Conservation, Private Bag 4715, Christchurch Mail Centre, Christchurch 8140 (479).</p> <p>The particular part of the submission we support is:</p> <p>Submission point 97 that would enable the list of ecologically significant marine sites to be altered or added to through the Council's ongoing systematic surveying and identification of sites, presumably including acceptance by the Peer Review Panel.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. Any change to that list needs to be undertaken with appropriate scientific input. That input needs to be peer reviewed via the established Peer Review Panel. Sites identified by that process could then appropriately be added to the Plan through a full first schedule process. <p>We seek that the whole of submission point 97 be allowed.</p>
86.	<p>We oppose the submission of:</p> <p>The Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (869).</p> <p>The particular part of the submission we oppose is:</p>

	<p>Submission point 12, which seeks to insert into policy 13.1.1 after the words “in areas with” the phrase “, or in proximity to,”.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The introduction of the concept of proximity makes it impossible to judge with certainty whether an activity is or is not in accordance with the policies. <p>We seek that the whole of submission point 12 be disallowed.</p>
87.	<p>We support part of and oppose parts of the submission of:</p> <p>Hugh Shields, 73 Chelmsford Street, Ngaio, Wellington 6035 (757).</p> <p>The particular part of submission point 1 that we oppose is:</p> <ol style="list-style-type: none"> 1. Depositing mussel shells and other naturally occurring fouling organisms for the purpose of habitat protection, restoration or enhancement as a permitted activity; 2. Creation of a buffer zone of 200 metres around ecologically significant marine sites; and 3. The deposition of a material for the purposes of habitat protection, restoration or enhancement become a permitted activity. <p>The reasons for our opposition are that:</p> <ol style="list-style-type: none"> 1. There needs to be control over the deposition of material to the seabed. That control could be achieved by requiring a resource consent. Other means of control might equally be appropriate. 2. Any creation of a buffer zone should be undertaken on a case by case basis, recognising that marine farming structures regularly create a defacto buffer zone of their own. <p>The particular part of submission point 1 that we support is:</p> <p>The creation of a policy around deposition of mussel shells to enhance marine habitat.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. Such actions may be beneficial to the ecology of the Marlborough Sounds. <p>We seek that the part of submission point 1 supported above be allowed and the part of submission point 1 opposed above be disallowed.</p>
88.	<p>We oppose the submission of:</p> <p>Pete and Takutai Beech, 316 Waikawa Road, Waikawa, Picton 7220 (699).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 5, where he submits that all shipping be prohibited in Tory Channel.</p> <p>The reason for our opposition is:</p>

	<p>1. That shipping is appropriate in Tory Channel.</p> <p>We seek that the whole of submission point 5 be disallowed.</p>
89.	<p>We support part of and oppose another part of the submissions of:</p> <p>The Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868) and Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we support is:</p> <p>Kenepuru and Central Sounds Residents' point 53 and the Clova Bay Residents' points 22 and 23, where they request the Council to identify stressors on the Marlborough Sounds recreational finfish and shellfish recruitment and stocks.</p> <p>The aspect of the same submissions that we oppose is a policy to recognise the very high amenity value of recreational finfish and shellfish stocks when assessing adverse effects of other activities in the coastal marine area.</p> <p>The reasons for our submissions are:</p> <ol style="list-style-type: none"> 1. Council is identifying stressors on the Marlborough Sounds environment, including those which affect recreational finfish and shellfish recruitment and stocks. 2. The results of that work demonstrate that the greatest effects are caused by activities that rarely require a consent, in particular sedimentation caused by land use practices and over-extraction of fisheries resources. <p>We seek that the part of the Kenepuru submission point 53 and Clova Bay submission points 22 and 23 that we support be allowed, and the remaining part be disallowed.</p>
90.	<p>We oppose the submissions of:</p> <p>We oppose the submission of Michael and Kristen Gerard, Elie Bay, Private Bag 65034, Havelock 7150 (424) and The Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD2, Picton 7282 (869).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Gerard submission point 112 and Kenepuru submission point 74, which submit that objective 13.6 should also manage ship generated waves and speed in the Pelorus and Kenepuru Sound.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. The Council currently regulates ship-generated waves and ship speed by using bylaws and maritime rules. 2. In the case of most craft, those regulations are sufficient for the management of ship-generated waves and ship speed.

	<p>3. Additional regulation under the Resource Management Act 1991 is simply duplication.</p> <p>We seek that the submission points identified above are disallowed.</p>
91.	<p>We oppose the submissions of:</p> <p>The Clova Bay Residents Association Incorporated, tevor@offenadvisors.co.nz (152) and the Kenepuru and Central Sounds Residents Association, 2724 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Points 21, 33, and 34 of the Clova Bay submission and point 72 of the Kenepuru submission, where they seek to add to policy 13.15.2 “Avoiding activities or structures in areas that may impede on or inhibit regular navigation routes”.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That while effects on navigation is an aspect which needs to be considered when installing structures in the coastal marine area, the effects do not need to be avoided. <p>We seek that the whole of Clova Bay submission points 21, 33 and 34 and Kenepuru submission point 72 be disallowed.</p>
92.	<p>We oppose the submission of:</p> <p>Kenepuru and Central Sounds Residents Association 2725 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 39, which applies policy 13.1.1 to areas which are “on the balance of evidence” outstanding or of significant value, irrespective of whether or not they have yet been specifically identified as such in the Marlborough Environment Plan.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That this introduces uncertainty and is inconsistent with the NZCPS, which requires such areas to be mapped. <p>We seek that the whole of submission point 39 be disallowed (noting that we had sought this entire policy to be deleted in our primary submission in any event).</p>
93.	<p>We support in part and oppose in part the submission of:</p> <p>The Department of Conservation, Private Bag 4715, Christchurch Mail centre, Christchurch 8140 (479).</p> <p>The particular part of the submission we support is submission point 106, where it refers to values in relation to policy 13.1.1.</p>

	<p>The particular part of the same submission that we oppose is the reference to characteristics.</p> <p>The reason for our support and opposition is that:</p> <ol style="list-style-type: none"> 1. It is reasonable to protect the part of the coastal environment that we value, but it is not reasonable to protect characteristics whether or not we value them. <p>We seek submission point 106 be allowed where it refers to values and be disallowed where it refers to characteristics.</p>
94.	<p>We oppose the submissions of:</p> <p>The Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152) and the Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Clova Bay submission points 29, 30 and 31 and Kenepuru submission point 44, all of which seek to add a further paragraph to policy 13.2.5 or policy 13.2.6 seeking guidelines or standards on acceptable levels of surface structures within any particular area.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That paragraph is unnecessary. <p>We seek that the whole of Clova Bay submission points 29, 30 and 31 and Kenepuru and Central Sounds submission point 44 be disallowed. This is subject to our original submission to delete policy 13.2.5 in its entirety.</p>
95.	<p>We support the submission of:</p> <p>The Royal Forest and Bird Protection Society of New Zealand Incorporated, PO Box 2516, Christchurch 8140 (715).</p> <p>The particular part of the submission we support is:</p> <p>Point 232, which is to retain policy 13.3.3, which states: “ensure that the use of recreational vessels and vehicles does not create a public nuisance, compromise the health and safety of other users or result in adverse effects on the coastal environment.”</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. The policy is appropriate. <p>We seek that the whole of submission point 232 be allowed.</p>
96.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p>

	<p>The particular part of the submission we oppose is:</p> <p>Point 155, which seeks to extend policy 13.3.4 over parts of Pelorus Sound, Tennyson Inlet, Okiwi Bay, Admiralty Bay, and Eastern Tasman Bay.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. Recreational use should not have priority in those areas identified. <p>We seek that the whole of submission point 155 be disallowed.</p>
97.	<p>We oppose the submission of:</p> <p>The Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 49, which seeks to extend policy 13.3.4 over areas of the Pelorus Sound and Kenepuru Sound with high use or environmental value.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. Recreational use should not have priority in those areas identified. <p>We seek that the whole of submission point 49 be disallowed.</p>
98.	<p>We support part of the submission of:</p> <p>The Fishing Industry Submitters, Level 6, Eagle Technology House, PO Box 297, Wellington 6140 (710).</p> <p>The particular part of the submission we support is:</p> <p>Point 34, where it seeks to avoid activities and/or locating structures within significant fishing grounds where the activities and/or structures are incompatible with fishing activity.</p> <p>The reason for our support is that:</p> <ol style="list-style-type: none"> 1. Chapter 13 expressly does not apply to aquaculture or structures in support of aquaculture, such as monitoring buoys. <p>We seek that the part of submission point 34 identified above be allowed.</p>
99.	<p>We support the submission of:</p> <p>The Cawthron Institute, Private Bag 2, Nelson 7042 (613).</p> <p>The particular part of the submission we support is:</p> <p>Point 2, which seeks to provide an exception for moorings desirable as part of scientific investigations.</p>

	<p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. That moorings should be enabled where desirable as part of scientific work as an exception to the general policy. <p>We seek that the whole of submission point 2 be allowed.</p>
100.	<p>We support the submission of:</p> <p>The Cawthron Institute, Private Bag 2, Nelson 7042 (613).</p> <p>The particular part of the submission we support is:</p> <p>Point 3, which seeks to alter policy 13.10.1 to enable permanent structures for scientific monitoring or research purposes.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. Permanent structures may be necessary for scientific monitoring or research purposes. <p>We seek that the whole of submission point 3 be allowed.</p>
101.	<p>We oppose the submission of:</p> <p>The Environmental Defence Society Incorporated, PO Box 91736, Victoria Street West, Auckland 1042 (698).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 82, which seeks to amend policy 13.10.3.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That the matters sought to be added to policy 13.10.3 are already addressed by 13.10.5. <p>We seek that the whole of submission point 82 be disallowed.</p>
102.	<p>We oppose the submission of:</p> <p>Yachting New Zealand Incorporated, PO Box 1502, Auckland 1140 (503).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 2, which seeks to modify policy 13.15.2 by avoiding recognised navigation routes and avoiding structures within recognised anchorages [or] refuges and mooring management areas.</p> <p>The reasons for our opposition are:</p>

	<p>1. Provided there are adequate levels of safety, the effects on these areas need not be avoided. As our primary submission states, the effects can be appropriately managed.</p> <p>2. There will inevitably be structures within a mooring management area.</p> <p>We seek that the whole of submission point 2 be disallowed.</p>
103.	<p>We oppose the submission of:</p> <p>The Clova Bay Residents Association Incorporated, trevor@offenadvisors.co.nz (152).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 25, which seeks to extend policy 13.3.4 to areas of the Pelorus Sound and Kenepuru Sound with high public use or environmental and public amenity value.</p> <p>The reason for our opposition is:</p> <p>1. Recreational use should not have priority in those areas.</p> <p>We seek that the whole of submission point 25 be disallowed.</p>
104.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 172, which seeks to alter anticipated environmental result 13.AER.5.</p> <p>The reason for our opposition is:</p> <p>1. That the proposed change appears to be unrelated to its context.</p> <p>We seek that the whole of submission point 172 be disallowed.</p>
105.	<p>We support the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we support is:</p> <p>Point 173, which proposes to alter the anticipated environmental result 13.AER.10 by seeking deletion of the words “a proliferation of coastal structures is avoided” and the replacement of those words with “inappropriate proliferation of coastal structures to be avoided.”</p> <p>The reason for our support is:</p> <p>1. That appropriate coastal structures are desirable.</p>

	<p>We seek that the whole of submission point 173 be allowed.</p>
106.	<p>We support the submission of:</p> <p>The Marlborough District Council, PO Box 443, Blenheim 7240 (91).</p> <p>The particular part of the submission we support is:</p> <p>Point 137, which seeks a decrease in the number of resource consents required for port and marina related activities in anticipated environmental result 13.AER.13.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. That in general terms, resource consents should not be required for port and marina related activities. <p>We seek that the whole of submission point 137 be allowed.</p>
107.	<p>We support the submissions of:</p> <p>The Pinder Family Trust, 4 Poynter Street, Blenheim 7201 (578); and Guardians of the Sounds, PO Box 197, Picton 7220 (752); and Sea Shepherd New Zealand, 67 Milton Terrace, Picton 7220 (1146).</p> <p>The particular part of the submission we support is:</p> <p>The Pinder Family Trust point 34, and Guardian of the Sounds point 34, and Sea Shepherd New Zealand point 34, which suggest that the Marlborough Environment Plan should include methods on how nitrogen levels are monitored and managed in coastal waters, including the effects of forestry and salmon farming.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. That it is reasonable to monitor and manage nitrogen levels in coastal waters. <p>We seek that the whole of The Pinder Trust submission point 34, and The Guardians of the Sounds submission point 34, and Sea Shepherd New Zealand point 34 be allowed.</p>
108.	<p>We support the submission of:</p> <p>Te Runanga O Ngati Kuia, PO Box 1046, Blenheim 7240 (501).</p> <p>The particular part of the submission we support is:</p> <p>Point 74, where they seek to prohibit the discharge of untreated human sewerage to water bodies or coastal waters.</p> <p>The reasons for our support are:</p> <ol style="list-style-type: none"> 1. That such a policy will protect aquaculture. 2. We are keen to negotiate the precise detail of the policies and rules with the various interested parties.

	We seek that the whole of submission point 74 be allowed.
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VOLUME 2 - RULES

109.	<p>We support the submission of:</p> <p>The New Zealand Transport Agency, PO Box 5084, Lambton Quay, Wellington 6145 (1002).</p> <p>The particular part of the submission we support is:</p> <p>Submission point 149, which seeks to add a permitted activity rule in chapter 2 General Rules: Discharge to air as follows: “Discharge of contaminants from a mobile source”.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. Discharges of contaminants from a mobile source, such as cars and boats, is generally regulated through legislation which applies to land transport or maritime activities and not through the Resource Management Act 1991. <p>We seek that the whole of submission point 149 be allowed.</p>
110.	<p>We support the submission of:</p> <p>Sanford Limited, PO Box 443, Auckland 1010 (1140).</p> <p>The particular part of the submission we support is:</p> <p>Submission point 30, which seeks to exempt vessels, forklifts, etc, from standard 2.13.1.1 which prevents, without a resource consent, refuelling taking place within 20 metres of water.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. Refuelling of vessels and forklifts must occur in the immediate vicinity of water. <p>We seek that the whole of submission point 30 be allowed.</p>
111.	<p>We support the submission of:</p> <p>Port Marlborough New Zealand Limited, c/o Mitchell Partnership, PO Box 489. Dunedin 9054 (433).</p> <p>The particular parts of the submission we support are:</p> <p>Submission points 3, 4, 98, 99, 100, 103, 104, 105, 106, 116, 117, 119, 125, 126, 127, 128, 129, 130, 131, 132, 134, 135 and 140.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. That these are all appropriate amendments to the rules which apply to ports. <p>We seek that the whole of submission points listed above be allowed.</p>
112.	<p>We oppose the submission of:</p> <p>Yachting New Zealand Incorporated, PO Box 1502, Auckland 1140 (503).</p> <p>The particular part of the submission we oppose is:</p> <p>The inclusion of a permitted activity rule to enable the discharge of sewerage from a ship in the port zone (submission points 8, 9 and 10).</p>

	<p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. That there will be no locations within the port zone that meet the standard specified. 2. If a vessel is in the port zone, they should use the facilities provided by the port and not discharge sewerage into coastal waters. 3. It is inappropriate to discharge sewerage in the port zone. <p>We seek that the whole of submission points 8, 9 and 10 be disallowed.</p>
113.	<p>We support the submission of:</p> <p>Port Marlborough New Zealand Limited, c/o Mitchell Partnership, PO Box 489. Dunedin 9054 (433).</p> <p>The particular parts of the submission we support are:</p> <p>Submission points 145, 146, 147, 148, and 151.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. These are appropriate changes to the rules in the port landing area zone. <p>We seek that the whole of the submission points listed above be allowed.</p>
114.	<p>We oppose the submissions of:</p> <p>Kenneth R and Sara M Roush, PO Box 446, Blenheim 7240 (845) and Port Underwood Association, PO Box 59, Blenheim 7240 (1042).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Point 14, of Kenneth R and Sara M Roush’s submission and point 16 of the Port Underwood submission, where they seek that all external lighting (including street lights) shall be fully shielded to prevent any light spillage above the horizontal plain of the light source.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. It may not be practical in all cases to fully shield all lights, particularly those lights on water or required for navigational safety. 2. We would accept the addition of those words, provided it was qualified to circumstances where the shielding was practical. <p>We seek that the whole of Kenneth R and Sara M Roush’s submission point 14 and Port Underwood Association’s submission point 16 be disallowed.</p>
115.	<p>We oppose the submission of:</p> <p>Yachting New Zealand Incorporated, PO Box 1502, Auckland 1140 (503).</p> <p>The particular parts of the submission we oppose are:</p> <p>The discharge of sewerage from a ship in the port landing area zone (submission points 11, 12, and 13).</p> <p>The reasons for our opposition are:</p>

	<ol style="list-style-type: none"> 1. At no point within the port landing area zone will the standards proposed be able to be complied with. 2. Discharge is inappropriate within the port landing area zone. <p>We seek that the whole of submission 11, 12 and 13 be disallowed.</p>
116.	<p>We support the submission of:</p> <p>Port Marlborough New Zealand Limited, c/o Mitchell Partnership, PO Box 489. Dunedin 9054 (433 & 1284).</p> <p>The particular part of the submission we support are:</p> <p>Submission points 155, 156, 157, 158, 1284.5, 161, 162, 163, 164, 167, 168, 169, 170, 171, 172, 174, 175, 176, 177, 179, 180 and 181 (all submission 433, unless otherwise indicated).</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. These changes to the rules are appropriate in the marina zone. <p>We seek that the whole of the submission points listed above be allowed.</p>
117.	<p>We oppose the submissions of:</p> <p>Marlborough Berth and Mooring Association Incorporated, RMCo Limited, PO Box 820, Blenheim 7240 (960); and Yachting New Zealand Incorporated, PO Box 1502, Auckland 1140 (503); and Pelorus Boating Club Incorporated, PO Box 1, Havelock 7150 (1246).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Points 20, 21 and 22 – Marlborough Berth and Mooring Assoc Inc.</p> <p>Points 14, 15, 16 and 23 – Yachting New Zealand Inc.</p> <p>Points 14, 15 and 16 – Pelorus Boating Club Inc.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. It is inappropriate to discharge sewerage from a ship in the marina zone. If a ship is in the marina, the discharge of sewerage should be undertaken using the facilities provided. <p>We seek that the whole of the submission points listed above be disallowed.</p>
118.	<p>We oppose the submissions of:</p> <p>The Waikawa Boating Club, 6 Rimu Terrace, Waikawa, Picton 7220 (1233) and The Pelorus Boating Club Incorporated, PO Box 1, Havelock 7150 (1246).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Point 10 – The Waikawa Boating Club and</p> <p>Point 10 – The Pelorus Boating Club</p> <p>The reasons for our opposition are:</p>

	<ol style="list-style-type: none"> 1. The insertion of permitted activity rules for the discharge of human sewerage into the coastal marine area is inappropriate. 2. There should not be a permitted activity rule for the discharge of human sewerage beyond 1,000 metres from shore or beyond 1,000 metres from any marine farm. Where sewerage is grade A or grade B treated sewerage, lesser distances may be appropriate. 3. The permitted activity rule should exclude all those activities prohibited by rule 16.7. <p>We seek that the whole of submission point 10 for both The Waikawa Boating Club and The Pelorus Boating Club be disallowed, in so far as it is inconsistent with the above.</p>
119.	<p>We oppose the submission of:</p> <p>Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 191. The Friends seek to make marine navigational aids (including lighting) and any supporting structure a controlled activity, unless authorised as ancillary by a consent through another activity.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. Marine navigational lighting is controlled under separate legislation. There is no need to control it under the Resource Management Act and the Maritime Transport Act 1994. <p>We seek that the whole of submission point 191 be disallowed.</p>
120.	<p>We oppose the submissions of:</p> <p>Kenneth R and Sara M Roush, PO Box 446, Blenheim 7240 (845) and Port Underwood Association Incorporated, PO Box 59, Blenheim 7240 (1042).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Point 15 of the Kenneth R & Sara M Roush submission and point 17 of Port Underwood Assoc submission, which seek to fully shield any light spillage above the horizontal plain of the light source.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. Such standards will be impractical from a floating ship. 2. The proposed rule is also inconsistent with the Maritime Rules which, for example, require stationary vessels (of a certain size) to show an all around white light while anchored. 3. A standard could be imposed to take steps to avoid unreasonable light spill. <p>We seek that the whole of the submission points identified above be disallowed.</p>
121.	<p>We oppose the submission of:</p> <p>Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p>

	<p>The particular part of the submission we oppose is:</p> <p>Point 194, which suggests that there should not be a general permitted noise standard, as in policy 16.2.3, and that noise is undesirable around bird colonies, dolphins and feeding areas.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. It is unclear what is proposed in the alternative. 2. There are more practical and effective ways to manage the effects of noise from activities on wildlife. <p>We seek that the whole of submission point 194 be disallowed.</p>
122.	<p>We oppose the submission of:</p> <p>The Bay of Many Coves Residents Association and Ratepayers Association Incorporated, 72 Ferry Road, Spring Creek 7202 (1190).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 34 as it applies to preventing anchoring within a buffer zone around an ecologically significant marine site.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. Anchoring may not be appropriate within an ecologically significant marine site, but ought to be permitted in the buffer zone. <p>We seek that point 34 of the submission be disallowed.</p>
123.	<p>We support the submissions of:</p> <p>The Pinder Family Trust, 4 Poynter Street, Blenheim 7201 (578); The Guardians of the Sounds, 32 Hinepango Drive, RD 3, Blenheim 7273 (751); Sea Shepherd New Zealand, 67 Milton Terrace (1146); and The Marlborough Environment Centre Incorporated, 72 Ferry Road, Spring Creek 7202 (1193).</p> <p>The particular parts of the submissions we support are:</p> <p>Pinder submission point 50; Guardian submission point 50; Sea Shepherd submission point 50 and The Marlborough Environment Centre submission point 45, which seek that a collaborative approach is established between Council and boating clubs, recreational fishers and tourism operators to come up with workable regulations to keep human sewerage out of the coastal marine environment.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. This is a reasonable suggestion. <p>We seek that the parts of the submissions identified above be allowed.</p>
124.	<p>We oppose the submissions of:</p> <p>The Pinder Family Trust, 4 Poynter Street, Blenheim 7201 (578); The Guardians of the Sounds, 32 Hinepango Drive, RD 3, Blenheim 7273 (751); Sea Shepherd New Zealand, 67 Milton Terrace (1146) and The Marlborough Environment Centre Incorporated, 72 Ferry Road, Spring Creek 7202 (1193).</p>

	<p>The particular parts of the submissions we oppose are:</p> <p>Pinder submission point 49; Guardian submission point 49; Sea Shepherd submission point 49; and The Marlborough Environment Centre submission point 43, which seek to prohibit dredging and anchoring in a buffer zone around ecologically significant sites.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. The creation of a buffer zone should be undertaken on a case by case basis, recognising that marine farming structures regularly create a defacto buffer zone of their own. 2. Anchoring will be appropriate in the buffer zone. <p>We seek that the part of the submission points identified above which refers to the area in the buffer zone be disallowed.</p>
125.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 200, which suggests that the definition of “Ecologically significant marine sites” includes maps 17 and 18.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. Set out in submission point 412 and 413 of our original submission. <p>We seek submission point 200 be disallowed.</p>
126.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 199, which seeks to define “Landscape” as “Landscape means an area, as perceived by people, whose character is a cumulative result of the action and interaction of natural and/or cultural factors.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. That at best, this is part of a definition of landscape. Such a definition does not assist with delineating the edge of a landscape. 2. It is not clear that such a definition has broad support. <p>We seek that the whole of submission point 199 be disallowed.</p>
127.	<p>We support the submission of:</p> <p>Sanford Limited, PO Box 443, Auckland 1010 (1140).</p> <p>The particular part of the submission we support is:</p>

	<p>Point 71, which seeks to make it clear that marine farming is aquaculture seaward of water springs.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. The definition of marine farming in the Plan, as it was notified, could include land-based fish farming. <p>We seek that point 71 of the submission be allowed.</p>
128.	<p>We support the submission of:</p> <p>Horticulture New Zealand, PO Box 10232, The Terrace, Wellington 6143 (769).</p> <p>The particular part of the submission we support is submission point 2, which seeks to define, in Volume 2 Chapter 25, the words “enable”, “avoid”, “manage”, “control” and “protect”.</p> <p>The reason for our support is that:</p> <ol style="list-style-type: none"> 1. These terms should be defined. The precise definition for each term may require further work. <p>We seek the whole of submission point 2 be allowed, subject to taking a close look at the proposed wording.</p>
129.	<p>We oppose the submission of:</p> <p>Yachting New Zealand Incorporated, PO Box 1502, Auckland 1140 (503).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 3, which seeks define “recognised navigational route”.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. This term is not used in the Plan. <p>We seek that the whole of submission point 3 be disallowed.</p>
130.	<p>We support the submission of:</p> <p>The New Zealand Transport Agency, PO Box 5084, Lambton Quay, Wellington (1002).</p> <p>The particular part of the submission we support is:</p> <p>Point 250, which seeks to add a definition for “Reverse sensitivity” as follows: “Reverse sensitivity is the vulnerability of an established land use. In practice such complaints can compromise the established land use.”</p> <p>The reason for our support is that:</p> <ol style="list-style-type: none"> 1. Reverse sensitivity is used frequently in the Plan, but is not defined. <p>We seek the whole of submission point 250 be allowed, subject to deleting the reference to land in the proposed definition, instead referring to an “established use”.</p>

131.	<p>We oppose the submission of:</p> <p>Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Page 41 of the original submission (not summarised), which proposes to define natural character in terms of the degree of human modification.</p> <p>The reason for our opposition is that:</p> <ol style="list-style-type: none"> 1. It is not an appropriate definition of natural character. It is inconsistent with policy 6.1.1 and NZCPS Policy 13. <p>We seek the whole of the submission point identified above be disallowed.</p>
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VOLUME 3 - APPENDICES

132.	<p>We support the submission of:</p> <p>Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we support is:</p> <p>Point 211, where in respect of Volume 3 Appendix 2 the summary states: “Values contributing to very high and outstanding coastal landscape character must be rewritten to clearly identify the specific natural elements, patterns and processes that must be preserved and protected within each coastal marine and coastal terrestrial area of the coastal environment. Only relevant and accessible indicators for natural character ratings should be referred to”.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. That this provides additional support (additional to our original submission 301) for why this appendix ought to be rewritten. <p>We seek that this submission be allowed to the extent that we have referred to above.</p>
133.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 212, where they seek to insert into the biodiversity criteria for significance “the site is an important feeding area for indigenous species.”</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. Such an addition to the criteria changes the focus from discreet benthic communities of importance to broad areas in which effects do not need to be as tightly constrained.

	We seek that the whole of submission point 212 be disallowed.
134.	<p>We oppose the submission of:</p> <p>The Environmental Defence Society Incorporated, PO Box 91736, Victoria Street West, Auckland 1042 (698).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 110, which adds additional criteria as to how the significance criteria are to be used.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That these words are already inherent in the definition of “effect” in section 3 and do not need to be restated. <p>We seek that the whole of submission point 110 be disallowed.</p>
135.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 213, which seeks to amend Appendix 4 of Volume 3 “to refer to the effects of the proposal on natural character within the natural character unit it is located.”</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That we do not understand what is intended by the submission and, consequently, oppose it. <p>We seek that the whole of submission point 213 be disallowed.</p>

VOLUME 4 – MAPS

136.	<p>We oppose the submission of The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is submission point 202, which seeks amendments to natural character maps 1 and 2.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The amendments as proposed are not justified. <p>We seek that submission point 202 be disallowed.</p>
137.	<p>We oppose the submission of The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular parts of the submission we oppose are submission points 203 and 204, which seek to enlarge the area of natural character on natural character maps 1 and 2.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The enlargement of the area as sought by the submitter is not justified. <p>We seek that submission points 203 and 204 be disallowed.</p>
138.	<p>We oppose the submission of The Port Gore Group, PO Box 310, Blenheim 7240 (468) and Karen Marchant, PO Box 310, Blenheim 7240 (493).</p> <p>The particular parts of the submissions we oppose are submission points 4 and 5, which seek an enlargement of the natural character area.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The proposed change is not justified. <p>We seek that submission points 4 and 5 of the submissions identified above be disallowed.</p>
139.	<p>We oppose the submission of Kenneth R and Sara M Roush, PO Box 446, Blenheim 7240 (845) and the Port Underwood Association, PO Box 59, Blenheim 7240 (1042).</p> <p>The particular part of the submission we oppose is submission point 23 of both submissions, which seeks that the area just south of Ocean Bay be added to the natural character map 4.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The change is not justified. <p>We seek that submission point 23 in both submissions be disallowed.</p>
140.	<p>We oppose the submission of Kenneth R and Sara M Roush, PO Box 446, Blenheim 7240 (845) and Port Underwood Association, PO Box 59, Blenheim 7240 (1842).</p> <p>The particular points we oppose is Roche submission point 21 and Port Underwood Association submission points 19 and 20, where they seek modification to the natural character designation within Port Underwood.</p>

	<p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The modification sought is not justified. <p>We seek that the submission points identified above be disallowed.</p>
141.	<p>We oppose the submission of The Tui Nature Reserve, info@tuinaturereserve.co.nz (179).</p> <p>The particular part of the submission we oppose is submission point 2, which seeks a review of the coastal natural character status of the Outer Pelorus map.</p> <p>The reasons for our opposition is:</p> <ol style="list-style-type: none"> 1. That an enlargement of the area designated as having natural character or outstanding natural landscape is not justified. <p>We seek that submission point 2 be disallowed.</p>
142.	<p>We oppose the submissions of The Port Gore Group, PO Box 310, Blenheim 7240 (468); The East Bay Conservation Society, Stingray Bay, Private Bag 427, Picton 7250 (100); and Karen Marchant, PO Box 310, Blenheim 7240 (493).</p> <p>The particular submission points we oppose are Port Gore Group point 6; East Bay Conservation Society point 2 and Karen Marchant point 6, which seek to include all of the waters of East Bay as an outstanding natural feature and landscape.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. There is no justification for inclusion of those areas as an outstanding natural feature and landscape. <p>We seek that the submission points identified above be disallowed.</p>
143.	<p>We oppose the submission of The Pinder Family Trust, 4 Poynter Street, Blenheim 7201 (578); Guardians of the Sounds, PO Box 197, Picton 7220 (752); and Sea Shepherd New Zealand, 67 Milton Terrace, Picton 7220 (1146).</p> <p>The particular points we oppose are submission point 15 by each submitter, which seeks to include identified bays as outstanding natural landscapes or ecologically significant marine sites, as well as the whole of Tory Channel as an outstanding natural feature and landscape.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. There is no justification for making the areas identified an outstanding natural feature and landscape. <p>We seek that submission point 15 in each of the identified submissions be disallowed.</p>
144.	<p>We oppose the submission of the East Bay Conservation Society, Stingray Bay, Private Bag 427, Picton 7250 (100).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 28 which seeks to reassess the whole of East Bay as an outstanding natural feature and landscape.</p> <p>The reason for our opposition is:</p>

	<p>1. East Bay as a whole is not an outstanding natural feature and landscape.</p> <p>We seek that the whole of submission point 28 be disallowed.</p>
145.	<p>We oppose the submission of the East Bay Conservation Society, Stingray Bay, Private Bag 427, Picton 7250 (100).</p> <p>The particular part of the submission we oppose is submission point 31, which seeks to “exclude areas of East Bay or bubble zone the marine farms to prevent even more subdivision of the marine environment further degrading the outstanding natural character of East Bay.”</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. East Bay is not an area of outstanding natural character. 2. The marine farming provisions will be provided for in a separate chapter. <p>We seek that the whole of submission point 31 be disallowed.</p>
146.	<p>We oppose the submission of the East Bay Conservation Society, Stingray Bay, Private Bag 427, Picton 7250 (100).</p> <p>The particular part of the submission we oppose is submission point 33, which seeks that all of East Bay, including the Land between East bay and The outer Queen Charlotte Sound and the entire water of the bay be zoned as Outstanding Natural Character or at the very least Very High Natural Character.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The areas identified do not meet the high threshold required to be mapped as outstanding natural character or very high natural character. <p>We seek that the whole of submission point 33 be disallowed.</p>
147.	<p>We oppose the submissions of The Port Gore Group, PO Box 310, Blenheim 7240 (468) and Karen Marchant, PO Box 310, Blenheim 7240 (493).</p> <p>The particular part of the submissions we oppose is point 3 by both submitters, which seeks to include land on the southern side of Port Gore to the sea, the ridge and eastern side of it between Puzzle Peak and Cape Lambert (and back to Hunia), the eastern side of the Alligator headland, all the waters of Waitui Bay and Port Gore except Melville Cove, and all East Bay and northern Arapawa Island as having outstanding natural character, with Melville Cove having very high natural character.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. The Plan for those areas should expressly recognise that marine farming does not impinge on natural character. 2. The benthic habitat in that area shows signs of substantial modification resulting from terrestrial land use practices. Those factors (and not marine farming) ought to have led to the recognition that those areas are not either outstanding or very high in natural character terms.

	<p>We seek that the whole of submission point 3 in both submissions identified above be disallowed.</p>
148.	<p>We oppose the submission of Judy and John Hellstrom, Private Bag 391, Picton 7250 (688).</p> <p>The particular part of the submission we oppose is submission point 44, which seeks that the D’Urville Island-Northern Cook Strait be described in its entirety as an outstanding natural landscape (seascape) including the long views from east-west from the ONL’s of D’Urville Island, the Rangitoto Islands to the Chetwoods and the Capes.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. There is nothing in that area in landscape (seascape) terms which justifies the designation of the area as an ONL. <p>We seek all of submission point 44 be disallowed.</p>
149.	<p>We oppose the submission of The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular parts of the submission we oppose are submission points 202, 205 and 206, which seek changes to outstanding natural features and landscape maps 1, 2, 3, 4 and 5.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The enlargement of the areas of outstanding natural features and landscapes is not justified. <p>We seek that submission points 202, 205 and 206 be disallowed.</p>
150.	<p>We oppose the submission of Hanneke Kroon and Joop Jansen Private Bag 65047, Havelock 7150 (808).</p> <p>The particular part of the submission we oppose is submission point 5, which seeks to enlarge the area of outstanding natural features in Crail Bay and Central Pelorus.</p> <p>The reasons for our opposition is:</p> <ol style="list-style-type: none"> 1. The increase in area over which the outstanding natural feature designation applies is not justified. <p>We seek that submission point 5 be disallowed.</p>
151.	<p>We oppose the submission of The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular parts of the submission we oppose are submission points 207 and 208, which seek to amend the area of natural landscape on landscape maps 1, 2 and 4.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The change is not justified. <p>We seek submission points 207 and 208 be disallowed.</p>
152.	<p>We oppose the submission of John and Judy Hellstrom, Private Bag 391, Picton 7250 (688).</p> <p>The particular part of the submission we oppose is the following statement:</p>

	<p>“However, we wonder why the whole of Waitata Reach has not been defined as an outstanding landscape, given that coastal or freshwater landforms and landscapes (including seascape) are within the definition of natural character (6.1.1).”</p> <p>If we interpret that submission correctly, it is seeking that the entire Waitata Reach on landscape map 1 and 4 be recognised as an outstanding natural feature and landscape.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The area does not meet the high threshold required. <p>We seek that this part of the submission be disallowed.</p>
153.	<p>We oppose the submission of The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is submission point 209, which seeks amendments to landscape map 4.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That it seeks to expand the area of outstanding natural features and landscapes and the expansion is not justified. <p>We seek that submission point 209 be disallowed.</p>
154.	<p>We oppose the submission of the Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley, 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 210, which seeks to make amendments to the outstanding natural features and landscapes map 5.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The changes to the landscape map are not justified. <p>We seek that submission point 210 be disallowed.</p>
155.	<p>We oppose the submission of Michael and Kristen Gerard, Elie Bay, Private Bag 65034, Havelock 7150 (424).</p> <p>The particular parts of the submission we oppose are:</p> <p>Submission points 194 and 195, which seek to add two sites as ecologically significant marine sites.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. Ecologically significant marine sites must first go through the expert panel. The criteria are not suitable to be used by lay people. 2. There is no justification for including these particular sites as ecologically significant marine sites in the absence of an appropriate report from the expert group of ecologists. <p>We seek that the whole of submission points 194 and 195 be disallowed.</p>

156.	<p>We support the submission of the Department of Conservation, Private Bag 4715, Christchurch Mail Centre, Christchurch 8140 (479).</p> <p>The particular parts of the submission we support are:</p> <ol style="list-style-type: none"> 1. Submission points 278 and 279, where they recommend changes to the areas of various ecologically significant marine sites in response to further work being undertaken by the expert group. <p>The reason for our support is that:</p> <ol style="list-style-type: none"> 2. So long as the areas identified have in fact been supported by the expert group, they are appropriate to be included in the Environment Plan. <p>We seek that submission points 278 and 279 be allowed.</p>
157.	<p>We conditionally support the submission of Te Atiawa o Te Waka-a-Maui, PO Box 340, Picton 7250 (1186).</p> <p>The particular part of the submission we conditionally support is submission point 8, which seeks an appropriate buffer to be provided around ecologically significant marine sites within the Queen Charlotte Sound, Tory Channel and Port Gore.</p> <p>The reason for our conditional support is:</p> <ol style="list-style-type: none"> 3. The appropriateness of any buffer zone will need to be assessed in any case. 4. Recognition needs to be given for the fact that marine farms provide a buffer from other human activity which have, in many cases, preserved the sites. <p>We seek that submission point 8 be allowed, so long as it does not interfere with existing aquaculture.</p>
158.	<p>We oppose the submission of:</p> <p>The Royal Forest & Bird Protection Society of New Zealand Incorporated, PO Box 2516, Christchurch 8140 (715).</p> <p>The particular part of the submission we oppose is:</p> <p>Paragraph 32 of the submission (which may not have been summarised), which seeks to identify in the Plan important bird areas contained in Forest & Bird (2014). <i>New Zealand Seabirds: Important Bird Areas and Conservation</i>. The Royal Forest & Bird Protection Society of New Zealand, Wellington, New Zealand. 72 pp. and Forest & Bird (2015). <i>New Zealand Seabirds: Sites on Land, Coastal Sites and Islands</i>. The Royal Forest & Bird Protection Society of New Zealand, Wellington, New Zealand.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The areas identified in the 2014 publication are very large. They are not suitable for inclusion in a regulatory regime designed to protect discrete areas of high value. 2. The sites and areas have not been through the <i>Ecologically significant marine sites in Marlborough: recommended protocols for survey and status monitoring</i> (2014).

	<p>3. Should the Tawhitinui Bay important bird area be included, the plan should note that the marine farms in the bay were present before the colony was established, and consequently the marine farms and associated activity does not affect the colony.</p> <p>We seek that the submissions identified above be disallowed. In the alternative we seek the addition to the plan identified above.</p>
159.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular parts of the submission we oppose are:</p> <p>Points 197 and 198, which seek a rule to apply to map 17 and map 18 by amending the legends on map 17 map 18 to refer to a significant marine site.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That no rules apply to map 17 or map 18. Rather, the maps should make clear that the rules do not apply to that location. <p>We seek that the whole of submission points 197 and point 198 be disallowed.</p>
160.	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>The inclusion of Tory Channel in the outstanding natural character overlay in Coastal Natural Character Map 4, as per the map attached to The Friends' submission at page 43.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The inclusion of that area is not justified. <p>We seek that the whole of that part of the submission be disallowed.</p>
161.	<p>We support the submission of:</p> <p>The Marlborough District Council, PO Box 443, Blenheim 7240 (91).</p> <p>The particular part of the submission we support is:</p> <p>Point 94, which seeks to amend the boundaries of Ecologically Significant Marine Site no.2.15 (Ecologically Significant Marine Sites map 5) as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Prepared by Davidson Environmental Limited for MDC. Survey and monitoring report number 836.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. Additional ecologically significant sites identified via the Council's ongoing systematic surveying and identification of sites by expert scientists, and

	<p>reviewed/approved by the Peer Review Panel, can appropriately be added to the Plan by way of this first schedule process.</p> <p>We seek that the whole of submission point 94 be allowed.</p>
162.	<p>We support the submission of:</p> <p>The Marlborough District Council, PO Box 443, Blenheim 7240 (91).</p> <p>The particular part of the submission we support is:</p> <p>Point 99, which seeks to amend the boundaries of Ecologically Significant Marine Site no.2.20 (Ecologically Significant Marine Sites map 5) as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Prepared by Davidson Environmental Limited for MDC. Survey and monitoring report number 836.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. Ecologically significant sites identified via the Council's ongoing systematic surveying and identification of sites by expert scientists, and reviewed by the Peer Review Panel, can be appropriately added to the Plan by way of this first schedule process. <p>We seek that the whole of submission point 99 be allowed.</p>
163.	<p>We support the submission of:</p> <p>The Marlborough District Council, PO Box 443, Blenheim 7240 (91).</p> <p>The particular part of the submission we support is:</p> <p>Point 100, which seeks to amend the boundaries of Ecologically Significant Marine Site no.2.18 (Ecologically Significant Marine Sites map 5) as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Prepared by Davidson Environmental Limited for MDC. Survey and monitoring report number 836.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. Ecologically significant sites identified via the Council's ongoing systematic surveying and identification of sites by expert scientists, and reviewed by the Peer Review Panel, can be appropriately added to the Plan by way of this first schedule process. <p>We seek that the whole of submission point 100 be allowed.</p>
164.	<p>We support the submission of:</p> <p>The Marlborough District Council, PO Box 443, Blenheim 7240 (91).</p> <p>The particular part of the submission we support is:</p> <p>Point 88, which seeks to amend the boundaries of Ecologically Significant Marine Site no.1.2 (Ecologically Significant Marine Sites map 7) as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary</p>

	<p>report 2015-2016. Prepared by Davidson Environmental Limited for MDC. Survey and monitoring report number 836.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. Ecologically significant sites identified via the Council's ongoing systematic surveying and identification of sites by expert scientists, and reviewed by the Peer Review Panel, can be appropriately added to the Plan by way of this first schedule process. <p>We seek that the whole of submission point 88 be allowed.</p>
165.	<p>We support the submission of:</p> <p>The Marlborough District Council, PO Box 443, Blenheim 7240 (91).</p> <p>The particular part of the submission we support is:</p> <p>Point 89, which seeks to amend the boundaries of Ecologically Significant Marine Site no.1.4 (Ecologically Significant Marine Sites map 7) as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Prepared by Davidson Environmental Limited for MDC. Survey and monitoring report number 836.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. Ecologically significant sites identified via the Council's ongoing systematic surveying and identification of sites by expert scientists, and reviewed by the Peer Review Panel, can be appropriately added to the Plan by way of this first schedule process. <p>We seek that the whole of submission point 89 be allowed.</p>
166.	<p>We support the submission of:</p> <p>The Marlborough District Council, PO Box 443, Blenheim 7240 (91).</p> <p>The particular part of the submission we support is:</p> <p>Point 96, which seeks to add new Ecologically Significant Marine Site no.1.9 (Ecologically Significant Marine Sites map 7) as mapped in Davidson, R.J. and Richards, L.A. 2016. Significant marine site survey and monitoring programme: Summary report 2015-2016. Prepared by Davidson Environmental Limited for MDC. Survey and monitoring report number 836.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. Ecologically significant sites identified via the Council's ongoing systematic surveying and identification of sites by expert scientists, and reviewed by the Peer Review Panel, can be appropriately added to the Plan by way of this first schedule process. <p>We seek that the whole of submission point 96 be allowed.</p>



Marlborough Sounds Marine Farms and Proposed Marlborough Environment Plan

Outstanding Natural Landscape or Features - MEP and Submitters

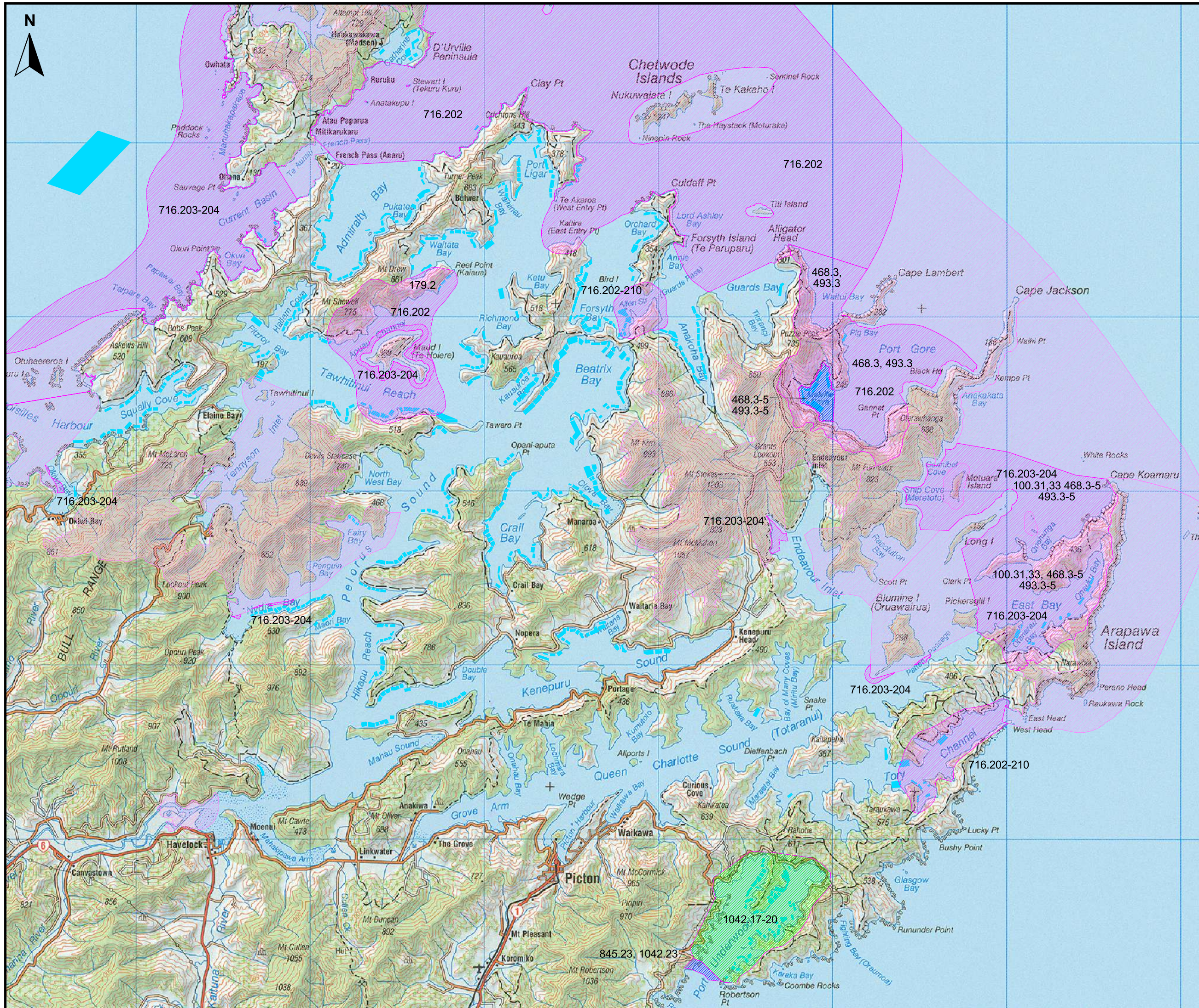
- KEY**
- Granted Marine Farm
 - MEP - Outstanding Natural Landscape or Features
 - Submitters - Outstanding Natural Landscape or Features
 - 800.5 Submitter Number & Point

MEP data supplied by Marlborough District Council. Marine Farm data sourced from MDC Open Data (July 2016). Topo Map data from LINZ Data.

Produced by Draughting Plus Ltd from Marine Farm Data supplied by Marlborough District Council. The accompanying material has been released by Council from its information repositories as they exist as at June 2016. Council does not accept any responsibility for the initial and ongoing accuracy of the material. It is the responsibility of the recipient to make such checks as the recipient considers appropriate to ensure accuracy.

Scales (at A3)
 Main Map 1:200,000
 Port Hardy Inset 1:200,000
 Clifford Bay Inset 1:250,000

Prepared: 15th June 2017



Marlborough Sounds Marine Farms and Proposed Marlborough Environment Plan

Outstanding Natural Character MEP and Submitters

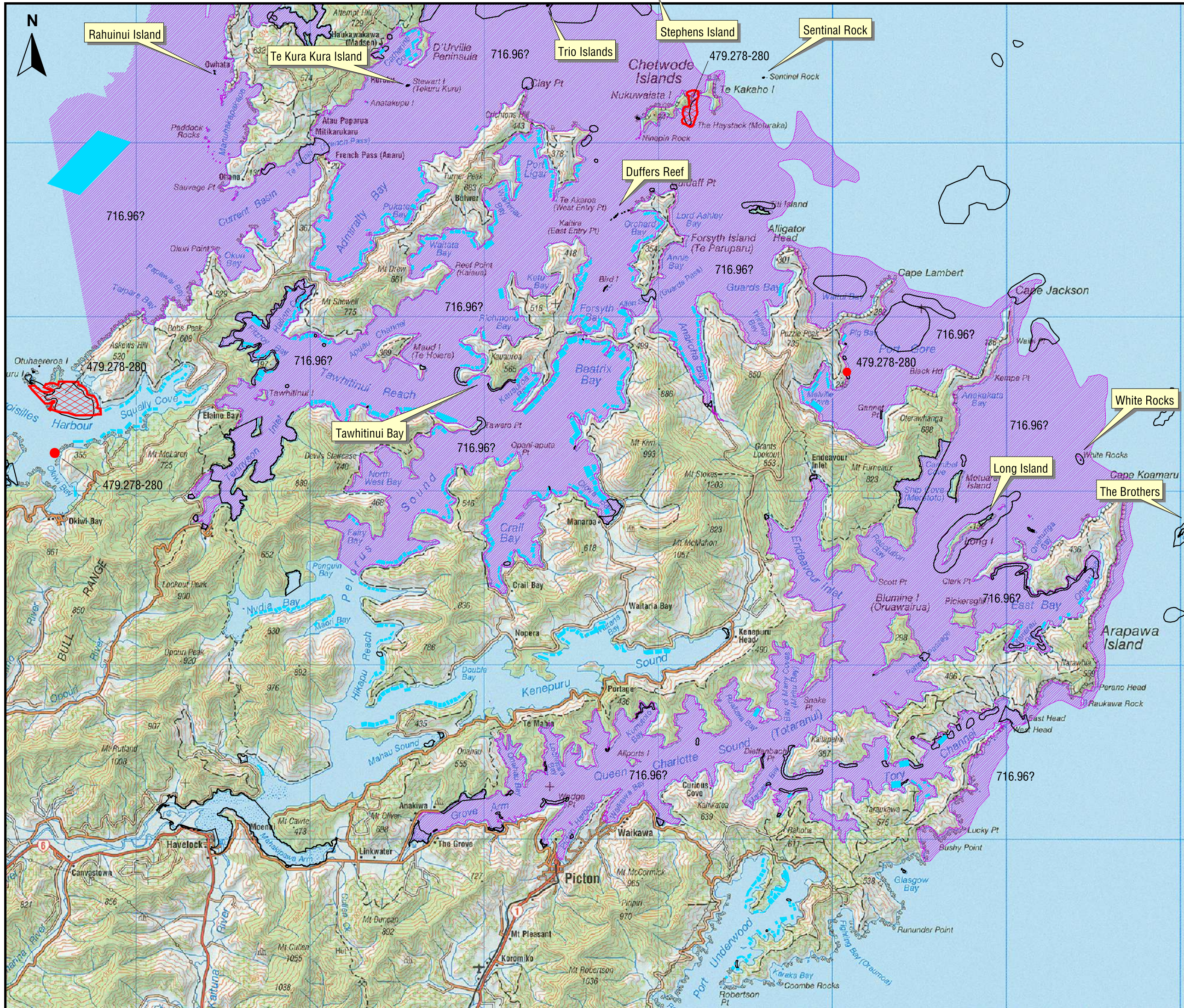
- KEY**
- Granted Marine Farm
 - MEP - Outstanding Coastal Natural Character
 - Submitters - Outstanding Coastal Natural Character
 - Submitters - Very High Coastal Natural Character
 - Submitters - Moderate - High Coastal Natural Character

MEP data supplied by Marlborough District Council. Marine Farm data sourced from MDC Open Data (July 2016). Topo Map data from LINZ Data.

Produced by Draughting Plus Ltd from Marine Farm Data supplied by Marlborough District Council. The accompanying material has been released by Council from its information repositories as they exist as at June 2016. Council does not accept any responsibility for the initial and ongoing accuracy of the material. It is the responsibility of the recipient to make such checks as the recipient considers appropriate to ensure accuracy.

Scales (at A3)
 Main Map 1:200,000
 Port Hardy Inset 1:200,000
 Clifford Bay Inset 1:250,000

Prepared: 15 June 2017



Marlborough Sounds Marine Farms and Proposed Marlborough Environment Plan

MEP Ecologically Significant Marine Sites and Submissions

- KEY**
- Granted Marine Farm
 - MEP - Ecologically Significant Marine Sites
 - Ecologically Significant Marine Sites New/Amended (DoC/MDC)
 - Proposed Important Bird Areas at Sea - Forest & Bird (2014)
 - Site Name Proposed Important Bird Areas on Land - Forest & Bird (2015)

MEP data supplied by Marlborough District Council. Marine Farm data sourced from MDC Open Data (July 2016). Topo Map data from LINZ Data.

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Scales (at A3)
Main Map 1:200,000

Schedule C

Decision of the MEP Hearings Panel: <https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/full-decision-on-the-pmep>

Track Changes of the MEP: <https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/pmep-tracked-changes-version>

Schedule D: Persons to Be Served With a Copy of this Notice

Name / Organisation	Contact	Address for Service
Marlborough District Council	Kaye Mcllveney	Kaye.Mcllveney@marlborough.govt.nz