

Proposed Marlborough Environment Plan

Topic 6: Indigenous Biodiversity (Significant Wetlands)

Hearing dates: 13 – 14 March and 3 April 2018

S42A Report Writer: Rachel Anderson and Peter Hamill

Conflicts of Interest: None

Interim decision: None

(Note: A list of conflicts of interest which arose during the process are available to view on the Marlborough District Council Website)

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Structure of Decisions

1. It is important that the topic decision is read as a whole together with the tracked change version of the Plan. The decision on each topic contains the reasons for the Panel's decisions. These comprise either adoption of the reasoning and recommendations of the original Section 42A Report or the replies to evidence, or a specific reasoning by the Panel¹.
2. The tracked change version of the relevant PMEP provisions forms an integral part of the decision. The source of the change in terms of the topic that the subject matter was dealt with is clearly identified in the track changes version of the plan. This records all amendments (additions and deletions) to the notified PMEP provisions made by the Panel.
3. Where the PMEP provisions **remain as notified**, it is because:
 - (a) The Panel has decided to retain the provision as notified for reasons set out in this decision; or
 - (b) The Panel adopted the reasoning and recommendation of the Section 42A Report Writer to retain the provision as notified as recommended in the Reply to Evidence; or
 - (c) The Panel adopted the reasoning and recommendation of the Section 42A Report to retain the provision as notified in the original Section 42A report.
4. Where there is a **change to a provision** within the plan it is because:
 - (a) The Panel has amended a provision for reasons set out in this decision in response to a submission point which the Section 42A report writer(s) does not recommend in their reports; or
 - (b) The Panel adopted the reasoning and recommendation of the Section 42A Report Writer to change the provision to that recommended in the Reply to Evidence; or
 - (c) The Panel adopted the reasoning and recommendation of the Section 42A Report Writer to change the provision to that recommended in the original Section 42A report; or
 - (d) A consequential change has been necessary following on from a decision in either a), b) or c).

¹ (The only exception to that approach relates to the Noise section of the Nuisance topic where the reasoning and recommendations in the responses to Minutes 54 and 59 may have been adopted, rather than the reasoning and recommendations in the Section 42A Report or the Reply to Evidence report. The reasons for that difference in that topic are dealt with in detail at the commencement of the Noise section of the Nuisance topic decision. In respect of that topic the approach to understanding of the individual submission point decisions addressed in paragraphs 13.3 to 13.5 below should be adjusted accordingly to apply references to the Section 42A Report and/or Reply to Evidence in those paragraphs as being references to the responses to Minutes 54 & 59 for that Nuisance topic.)

5. Where there is a **different recommendation** between the Section 42A Report and the Reply to Evidence (i.e., the recommendation by the Section 42A report writer(s) has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.
6. There are limited circumstances where the Panel has taken the opportunity to give effect to national policy statements or implement national environmental standards. Where this occurs the relevant decision clearly sets out the nature of the change and the reason for the change.
7. Finally, there are limited circumstances where the Panel has decided that **alternative relief** is more appropriate than that requested by the submitters, but still within the scope of the relief sought. This is recorded in the Panel's decision.

Introduction

8. The initial identification of wetlands with significant values was a desktop exercise involving Council staff expert in their field.
9. Maps and draft rules were prepared and an information pack distributed. Site visits were undertaken to some properties with Federated Farmers providing initial valuable guidance. This was followed up with further engagement between Council staff and Federated Farmers to consider draft rules, the dissemination of further information, and a process identified for ongoing site visits.
10. An extensive period of consultation followed with owners of potential Significant Wetlands of which at the start of the consultation period there were 1539. Of approximately 400 landowners involved, half took up the opportunity for a site visit. Peter Hamill, the Council's Team Leader Land and Water Environmental Science and Monitoring Group, undertook 231 site visits and identified 4117 wetland boundaries with GPS. Each wetland boundary was delineated based on the change from wetland to dryland plants (a methodology referred to in the verbal evidence of Federated Farmers).
11. A number of submitters did not require site visits having no concerns about the process (Wither Hills with six wetlands as an example). When Plan drafting took place, 1360 wetlands were identified and 179 were removed in the further consultation process and amendments to mapping were made.

Standards with 8m setbacks to significant wetlands

12. An 8m setback is a continuation in similar vein of an approach used in WARMP for two decades.

Utility infrastructure provisions

Standard 2.39.1.14

A line or network utility structure, or a telecommunication, radio communication or meteorological facility, or a building or depot must not be located: (a) In, or within 8m of, a Significant Wetland.

13. Standard 2.39.1.14 is a standard for Rule 2.38.1.
14. Chorus and Spark² seek amendment to this standard – reference to 'building or depot' should be deleted, as these structures are already included within the definitions of telecommunications and radio communications; amendment of the standard should also

² Chorus (464.44), Spark (1158.42).

provide for new lines for utilities within an existing legal road as they would not have any further impact on Significant Wetlands.

15. Transpower seeks removal of the standard as it is considered contrary to the requirements under NPSET Policy 3 with no rationale for an 8 metre setback.³

Section 42A Report

16. The Section 42A Report does not support the submission regarding new lines within an existing legal road. The mapped road reserve generally goes beyond the actual formed road, and there can be substantial wetlands in some of these areas. Establishing a new utility line cannot be said to have the same effect as an 'existing road' that may in reality be some distance away.⁴
17. The amendment to delete the wording 'building and depot' is also not supported. Including this wording is not superfluous, as only a 'telecommunication facility' is defined to include another structure. Neither radio-communications nor a meteorological facility are defined in this way.
18. The submission by Trustpower asserts that the standard is contrary to Policy 3 of NPSET in that the standard does not take into account the linear network of many network utilities. Policy 3 NPSET states '[Policy 3] has direct significance for decision making on resource consent applications and notices of requirement'. Policy 3 NPSET therefore anticipates the requirement of a resource consent for network activities. Transpower's opinion is therefore not supported.
19. The 8m setback also reflects consistency between the notified PMEP and the WARMP, as to management of mapped Significant Wetlands. In some instances the Plan will be more enabling than the WARMP provisions.⁵
20. The Section 42A Report initially recommended Standard 2.39.1.14 should be retained as notified. Chorus and Spark subsequently withdrew their submission regarding the words 'building or depot'; and clarified that reference to 'legal road' in their submission means a 'formed legal road'. On this basis the Report Writers considered it is appropriate to amend Standard 2.39.1.14 accordingly.⁶

³ Section 42A Report, Reply to Evidence, page 1.

⁴ Trustpower (1198.76).

⁵ Section 42A Report, paragraph 56.

⁶ Section 42A Report, Reply to Evidence, page 2.

21. In evidence, Transpower no longer sought deletion of the standard in its entirety, and instead suggests amendment to provide for a National Grid exception. It also seeks the addition of a new standard to give effect to that exception.

Consideration

22. Transpower's verbal evidence as to the reasoning behind wanting to place new infrastructure within 8 metres of a Significant Wetland as a Permitted Activity does not persuade the Report Writers nor the Panel that this should be provided. It is more appropriate for a new utility structure within 8 metres of a Significant Wetland to be assessed through the consent process and for the Council to have the ability to apply conditions of consent.
23. Instead it is recommended by the Report Writers that Standard 2.39.1.14 be further amended to provide an exception to the date when the new standard should apply, with which the Panel agrees, and with no additional standard needed.

Decision

24. Standard 2.39.1.14 is amended to read:

A line or network utility structure, except the National Grid existing on 9 June 2016, or a telecommunication, radio communication or meteorological facility, or a building or depot must not be located:

(a) in, or within 8m of, a Significant Wetland;...

(b) These setbacks do not apply to a line or network utility structure, or a telecommunication, radio communication or meteorological facility that is located within formed legal road...

Standards on non-indigenous vegetation clearance provisions

Standards 3.3.12.3 and 4.3.11.3

Vegetation clearance must not be in, or within 8m of a Significant Wetland

25. These standards apply to the Permitted Activity of non-indigenous vegetation clearance in Rural Environment (Rule 3.1.2) and Coastal Environment (Rule 4.1.11) Zones.
26. Two submitters support the provisions but seek amendment;⁷ three others support or oppose the standard in part and seek:⁸
- Provision for an exception for plantation forest trees being harvested which were lawfully established prior to 9 June 2016. Commercial forest harvesting is a separate activity and is not caught by non-indigenous clearance rules.

⁷ C Shaw (423.41), J Hickman (455.70).

⁸ J C Tozer (319.26), Nelson Forests Ltd (990.98), Transpower (1198.88).

- Removal of non-indigenous species by non-mechanical means should be allowed for a restoration project.
- An exception should be made for fenced Significant Wetlands (as per the wetland boundaries in the PMEP); there would thus be no need for the setback between the vegetation clearance and the Significant Wetland if this occurred.
- An exception for vegetation removal that is part of the maintenance and enhancement of an existing Significant Wetland (with Council drainage staff only being authorised to carry out such work).
- An exception is sought for activities relating to the National Grid in both standards. The standards are not in line with the Network Utility Permitted Activity (Rule 2.38.6).

Section 42A Report

27. The Report Writers advise that the Rural Living Zone has a standard that enables some plant removal by non-mechanical means. But there is no equivalent in the Rural or Coastal Environment Zones. It is recommended that the standard is amended to reflect this. No limitation to restoration projects should be added.⁹
28. The addition of an exception for fenced wetlands is also supported. The mitigating effects of fencing are similar to the setback approach because fencing wetland usually occurs outside the wetland proper as solid ground is required – thus providing a small buffer and creating a barrier to stock. Hence there is a greater opportunity to establish wetland plant species around the wetland perimeter.¹⁰
29. Mr Tozer, in relation to Standard 3.3.12.3, in his evidence provided greater detail of the areas of Significant Wetlands W69 and W261 that link two wetlands together which relate to his original submission. He seeks removal of those areas of contention from the mapped Significant Wetlands; or amend the standard to enable works to be undertaken in accordance with a biodiversity management plan.
30. The S42A report writer, Mr Hamill, considered the first alternative submitted by Mr Tozer but is clear in his opinion that given the interconnection between the two wetlands, their removal is not appropriate. The issue raises possible differences in opinion about what is acceptable intervention in Significant Wetlands. And rather than providing the exception regarding biodiversity, the Report Writers are clear that activities which go beyond those permitted (vegetation removed by non-mechanical means) should go through the resource consent

⁹ Section 42A Report, paragraph 107.

¹⁰ Ibid, paragraph 108.

process. Through this, it is possible that a biodiversity management plan could be put in place.¹¹ The Report Writers also consider that although the Council is authorised to undertake vegetation clearance within the Drainage Channel Network, there is no authorisation for clearance in, or within 8m of a Significant Wetland, other than resource consent.

31. An exception for National Grid operation is also not supported. There is no conflict in the rules and standards as they stand. The General Rules for Network Utilities are specific to these industries, including Transpower, and prevail over the zone rules that apply to others, whereas Standards 3.3.12.3 and 4.3.11.3 are general and it would be inappropriate to amend them. The opening sentence at the start of the General Rules for Network Utilities reinforces this: 'Other General Rules contained in Chapter 2 may apply in addition to any relevant zone rules for network utilities.' An example of this would be Rule 13.1.19 in the Port Zone that has requirements in its standards relating to network utility operators. Standards 3.3.12.3 and 4.3.11.3, or the rules they fall from, are not rules for network utilities. Subsequently, in evidence Transpower no longer sought this amendment and is no longer in conflict with Section 42A Report recommendations.¹²
32. An exception for network utilities is also sought in regard to Standards 7.3.8.3, 18.3.4.3 and 19.3.4.3 – for the same reasons as those outlined above, these were rejected.¹³
33. Nelson Forests Ltd, in opposition to the standard, sought an exception for harvesting of plantation forest trees that were lawfully established prior to 9 June 2016. This exception is rejected by the Section 42A Report as inappropriate. Commercial forestry harvesting is a separate activity and not caught by the non-indigenous vegetation clearance rules.

Decisions

34. Standard 3.3.12.3 and Standard 4.3.11.3 are amended to read:

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

(a) where the wetland is fenced, in accordance with the wetland boundaries mapped in the Plan, in which case vegetation clearance may occur up to the fenced boundary; or

(b) plants identified in Appendix 25 may be removed from a Significant Wetland but by non-mechanical means only.

¹¹ Appendix 1 Photographs 11-12 demonstrate very clearly the proximity of the two wetlands the one to the other, and their interconnectedness is important. Section 42A Report, Reply to Evidence, pages 5-6.

¹² See Section 42A Report, Reply to Evidence, page 6.

¹³ Section 42A Report, paragraphs 109 and 188.

Non-indigenous vegetation clearance using wheeled or tracked machinery

Wheeled or tracked machinery must not be operated in or within 8m of ... a Significant Wetland.

35. These standards apply to the Permitted Activity of non-indigenous vegetation clearance in the Rural Environment (Rule 3.1.12), Coastal Environment (Rule 4.1.11) and Coastal Living (Rule 7.1.10) Zones.
36. Consideration of these submissions should bear in mind that the enabling Rule 3.1.12 received three submissions seeking its retention and one opposing; enabling Rule 4.1.11 received two submissions seeking its retention and no submissions in opposition; and enabling Rule 7.1.10 received no submissions seeking its removal from the Plan.
37. Five submitters to Standard 3.3.12.7 support the standard but seek amendment;¹⁴ one in opposition but seeking amendment; others seek amendment; three seek its deletion.¹⁵ Those that support the standard in part seek:
 - an exception for fenced wetlands, allowing wheeled or tracked machinery to be used for non-indigenous vegetation clearance to a fenced boundary;
 - an exception for the removal of flood debris to clear vegetation fallen into or within 8m of waterways in order to prevent future flooding.

Section 42A Report

38. In response to several submitters who consider the provisions are unreasonable, impractical and unrealistic, the Section 42A Report accepts that there should be an exception allowing activities to occur up to a fenced boundary. This approach, as discussed under the cultivation standards, offers greater protection than if there was no fence and instead there was a setback.
39. The exception sought for the removal of flood debris is rejected. However, the reasons given by these submitters further clarifies that their concerns relate to forestry. Again, it is considered that a resource consent process would better address the concerns as they are primarily aimed at river bed flooding, not flooding of Significant Wetlands, contained in the standard's full text. Furthermore, Standard 4.3.11.7 does not apply to vegetation clearance in a forestry context.
40. In terms of the deletion of Standard 7.3.8.7 (which applies in the Coastal Living Zone) sought by QCSRA, the group considers the standard does not allow for activities such as septic tank

¹⁴ G Mehlhopt (465.59), J Hickman (455.59), S and R Adams (321.2), B Pattie (380.6).

¹⁵ J C Tozer (319.28), T and S Wadworth (1121.5), Tempello Partnership (429.4).

cleaning or transfer of building site materials. But the standard does not apply to these activities: it is applied only to removal of non-indigenous vegetation.

41. The thrust of the report writer's recommendations are accepted by the Panel with some minor variations to improve its readability of the standards to be amended which include consequential changes mirroring the amendment to 3.3.12.7.

Decision

42. Standards 3.3.12.7, 4.3.11.7, 7.3.8.7, 13.3.19.6, 14.3.10.4, 15.3.18, 17.3.3.2, 18.3.4.2 and 22.3.9.4 are amended to read:

Wheeled or tracked machinery must not be operated in, or within 8m of:

(a) A river (except an ephemeral river or intermittently flowing river, when not flowing);

(b) A lake;

(c) A Significant Wetland (except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case wheeled or tracked machinery may be operated up to the fenced boundary); or

(d) The coastal marine area.

Standards on the removal of vegetation provisions

Standard 8.3.10.1

Within, or within 8m of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard must be the only vegetation removed, and plants must only be cleared by non-mechanical means.

43. Standard 8.3.10.1 applies to the Permitted Activity of removal of vegetation in the Rural Living Zone (Rule 8.1.11). The overriding rule received no submissions seeking removal or retention of vegetation.
44. C Shaw in support,¹⁶ and QEII Trust¹⁷ and T Stein¹⁸ oppose the standard and seek its amendment to allow non-indigenous plant species to be removed from within, or within 8m of, a Significant Wetland, not just the plant species identified. Federated Farmers, supporting the submission of QEII Trust, provided evidence expressing support for the approach taken in the Section 42A Report.

¹⁹ Marlborough Environment Centre (1193.118-122), Rarangi Residents (1089.27), K Loe (454.92-98).

¹⁹ Marlborough Environment Centre (1193.118-122), Rarangi Residents (1089.27), K Loe (454.92-98).

¹⁹ Marlborough Environment Centre (1193.118-122), Rarangi Residents (1089.27), K Loe (454.92-98).

45. In essence, all submitters are seeking the same amendment to the Standard – that is to allow all non-indigenous species to be removed from within, or within 8m, of a Significant Wetland, not only plants identified in Appendix 25 but willow, blackberry, broom, gorse and old man’s beard, if the removal is part of a restoration project.
46. The Report Writers identify, however, the approach of enabling all non-indigenous plant species to be removed is not recommended. Wetlands are delicate ecosystems and are supported by some lesser known and less obvious species that are non-indigenous. Instead of generally permitting the removal of non-indigenous species, it would be preferable to add species to Appendix 25 as necessary as other submitters have sought. The Panel agrees.
47. Meanwhile, submitters that supported the concerns of QEII Trust should also be adequately met by the Methods of Implementation Chapter 8 and the expanded list of plants listed in Appendix 25. It is expected that this list will expand as regular plan changes are made over the life of the Plan and input regarding these future processes will be welcomed.
48. Standard 8.3.10.1 is recommended to remain as notified.

Decision

49. Standard 8.3.10.1 is retained as notified.

Standards on cultivation and excavation

50. These Standards 3.3.14.3, 4.3.13.3 and 19.3.5.3 apply to the Permitted Activity of excavation under Rules 3.1.4 (Rural Environment), 4.1.13 (Coastal Environment) and 19.1.7 (Open Space).
51. Consideration of these submissions must bear in mind that the enabling Rule 3.1.14 received 16 submissions in support seeking its retention as notified, and no opposing submissions seeking its removal. Enabling Rule 4.1.13 received no submissions seeking retention or removal. Enabling Rule 19.1.17 received four submissions in support and none opposing.

Standard 3.3.14.3

Excavation must not be in, or within 8m of, a ... Significant Wetland

52. Several submitters¹⁹ seek the retention of the standard as notified. Another submitter²⁰ seeks removal of the standard and this was clarified by further evidence. Federated Farmers considers that excavation may occur up to the margin of a wetland where it is clearly defined, provided sediment is appropriately managed and the wetland is not dewatered. The submitter also considers that other provisions relating to cuts and volumes will sufficiently manage risks so a permitted activity can be adequately robust.

¹⁹ Marlborough Environment Centre (1193.118-122), Rarangi Residents (1089.27), K Loe (454.92-98).

²⁰ Federated Farmers (1193.118 and .122).

53. Others support the standard in part and otherwise seek amendment of the standard to ensure that works required to maintain or repair existing farm tracks, access ways, fences and other structures could be undertaken as a Permitted Activity.²¹
54. This is not supported by the Section 42A Report as the potential effects from excavation are substantially more than that of other activities and an 8m buffer is considered necessary. The proposed amendment also introduces uncertainty due to its vague language. Significant Wetlands are clearly defined in the planning maps. The Report Writer points out that it is unclear which provisions the submitter is relating to. 'Volume limits for excavation in the Rural Environment Zone only relate to certain slopes which are unlikely to be in the same place as wetlands ... there are no standards for excavation relating to cuts specifically, particularly in relation to wetlands.'²²
55. The Report Writer considers the amendment suggested by those seeking an amendment unnecessary. The activities described in their submission are already covered by existing use rights under the RMA and can continue without a resource consent. The Panel agrees.

Decision

56. Standard 3.3.14.3 is retained as notified.

Standard 4.3.13.3

Excavation must not be in, or within 8m of, a ... Significant Wetland ...

57. Nelson Forests Ltd opposes the standard but seeks amendment to include for an exception for 'direct approaches to permitted activity or consented stream crossings'.²³
58. The Section 42A Report rejects this submission. While Significant Wetlands may contain streams within them, stream crossings are not likely to be a permitted activity, and if a stream crossing a Significant Wetland is consented then the standard would apply anyway. Nor would the amendment sought would not adequately protect the values of Significant Wetlands (Indigenous Biodiversity) as sought by the provisions in Chapter 8.²⁴

Decision

59. Standard 4.3.13.3 is retained as notified.

²¹ G Mehlhopt (456.61), B Pattie (380.8), J Hickman (455.61).

²² Section 42A Report, Reply to Evidence, pages 12-13.

²³ Nelson Forests (990.143).

²⁴ Section 42A Report, paragraph 152.

Standard 19.3.5.3

Excavation must not be in, or within ... (b) 8m of a Significant Wetland ...

60. PMNZ supports the standard as the standard is appropriate for managing the actual and potential effects of excavation purposes.²⁵
61. Several submitters seek amendment to ensure that works required to maintain or repair existing farm tracks, access ways, fences and other structures could be undertaken as a Permitted Activity; amendment to enable access tracks in the Para Wetland be maintained and upgraded.²⁶
62. The activities described in the amendment sought identified in the Section 42A Report are already covered by the RMA existing use rights and can continue without the need for a resource consent. No amendment is necessary.²⁷
63. Federated Farmers seek removal of this standard but do not say why.

Decision

64. Standard 19.3.5.3 is retained as notified.

Pest plant removal from Significant Wetlands

Standard 3.3.27.1

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

65. Forest & Bird support the standard in part but seek amendment to include the addition of Chinese privet and banana passion vine to the list of pest plants in the standard.
66. The addition of the two plant species is supported but it is preferable they are added to Appendix 25 rather than the Standard itself.

Decision

67. Standard 3.3.27.1 is retained as notified.

Appendix 25 – Pest Plants

68. Appendix 25 contains a list of eight pest plants and is relevant to Standards relating to the removal of plants from Significant Wetlands (Standards 3.3.27, 4.3.26, 7.3.8.3, 8.3.10.1, 17.3.3.3, 18.3.4.3 and 19.3.4.3). It is also relevant to Standards 2.17.2.1 which relates to discharge of water.
69. A number of submitters seek:²⁸

²⁵ PMNZ (433.91).

²⁶ J Hickman (455.61-62, 65-66), Fish and Game (509.429), B Pattie (880.8), G Mehlhopt (456.61, 62, 72).

²⁷ Section 42A Report, paragraph 154.

- The addition to Appendix 25 of plants that are unwanted organisms, or are infected by unwanted organisms as declared by MPI Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act.
- The addition of Chilean Needle Grass to Appendix 25.
- The addition of Old Mans' Beard, Banana Passionfruit and Gorse to Appendix 25.
- Additional consultation regarding Appendix 25.

Another submitter seeks removal of Appendix 25 and instead seeks the ability by landowners to remove exotic species from Significant Wetlands without limitation.²⁹

Section 42A Report

70. This approach is rejected by the S42A Report as it unrealistic for landowners to have the requisite knowledge about whether plants are exotic or not and therefore creates uncertainty. Many of the delicate ecosystems within wetlands are supported by some lesser known and less obvious species that are exotic. In evidence, Federated Farmers no longer sought the removal of Appendix 25 as they agree with the recommendations in the Section 42A Report.³⁰
71. The Report Writer considers that including "unwanted organisms" in the Appendix will also create uncertainty. As the Biosecurity Act already gives powers to Council to declare and implement small scale management programs to eradicate unwanted organisms it is considered preferable to rely on these powers rather than extend the scope of Appendix 25.

Consideration

72. The plants identified in Appendix 25 are introduced species that are potentially found in wetlands and that are included in the Regional Pest Plan for Marlborough. These species have the specialised meaning of 'pest plants' under that Plan and under the Biosecurity Act. It is considered that to give effect to the submissions regarding the addition of species to the list, the Appendix 25 heading should be changed to '**Plants unwanted in Significant Wetlands**'. This would break the link to the Biosecurity Act that is causing the current concerns. All of the submitted additions are regarded by the Report Writer as appropriate, and the Appendix should be amended accordingly.
73. In the original S42A Report a list of plants unwanted in significant wetlands was proposed to be added to Appendix 25 and the Panel agrees with the contents of that list being included.

²⁸ Fish and Game (509.405), Horticulture NZ (769.137), KCSRA (869.44), Ngāti Kuia (501.87), W Lissaman (255.22).

²⁹ Federated Farmers (425.766).

³⁰ Federated Farmers, D Sycamore Evidence, paragraphs 48-56. Section 42A Report, Reply to Evidence, page 29.

74. As a consequential change, the wording of the Standards that refer to Appendix 25 will also need to be amended to read: ***‘Plants identified in the Appendix 25 are the only vegetation that may be ...’.***
75. The report writer recommended a refocus of Appendix 25 to concentrate on plants unwanted in significant wetlands. For this reason, she did not recommend the consequential wording change for standard 2.17.2.1. This is a standard applying to the discharge of aquatic agrichemicals to any waterbody, not just wetlands.
76. Although the reason for doing so was technically sound, the recommended refocus of the appendix has resulted in a situation whereby standard 2.17.2.1 now does not operate effectively. The Panel notes that Submitter 469 (Bond) had already sought clarification with respect to the standard.
77. The Panel considers that this situation must also be resolved. The standards in 2.17.11 applying to the discharge of agrichemicals to water for the control of aquatic vegetation in the Drainage Channel Network or the Floodway Zone by the Council utilises the following control:
- The discharge must only be for the purpose of eradicating, modifying, or controlling aquatic plants.*
78. The Panel considers that it is necessary for there to be controls on others in the community utilising aquatic agrichemicals. As such, the Panel has decided to make a consequential change to standard 2.17.2.1 to replace it with the above standard. It believes that the new standard is better suited to managing the adverse effects of aquatic agrichemicals (as only aquatic plants should be targeted) and the replacement creates consistency in the standards for aquatic agrichemical use in the Plan.

Decision

79. Appendix 25 is amended to read:

Pest Plants unwanted in Significant Wetlands.

Common Name	Scientific Name
African Feather Grass	<i>Pennisetum macrourum</i>
Eel Grass	<i>Vallisneria australis</i>
Parrots Feather	<i>Myriophyllum aquaticum</i>
Senegal Tea	<i>Gymnocoronis spilanthoides</i>
Reed Sweet Grass	<i>Glyceria maxima</i>
Egeria	<i>Egeria densa</i>

Lagarosiphon	<i>Lagarosiphon major</i>
Purple Loosestrife	<i>Lythrum salicaria</i>
<u>Willow</u>	<u><i>Salix sp</i></u>
<u>Blackberry</u>	<u><i>Rubus fruticosus</i></u>
<u>Broom</u>	<u><i>Cystisus scoparius</i></u>
<u>Gorse</u>	<u><i>Ulex Europeans</i></u>
<u>Old Man's Beard</u>	<u><i>Clematis vestalba</i></u>
<u>Chilean Needle Grass</u>	<u><i>Nassella neesiana</i></u>
<u>Banana Passionfruit</u>	<u><i>Passiflova sps</i></u>
<u>Hawthorn</u>	<u><i>Crataegus monogyna</i></u>
<u>Briar Rose</u>	<u><i>Rosa rubiginosa</i></u>
<u>Pampas</u>	<u><i>Cortderia selloana and Cortaderia jubata</i></u>
<u>Yellow flag iris</u>	<u><i>Iris pseudacorus</i></u>
<u>Alders</u>	<u><i>Alnus glutinosa</i></u>
<u>Wattles</u>	<u><i>Acacia sp</i></u>
<u>Wilding conifers</u>	
<u>Wilding kiwifruit</u>	<u><i>Actinidia sp</i></u>
<u>Chinese Privet</u>	<u><i>Ligustrum sinense</i></u>

80. As a consequential change all standards in the PMEP that reference Appendix 25 (except 2.17.2.1) are amended to read:

'Plants identified in the Appendix 25 are the only vegetation that may be...'

81. Standard 3.3.27.1 (consequential change relative to amendments to Appendix 25)

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

82. Standard 4.3.26.1 (consequential change relative to amendments to Appendix 25)

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

83. Standard 7.3.8.3 (consequential change relative to amendments to Appendix 25)

Within, or within 8 metres of, a Significant Wetland, Pest plants identified in Appendix 25 ~~and willow, blackberry, broom, gorse and old man's beard~~ are the only vegetation that may be removed. Any vegetation removed under this standard must only be done by non-mechanical means.

84. Standard 8.3.10.1 (consequential change relative to amendments to Appendix 25)

Within, or within 8 metres of, a Significant Wetland, ~~Pest Pplants~~ identified in Appendix 25 ~~and willow, blackberry, broom, gorse and old man's beard~~ must be the are the only vegetation that may be removed, and plants must only be cleared by non-mechanical means.

85. Standard 17.3.3.3 (consequential change relative to amendments to Appendix 25)

Within, or within 8 metres of, a Significant Wetland, ~~Pest Pplants~~ identified in Appendix 25 ~~and willow, blackberry, broom, gorse and old man's beard~~ are the only vegetation that may be removed. Any vegetation removed under this standard must only be cleared by non-mechanical means.

86. Standard 18.3.4.3 (consequential change relative to amendments to Appendix 25)

Within, or within 8 metres of, a Significant Wetland, ~~Pest plants~~ identified in Appendix 25 ~~and willow, blackberry, broom, gorse and old man's beard~~ are the only vegetation that may be removed. Any vegetation removed under this standard must only be cleared by non-mechanical means.

87. Standard 19.3.4.3 (consequential change relative to amendments to Appendix 25)

Within, or within 8 metres of, a Significant Wetland, ~~Pest plants~~ identified in Appendix 25 ~~and willow, blackberry, broom, gorse and old man's beard~~ must be are the only vegetation that may be removed. Any vegetation removed under this standard must only be cleared by non-mechanical means.

88. Standard 19.3.16.1 (consequential change relative to amendments to Appendix 25)

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

89. Replace standard 2.17.2.1 with the following:

~~2.17.2.1 Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be sprayed. The discharge must only be for the purpose of eradicating, modifying, or controlling aquatic plants.~~

Mapping of significant wetlands – general issues

90. Many submitters seek protection of the Significant Wetlands and retention of the mapped Significant Wetlands in the Plan.³¹

91. Others support the mapping in part, seeking:

³¹ R and L Hill (378.16), Millen Associates Limited (972.15), A Doole (524.15), A Parr (529.15), A Millen (532.15), C McBride (594.15), C McLean (598.15), C Soderberg (599.15), D McBride (662.15), F Chaytor (701.15), J Rossell (827.15), J Tillman (833.15), K Raeburn (861.15), K Walshe (865.15), M Dewar (915.15), Silverwood Partnership (1049.15), T Stein (1179.16), The Sunshine Trust (1194.15), V Frei (1209.15), W Oliver (1228.15), W Tillman (1230.15), R Heta (1066.15), S Browning (1109.15) and QEII Trust (1265.4).

A requirement for Council to undertake a comprehensive, ground-truthing wetlands assessment before they are included in the PMEP; and that all mapped wetlands should be deleted until both this process and landowner consultation have been adequately assessed.³²

The reassessment and clarification of the mapped extent of the Significant Wetlands, especially with regard to wetlands that overlap, or are within, the road network corridor.³³

Section 42A Report

92. As landowners were consulted prior to the final mapping for the PMEP the Report Writers consider additional consultation and ground-truth assessment is not required. It was made clear to landowners that if no site visit was requested during this process the Significant Wetlands as initially mapped would be included in the PMEP; many landowners who did not request a site visit did not have concerns with the boundaries as mapped. The potential loss to indigenous biodiversity if the Council did not include these particular wetlands is considered an unacceptable loss, and in many cases would not reflect the wishes of the landowners concerned.
93. The submission from Nelson Forest Ltd is considered to be lodged against Zoning Maps in general and is better assessed under Matter 8 as it relates to specific Zoning Maps.³⁴

Consideration

94. The Panel agrees with the Section 42A Report reasoning.

Decision

95. The mapping of the Significant Wetlands in the General section of the Plan is retained as notified.

Mapping of significant wetland areas – specific

96. Some of the Significant Wetlands identified in the PMEP were also identified as Significant Natural Areas (SNAs) during the Significant Natural Areas Project, a non-regulatory approach to identifying and protecting significant natural areas of biodiversity. The boundaries as defined in the SNA would be of assistance in making recommendations but as they are confidential this information cannot be disclosed in the Section 42A Report.

Site visits

97. After hearing the evidence of Nelson Forests Ltd on Significant Wetlands, where the submitter felt it had not been consulted in the appropriate manner and its wetlands needed ground

³² Federated Farmers (425.779).

³³ NZTA (1002.279).

³⁴ Nelson Forests Ltd (990.260). See post page 21.

truthing before being included in the PMEP, the Panel issued Minute 10 asking Peter Hamill to carry out site inspections.

98. Eight of the identified 10 wetlands were under the ownership of Nelson Forests. The remaining two wetlands were located on land owned by Te Ātiawa o Te Waka-a-Māui.
99. This instruction was to verify whether the wetlands notified in the PMEP were significant in relation to the relevant Significant Wetlands assessment criteria. The visits were expanded to address further concerns from PMNZ and Mr Rodney Parkes about two other wetlands.
100. Permission was given to visit all identified wetlands on 9 and 23 May 2018, and the outcomes are recorded below.
101. NZTA³⁵ in their original submission had not identified any specific wetlands in the general road corridor but was submitting on any wetlands being identified in the roading network. Landowners of road network corridor land were given the opportunity to request site visits during the landowners consultation process. This was not requested at that time. In tabled evidence, dated 26 February 2018, NZTA identified two wetlands (W302 and W845) that were of concern to it. Additional clarification was then required on these two areas and an assessment was carried out by the Report Writer (Peter Hamill) to confirm the wetland boundaries.
102. These wetlands have now been identified by the Report Writers, and W302 is identified to remain as a Significant Wetland as it is mapped in the PMEP, with which NZTA is comfortable. Wetland W845 was recommended to have its boundaries reassessed. Modification of this wetland was enabled through a resource consent after initial mapping. A map showing the revised boundaries was attached to the Reply to Evidence (Attachment 3).³⁶

Decision

103. The Plan is amended to reflect the change to the revised boundaries of Significant Wetland W845 and Significant Wetland W302 is retained as notified.

Wetland W991 – Zoning Map 36³⁷

104. PMNZ submitted in opposition to the extent of the boundaries of Significant Wetlands in the PMEP and sought reduction of the boundaries of W991 to depict its actual size. The submitter also seeks removal of that part of Wetland W991 in an area of Shakespeare Bay on the

³⁵ (1002.279)

³⁶ Section 42A Report, paragraphs 370, 374; Reply to Evidence, page 30.

³⁷ Labelled as Zoning Map 138 in response to Minute 10 from the Panel to Peter Hamill.

southern side of Queen Charlotte Drive which is separated from the main portion of the existing wetland by road.³⁸

105. The boundaries of the area to the north of Queen Charlotte Drive are consistent with the boundaries identified by qualified and experienced ecologists as part of the SNA programme. The submitter nevertheless seeks to amend the boundaries to reflect only the area identified in a Conservation Covenant (formed under the Conservation Act as shown in Appendix C of the submission). The area to the north is identified with significant indigenous biodiversity values (see Appendix 1 Photograph 1) in Mr Hamill's response.
106. Te Ātiawa submitted in support of the identification of Significant Wetland 991 but sought an extension of the mapped area to include the eel grass beds at the head of Shakespeare Bay.³⁹ The Section 42A Report clarified that the sea grass areas have already been identified as an Ecologically Significant Marine Site (Overlay Map 13). Identifying them as part of Wetland W991 is not appropriate as they are below mean sea level.⁴⁰
107. The W991 wetlands are located in a relatively small gently sloping area at the junction of two small waterways. A series of manmade ponds has developed in the area to intercept silt from runoff from activities higher up in the catchment. While there is some wetland vegetation present, it is associated with the riparian margins of the two waterways rather than a separate wetland. The remainder of this area is a mixture of low stature blackberry and rank pasture grasses growing on a dry terrace above the waterway.

Consideration

108. On Mr Hamill's recommendation (after he had visited Wetland 991 on 20 June 2018), and after a site visit by the Panel, we agreed that part of Wetland 991 south of Queen Charlotte Drive does not meet the criteria of a Significant Wetland in the Plan.
109. Mr Hamill, while assessing the southern part of the site on the site visit, also considered that the boundaries of the portion of the wetland to the north of Queen Charlotte Drive are not particularly accurate. His recommendation is that if scope allows, they should be amended as shown on Map 9 of his response.

Decision

110. That part of Significant Wetland W991 on Zoning Map 36 to the south of Queen Charlotte Drive is removed from the PMEP.

³⁸ PMNZ (433.210).

³⁹ Te Ātiawa (1186.226). Section 42A Report, paragraphs 381-382.

⁴⁰ Section 42A Report, Response to Minute 10 of the Hearing Panel. Wetland Site Visits, page 5.

111. That the northern boundaries of Wetland W991 be amended to comply with its actual size as shown on Map 9, page 21 of the response to Minute 10.

Wetland W363 - Zoning Map 57

112. T Marshall⁴¹ submitted in opposition to the identification of Significant Wetland W363 in the PMEPP. It is submitted that the wetland should be changed from a 'Significant Wetland' to a 'Coastal Marine Zone'. The submitter had received a letter as part of the consultation process which advised the Significant Wetland as identified on his property had been removed. Thus the boundaries of W363 do not encroach on the submitter's property.
113. Wetland W363's current zoning treatment is a mix of Open Space 3 and no zone (road reserve). On receiving submission point 137.2, Mr Hamill reviewed the area as a Significant Wetland. As W363 is part of the Havelock Estuary Complex it clearly meets the criteria of Significant Wetlands, and should therefore be retained. A road has cut through the wetland and created little pockets of wetland that were once part of the whole area (see Appendix 1 Photographs 2).⁴² Nevertheless, Wetland W363 is recommended to remain as mapped in the PMEPP.

Decision

114. Significant Wetland W363 is retained as notified.

Wetlands W220 and W799 - Zoning Map 60

115. J Timms submitted in opposition to the boundaries of Significant Wetlands W220 and W799, seeking that the wetland boundaries be amended.⁴³

Section 42A Report

116. As the boundaries as mapped are not the same as what was agreed upon during the landowner consultation process, the Report Writers consider it is appropriate to amend these boundaries to reflect the outcome of that consultation process, as unfortunately what was agreed on a site visit did not all make it into the Plan (see Appendix 1 Photographs 3 and 4).
117. The boundaries of Wetlands W220 and W799 were recommended to be amended to reflect the outcome of the landowner consultation process.

Consideration

118. The Panel agrees that Wetlands W799 and W220 be amended to reflect the site visit and boundary consultation process.

⁴¹ T Marshall (137.2). Section 42A Report, paragraphs 383-384.

⁴² Section 42A Report, paragraphs 383-384.

⁴³ J Timms (475.1).

Decision

119. The boundaries of Significant Wetlands W799 and W220 be amended to reflect those depicted on the plan attached to the Section 42A Report.

Wetland W226 - Zoning Map 61 and 167

120. Delegat Ltd lodged five submissions relating to Significant Wetland W226 – two in support and three in opposition, indicating some confusion within the company relating to multiple parties completing submissions.⁴⁴ Subsequent to the site's initial identification as a Significant Wetland, it was destroyed by fire and drainage. It is assumed the true position of Delegat Ltd is that they oppose the mapping of W226 and seek its deletion.
121. This is accepted by the Report Writer. It is appropriate to remove Wetland W226's mapping from the Plan as it has been destroyed.

Decision

122. Significant Wetland W226 is removed from the PMEP.

Wetlands W52 and W53 - Zoning Map 61

123. Trustpower submitted in opposition to the inclusion of Wetlands W52 and W53 in the Plan and seek that they be removed.⁴⁵
124. The Section 42A Report identifies that although there is very little riparian vegetation in these areas they contain water for most of the year. It is likely that they would still meet the criteria for a Significant Wetland as they are a natural open water wetland. They would also be 'great candidates' for riparian enhancement given their association with the earthquake fault line. Trustpower did not provide any information regarding the presence or absence of wetland values. Mr Hamill's suggestion that he visit the area to confirm the criteria of these sites as Significant Wetlands was not taken up.⁴⁶ His recommendation is that Wetlands W52 and W53 should remain as mapped in the Plan.
125. The Panel also noted that the landowner, Landsdowne Lifestyle, has not submitted any concerns about the Significant Wetland being identified on its property.

Decision

126. Significant Wetlands W52 and W53 are retained as notified.

⁴⁴ Delegat Ltd (335.1, 473.4, 473.5, 473.72, 473.73).

⁴⁵ Trustpower (1201.170). Section 42A Report, paragraphs 391-392.

⁴⁶ Section 42A Report, paragraph 391.

Wetlands W47 and W48 - Zoning Map 84

127. A E Sadd Ltd submitted in opposition to the inclusion of W48 in the Plan and also sought amendment of the boundaries to W47 as mapped in the Plan.⁴⁷

Consideration

128. Significant Wetland 48 is predominantly surrounded by exotic conifers and some small areas of flax and several large 1 metre high *Carex secta*. The wetland is essentially a constructed pond that has been created where an ephemeral wetland once existed. At the western end there is a stand of 5-6 kahikateas that are estimated to be 30-50 years old. Most of the *Carex secta* is also located there (see Appendix 1 Photograph 5).

129. Mr Hamill, both on reviewing the identification of W48 and undertaking a site visit, considered the area as mapped is very generous and covers more area of wetland than actually exists. It is therefore appropriate that the boundaries are adjusted to truly reflect the significant areas (see Appendix 1 Photograph 5)⁴⁸.

130. But the amendments suggested would not directly satisfy the decision sought by the submitter which is to remove W48 and would be out of scope. It is better suited to a future variation to the Plan or plan change.

131. In contrast, Significant Wetland W47 is also known as the Grovetown Lagoon. The area described in the Section 42A Report is an area of Grovetown Lagoon that borders AE Sadd Limited's property and is a small inlet to the west of the lagoon. The boundary of the wetland as shown in the PMEP does encroach onto AE Sadd Limited's property more than is appropriate and should be adjusted accordingly. There is, however, an area of W47 on the AE Sadd Limited property that is part of the Significant Wetland and should remain. [That] area is approximately 2.5 m wide and 140m long (350m²) (see Appendix 1, Photograph 6).⁴⁹

132. The Panel was advised that due to the scale of the wetland it was not included in the consultation process.

Decision

133. The boundaries of Significant Wetland W48 are amended as shown on page 68, of the Section 42A Report.

⁴⁷ A E Sadd Ltd (1303.1).

⁴⁸ Section 42A Report, page

⁴⁹ Section 42A Report, paragraph 396.

134. The boundaries of Significant Wetland W47 be amended as shown on page 69 of the Section 42A Report but only to the extent that those boundaries reduce the extent of the wetland and not expand it in relation to the notified boundaries.

Wetland W1005 - Zoning Map 113

135. R Farley submitted in opposition to the boundaries of Wetland W1005 as mapped in the PMEP and seeks amendment to shift the boundaries outside his property.⁵⁰
136. Significant Wetland W1005 was identified during the consultation process and at the request of the submitter, Mr Hamill conducted a site visit to confirm its identification and boundaries. The area is dominated by wetland vegetation including flax and rushes. Wetlands on such an area of flat land are rare and this loss would be significant. The boundaries were amended as a result of the site visit and the mapped area in the PMEP now reflects these amendments (see Appendix 1 Photograph 7 for the original boundaries, and Photograph 8 for the notified boundaries).
137. As Wetland W1005 meets the significance criteria, the Report Writer advises that the boundaries should remain as mapped in the PMEP.

Decision

138. Significant Wetland W1005 is retained as notified.

Wetland W377 – Zoning Map 121

139. Nelson Forests Ltd submitted in opposition to the inclusion of Significant Wetland W377 in the PMEP.
140. It was considered initially that as the wetland met the significance criteria during MDC's landowner consultation process, and as there were currently identifiable wetland values observed, it probably should be retained but having heard the submitter that its assessment required a further on-site visit.
141. Mr Hamill, on his site visit, identified the wetland is located on a valley floor surrounded by plantation forest. The wetland is dominated by raupo, swarding sedges and ferns (Photo 5). Its southern margin has a small stand of kahikatea trees scattered along the edge. The northern margin has a forest stand comprising native trees, beech, lancewood, rimu and kahikatea. Despite being surrounded by plantation conifer species, the wetland is, in Mr Hamill's experience, one of the best intact wetland systems he has visited in the Rai/Pelorus area. It is significant, ranking H in terms of rarity and representativeness.

⁵⁰ R Farley (134.1).

142. The originally mapped margins of the wetland were found to be slightly inaccurate and the recommendation is that the boundaries be redefined and mapped as those marked on Map 3.

Decision

143. Amend the boundaries on Significant Wetland W377 as set out on Map 3, page 15 of the response to Minute 10.

Wetland W989 – Zoning Map 134

144. Nelson Forests Ltd submitted in opposition to the inclusion of Significant Wetland W989 in the PMEP (Council records identified different owners). Nelson Forests, however, supports its inclusion in the Plan if the site meets the criteria for significance as determined by verification on site. (Submission point 990.27 discusses W989 in terms of Significant Natural Areas (SNA) which are not mapped in the Plan although some features, including Significant Wetlands, that are mapped in the PMEP may also be Significant Natural Areas.)⁵¹

145. Wetland W989 is one that has formed in an ancient river channel at the foot of a slope, a seep from the side of which supplies additional water into the wetland. It is dominated by swarding sedges, rank pasture grasses and the occasional willow (Photo 6).

146. Mr Hamill confirmed after a site visit that very few of this type of wetland remain in Marlborough as they are relatively easily drained and converted to pasture. In his assessment the wetland ranks as M in terms of rarity and may therefore be considered to be significant.

147. The wetland's originally mapped margins are, however, inaccurate and Mr Hamill's recommendation is that they are redefined as those marked on Map 5.

Decision

148. Significant Wetland W989 is retained in the PMEP but with the boundaries amended as defined in Map 5, page 17 of the response to Minute 10.

Wetland W1044 - Zoning Map 140

149. NZ Forest Products Ltd submitted in opposition to the “*significant ecological area at Opihi Bay*” and seek the deletion of this area from the PMEP.⁵² Although no map identifying the specifics was included it is inferred that the submission relates to Wetland W1044. The submitter did not give reasons in the submission why it is seeking removal of this wetland.

Consideration

⁵¹ Nelson Forests Ltd (990.66, 990.207).

⁵² NZ Forest Products Limited (995.38).

150. Mr Hamill on receiving the submission reviewed the identification of W1044 noting that the previous owner (Underwood Farms Limited) had been granted consent for subdivision of the property. As part of that process the wetland area was to be set aside as a reserve as meeting the Significant Wetland criteria (see Appendix 1 Photograph 10).
151. The conclusion is that the wetland is to be designated as a reserve due to its wetland values and also meets the criteria for significance. It is not recommended to remove W1044 from the PMEP for these reasons.

Decision

152. Significant Wetland W1044 is retained as notified.

Wetlands W69 and W261 - Zoning Map 149

153. Mr C Tozer submitted in opposition to the boundaries of Significant Wetlands W69 and W261, seeking that the boundaries be amended and requesting a site visit.⁵³ Mr Hamill agreed that it was appropriate to amend these boundaries as set out in Appendix 1, Photographs 11 and 12 to the Section 42A Report.
154. Mr Tozer also submitted in partial support of Zoning Map 149, however there was no specific reference to the mapping of wetlands on that map.⁵⁴ His submission was that landowners should be incentivised, by not requiring a resource consent, to actively improve biodiversity in Significant Wetlands. As this submission was not clear as to what was being sought it was not assessed further.
155. In Mr Tozer's additional information to support his submission, he identified that a narrow constructed ephemeral drainage channel/swale links Wetlands W69 and W261. This feature has been in place for 28 years of the Tozers' ownership. Light mechanical clearing is necessary every 2-3 years to remove a layer of willow weed and other non-indigenous species, debris and silt or the drainage channel blocks up and results in flooding their productive land. Mr Tozer asks if the periodic swale clearing could take place with the assistance of Council staff on a fair cost recovery basis to alleviate their own significant costs. One of the solutions the submitter suggested is a biodiversity management plan to assist in the wetland's management.

Decision

156. Significant Wetlands W69 and W261 are amended as set out on page 60 and the maps on 74 and 75 of the Section 42A Report.

⁵³ C Tozer (319.24-25).

⁵⁴ Ibid (990.63, .202).

Wetland W108 – Zoning Map 149

157. Mr Rodney Parkes had queries about Wetland 108 on his property as mapped. Mr Hamill visited the site with his agreement on 16 August 2018 to refine its boundaries. The area is located at the downstream extent of the Para Wetland. A causeway and drainage channel had been constructed at some stage to isolate the area from the Para Wetland to provide for pasture development. Efforts to drain the wetland had been partially successful, the results of which is that some of the areas originally identified in the Plan are now paddocks.⁵⁵
158. It is recommended that the boundaries of Wetland 108 are amended as shown on Map 8, page 320 of the response to Minute 10.

Decision

159. The boundaries of Significant Wetland W108 are amended as shown on Map 8 of Mr Hamill's response.

Wetland W88 – Zoning Map 155

160. Coatbridge Ltd submitted in opposition to the identification of W88 and sought its removal from the PMEP.⁵⁶ Mr Hamill had previously undertaken a site visit as part of pre-notification consultation. The boundaries were adjusted from the original proposal with agreement of the landowners (see Appendix 1 Photograph 16)⁵⁷. The submitter did not request a further site visit. In the opinion of Mr Hamill, the area contains wetland values and meets the significance criteria.

Decision

161. Significant Wetland W88 is retained as notified.

Wetlands W87 and W779 - Zoning Map 155

162. Nelson Forests Ltd submitted in opposition to the inclusion of Wetlands W87 and W779 and sought their removal from the PMEP.⁵⁸ This submission also stated that if these areas were confirmed to meet the criteria for significance their inclusion would instead be supported.
163. Mr Hamill undertook a site visit and found W87 to be a constructed fire pond in the foot of a valley, surrounded by gorse and broom. He did not consider that the wetland met the criteria for significance and recommended that the wetland be removed from the PMEP.

⁵⁵ Windemere Forests Ltd (1238.47), R Parkes (324.3). See Section 42A Report for background (paragraphs 412-414).

⁵⁶ Coatbridge Ltd (356.3).

⁵⁷ Section 42A Report, page 79

⁵⁸ Nelson Forests Ltd (990.62, .202).

164. Mr Hamill also undertook a site visit and found W779 to be an incised stream gully with steep banks dominated by gorse, blackberry and broom. There was very limited wetland vegetation in the bed of the gully. Mr Hamill did not consider that the wetland met the criteria for significance and recommended that the wetland be removed from the PMEP.

Decision

165. Significant Wetlands W87 and W779 are removed from the MEP.

Wetlands W762, W781 and W784 - Zoning Map 156

166. Coatbridge Ltd submitted in opposition to the identification of Wetlands W762, W781 and W784 in the PMEP and sought their deletion.⁵⁹ The Report Writer considers that as the three wetlands all met the criteria for significance during consultation, they should be retained in the PMEP. On a site visit by Mr Hamill to the submitter's property the boundaries were discussed.

167. The wetlands are in the floor of gullies and are representative of what the valleys would once have contained. They are rare in the ecodistrict and therefore meet the criteria to be considered Significant Wetlands. In terms of Wetland W781, Mr Hamill is familiar with the area as it is the largest freshwater spring in Northbank of the Wairau River and is habitat for banded kokopu. It too meets the criteria for significance.

168. The recommendation from the Report Writer is that all three sites remain as identified in the PMEP.

Decision

169. Significant Wetlands W762, W781 and W784 are retained as notified.

Wetland W1368 – Zoning Map 156

170. Nelson Forests Ltd submitted in opposition to the inclusion of W1368 in the PMEP, but stated that if the area was found to meet the criteria for significance it would instead support its inclusion.⁶⁰ The area has since been identified during consultation to have wetland values and its inclusion in the PMEP is therefore supported. Mr Hamill reviewed its status through aerial photography which identified there are wetland values that meet the criteria (see Appendix 1 Photograph 19). This is supported by the lack of planting in the area which suggests it must have always been wet. On a site visit which was undertaken with agreement, the submitter did not provide any evidence to the contrary.

⁵⁹ Coatbridge Ltd (356.1, .2).

⁶⁰ Nelson Forests Ltd (990.60 and 990.205).

171. Wetland W1368 is identified as a wetland in a small gully high up in the foot hills of the Richmond Ranges. The waterway has not eroded out to a typical steep incised gully due to the presence of a bedrock outcrop. Upstream of the outcrop the valley floor is relatively flat allowing the formation of a wetland. The wetland dominated by flax and *carex secta* with one or two invasive willows present (Photo 7). 'It is a stunning wetland with a natural community that has not been impacted by drainage attempts.' The wetland is surrounded by commercial plantation forestry on relatively gently slopes. The forest has been harvested relatively recently and has been replanted. The recent harvest seems to have had very little impact on the condition of the wetland.
172. It is Mr Hamill's assessment that the wetland ranks as H for both rarity and representativeness and as a result is considered to be significant. While the wetland has some weed species, it is dominated by indigenous species expanding into the neighbouring farmland with rushes reclaiming some of the original lowland areas. The area is fenced from stock (see Photo 4). The boundary of the wetland as notified in the Plan is not particularly accurate and is smaller than the wetland actually is.
173. Mr Hamill recommends the boundary of the wetland is adjusted to more accurately reflect the extent of the wetland as shown in Map 6.

Decision

174. Amend the boundary of Significant Wetland W1368 as set out on Map 6, on page 18 of the response to Minute 10.

Wetland W1369 – Zoning Map 156

175. Wetland W1369 is a small wetland in a small gully high up in the foothills of the Richmond Ranges dominated by flax and *carex secta* (Photo 8). The wetland has formed behind a bedrock outcropping, and upstream the valley floor is relatively flat allowing the wetland's formation. It is surrounded by commercial plantation which has been harvested relatively recently and replanted. The harvest seems to have had very little impact on the condition of the wetland. In Mr Hamill's assessment the wetland ranks as M for both rarity and representativeness, an as a result is considered significant.

Decision

176. Significant Wetland W1369 is retained as notified.

Wetland W92 - Zoning Map 157

177. Nelson Forests Ltd submitted in opposition to the inclusion of Wetland W92 in the PMEP but stated that if the area was found to meet the criteria for significance then it would support its inclusion.⁶¹
178. Mr Hamill undertook a site visit and describes this relatively large wetland as located on a valley floor dominated by open water. There are scattered areas of *Carex secta*, raupo and flax among the margins of the area dominated by willows at its southern end. In the northern end open water gives way to the same species with *Carex secta* dominating the margins. It is Mr Hamill's evidence that valley floor wetlands of this size are relatively rare in the ecological district and will provide refuge, shelter and breeding sites for native duck species. Cryptic wetland species such as spotless and marsh crake will also utilise this type of wetland. The wetland ranks as M in terms of rarity and as a result is considered significant.
179. A manmade bund artificially trapping the water at the south end of the wetland was recently eroded in a storm event resulting in a drop in water levels by 500-600 mm. In Mr Hamill's opinion this event will return the area to a more natural valley floor wetland, allowing it to retain its values as a Significant Wetland (Photo 3).
180. Mr Hamill's recommendation indicates that while the original mapping of this wetland was not particularly accurate, its western boundaries should be redefined as those marked on Map 1.

Decision

181. Significant Wetland W92 is retained in the PMEP with boundaries amended as shown on Map 1 of Mr Hamill's response to Minute 10.

Wetland W972 – Zoning Map 158

182. Nelson Forests Ltd submitted in opposition to the inclusion of Significant Wetland W972 but in support of its inclusion if verified by an onsite inspection.
183. On Mr Hamill's visit this wetland is found in the valley in an area of rolling hills the slopes of which are in plantation forestry and an area of land that has been used for illegally dumping sawdust. A site visit identified that parts of the area originally identified in the Plan were in fact an area of rank pasture grass and the toe of a ridge covered in pine trees.
184. The western area of the wetland is dominated by raupo and swarding sedges while the eastern end is dominated by flax and *carex secta* despite a large number of invasive weed species.

⁶¹ Nelson Forests Ltd (990.59 and 990.206).

185. As a result of his site visit Mr Hamill recommended that while the wetland is significant, following consultation the boundaries need adjustment to those marked on Map 7.⁶² He also conducted a site visit at the request of an adjacent landowner that has part of Wetland W972 on its property.⁶³ Mr Hamill confirms that this area has the natural character attributes present that meet the criteria (see Appendix 1 Photograph 22).

Decision

186. Significant Wetland W972 be retained in the PMEP but with the boundaries amended as shown on Map 7, page 19, of Mr Hamill's response to Minute 10.

Wetland W203 - Zoning Map 165

187. Nelson Forests Ltd submitted in opposition to the inclusion of Wetland W203 in the PMEP but stated that if the area was found to meet the criteria for significance then it would instead support its inclusion.⁶⁴
188. Mr Hamill identified Wetland W203 is a wetland that has formed at the foot of a terrace. Prior to straightening of the nearby stream, the wetland area would have been the main bed of the stream. The diversion of the nearby stream has taken the fast flow water from the wetland but has not been able to divert the underlying groundwater and hence the wetland has formed where the stream once would have flowed.
189. The wetland is dominated by a mixture of wetland sedges, rank pasture grass and flax (Photograph 4). The wetland has some weed species present but still retains a dominance of indigenous species. The wetland has been expanding into the neighbouring farmland and reclaiming some of the original lowland areas with rushes establishing themselves. The originally mapped margins of the wetland are slightly inaccurate and Mr Hamill suggests that the wetland boundaries are redefined to those marked on Map 2. The area is fenced from stock. In his assessment, the wetland ranks as M in terms of rarity and representativeness and as a result is considered to be significant.

Decision

190. Significant Wetland W203 is retained with boundaries amended as shown on Map 2 of Mr Hamill's response to Minute 10.

Wetland W793 - Zoning Map 165

191. J Collett submitted in support of Wetland W793 and seeks amendment of the boundaries.⁶⁵ Significant Wetland W793 was identified during consultation as meeting the criteria for

⁶² Section 42A Report, paragraphs 437-438.

⁶³ Nelson Forests Ltd (990.59, 990.206).

⁶⁴ Nelson Forests Ltd (990.65 and 990.200).

significance but a site visit was not requested. It is considered that refinement of the boundaries would be appropriate, and would likely result in a decrease in the area of W793. A site visit was undertaken in November 2018. Mr Hamill subsequently confirmed in the response to Minute 37 that the boundaries of the wetland should be reduced to more appropriately align with the wetland boundaries as identified during the site visit

Decision

192. Retain Significant Wetland W793 but with amended boundaries as shown on page 2 of Mr Hamill's response to Minute 37.

Wetland W323 – Zoning Map 165

193. Trustpower submitted in opposition to the inclusion of Wetland W323 in the PMEP and seeks its removal.⁶⁶ As Trustpower is the owner of the land, and it has not provided any other information regarding wetland values or the reasons why the area should not meet the significance criteria, it is recommended the wetland be retained as mapped.

Decisions

194. Significant Wetland W323 is retained as notified.

Wetland W324 - Zoning Map 166

195. Trustpower submitted in opposition to the inclusion of Wetland W324 in the PMEP and seek its removal.⁶⁷ This area has been identified as a Protected Natural Area (PNA) by DOC, meets the criteria for significance and should therefore remain mapped in the PMEP.

Decision

196. Significant Wetland W324 is retained as notified.

Wetland W777 – Zoning Map 166

197. Nelson Forests Ltd submitted in opposition to the inclusion of Wetland W777 in the PMEP but stated that if the area was found to meet the criteria for significance then it would instead support its inclusion.⁶⁸ The area has since been identified to have wetland values and its inclusion in the PMEP is therefore supported.

198. Due to access issues, the site was unable to be assessed on the ground. On looking at the latest aerial photographs, it is evident that the wetland is much larger than originally mapped. The area is an old meander channel of the Top Valley Stream that has become isolated from the main channel. Only a small portion of the land as notified in the Plan encroaches on to

⁶⁵ J Collett (163.1). See Section 42A Report, paragraph 443.

⁶⁶ Trustpower (1201.171).

⁶⁷ Trustpower (1201.172).

⁶⁸ Nelson Forests Ltd (990.64 and 990.201).

land owned by Nelson Forests. That area looks to be dominated by willows and other weed species and therefore a boundary adjustment to exclude it will have minimal impact on the wetland itself.

199. The recommendation is to extend the Significant Wetland boundary to include that area of wetland that was originally identified in the PMEP (Map 4).

Decision

200. Significant Wetland W777 is amended as shown on Map 4, page 16, of Mr Hamill's response to Minute 10.

Wetland W191 - Zoning Map 169

201. Quaildale Farm Ltd submitted in opposition to the inclusion of Wetland W191 in the PMEP and seek its removal.⁶⁹ Although this area initially met the criteria for significance, it has since been reviewed. The area is now considered a manmade feature (a large ponding area providing stock with water in times of drought. An 'island' in the middle has been personally planted by the owners). Its removal from the PMEP is supported. The Panel decided it has insufficient wetland values to meet the criteria. Maps of the area were provided in evidence which confirms this decision – one from 1974.

Decision

202. Significant Wetland W191 is removed from the PMEP.

Multiple Wetlands - Zoning Map 176

203. Trustpower submitted in opposition to the inclusion of Wetlands W319, W320, W321, W792 and W1382 and seeks their removal.⁷⁰ A site visit was requested by Ron Sutherland, representative of the submitter. This took place in April 2017. After further assessment it was agreed that W319 and W1382 should be retained as even though they were impacted by grazing stock they had the ability to naturally recover.
204. The basis and structure of the wetlands remain with the areas still dominated by native vegetation.
205. Wetland W321 on Crown land zoned Open Space 3 should also be retained as it has significant wetland values.
206. Wetlands W320 and W792 however should be removed from the PMEP. W320 is in fact a terrace slope that has been destroyed through stock grazing and no longer meets the criteria for significance, and W792 had been incorrectly identified as a Significant Wetland.

⁶⁹ Quaildale Farm Ltd (346.1).

⁷⁰ Trustpower (1201.173).

Decision

207. Significant Wetlands W319, W321 and W1382 are retained as notified. Wetlands W320 and W792 are removed from the PMEP.

Wetland W49 - Zoning Map 201

208. M Waddy submitted in opposition to the identification of Wetland W49 in the PMEP.⁷¹ At the request of the submitter, Mr Hamill conducted a site visit with Mr Waddy to confirm the identification of the wetland and its boundaries. The wetland is an old meander channel of the Flaxbourne River that is heavily dominated by flax (*phormium tenax*).
209. While not fenced, the flax is very dense around the edges and is only grazed by sheep which do not push into the flax area. There are cabbage trees present with some *coprosma propinqua*, with bush lawyer pushing through. Some willow are present. Two ponds have been dug in the past to provide stock water.
210. The area overall meets the significance criteria. The landowner was happy at the time of the visit to the area being called a Significant Wetland.
211. It is not clear whether its removal is sought or whether the concern is instead regarding the limitation of activities in that area because that had been the feedback during the site visit.

Decision

212. Significant Wetland W49 is retained as notified.

Definition of 'Significant Wetland'

213. C Bowron opposes the current definition and seeks amendment to read: 'A wetland area that has been shown to have significant biodiversity value for the location in which it is situated.'
214. The Report Writers reject this submission. It is considered that the amended wording is inappropriate, particularly from a plan users' perspective. The current definition of Significant Wetland assists plan users in knowing when the rules and standards do and do not apply by mapping in the PMEP all wetland zones.

Decision

215. The definition of Significant Wetland is retained as notified.

⁷¹ M Waddy (184.1).