

Proposed Marlborough Environment Plan

**Section 42A Hearings Report for Hearing Commencing
29 April 2019**

Report dated 22 March 2019

**Report on submissions and further
submissions - miscellaneous topics**

Prepared by a compilation of Report Writers

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List of Abbreviations

ESMS	Ecologically Significant Marine Site
MEP	Proposed Marlborough Environment Plan
MDC	Marlborough District Council
NPSFM	National Policy Statement for Freshwater Management
NESPF/NES-PF	National Environmental Standards for Plantation Forestry
NZCPS	New Zealand Coastal Policy Statement
ONL	Outstanding Natural Landscape
ONFL	Outstanding Natural Feature and Landscape
RMA	Resource Management Act 1991
s42A	Section 42A
WARMP	Wairau Awatere Resource Management Plan

Submitters:

Aquaculture NZ	Aquaculture New Zealand
EDS	Environmental Defence Society Incorporated
Federated Farmers	Federated Farmers of New Zealand
Fish and Game	Nelson Marlborough Fish and Game
Forest and Bird	Royal Forest and Bird Protection Society NZ {Forest & Bird}
MEC	The Marlborough Environment Centre Incorporated
MDC	Marlborough District Council
NZTA	New Zealand Transport Agency
Ravensdown	Ravensdown Limited
Transpower	Transpower New Zealand Limited

Introduction and Scope of Hearings Report

1. This Section 42A report covers submission points that have yet to be heard by the MEP Hearing Panel. These submission points are derived from multiple topics previously heard by the Panel. The intent of this report is to evaluate the relief requested in these submission points.
2. Some of the submission points were addressed in the relevant Section 42A Report for the topic, but the submitter may not have been invited to the hearing or (reasonably) may not have established that the submission point was being addressed in that hearing. In this circumstance, the report writer has typically referred to their earlier evaluation or has updated that evaluation to reflect a change in recommendation as a result of the hearing. Submitters have been given the opportunity to present on these submission points.
3. Other submission points have not been addressed in the hearing process to date. The evaluations for such points are set out in this report.
4. The background of each of the report writers that have contributed to this report is set out in the Section 42A report for the relevant topic.
5. As submitters who indicate that they wish to be heard are entitled to speak to their submissions and present evidence at the hearing, the recommendations contained within this report are preliminary, relating only to the written submissions.
6. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.

Code of Conduct

7. As provided in the introductory paragraphs of each of the individual topic reports, all report writers confirm they have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and agreed to comply with it.
8. Further, the report writers confirmed that they have considered all the material facts that they were aware of that might alter or detract from the opinions that they express, and that the evidence is within their area of expertise, except where it is stated that they relied on the evidence of another person.
9. All report writers that have collaborated on this report are authorised to give this evidence on the Council's behalf.

Analysis of submissions

10. A total of 102 submission points are reported on in this report.
11. A further 351 submission points are identified as being addressed in previous reports but not formally invited to speak at the appropriate topic.

Key Matters

12. The content of the report is generally structured according to each topic and the structure of the report is laid out in the Table of Contents.

Recommendation

13. Following the assessment in this report, recommendations are made as to whether the submissions should be accepted, accepted in part or rejected. These recommendations are included in accordance with Appendix 1.

Statutory Documents

14. A number of statutory documents are relevant to the provisions and/or submissions within the scope of this report, including the Resource Management Act 1991 (RMA), National Policy Statements and Plans and the Regional Pest Management Plan, and are referred to where appropriate in the actual assessment.

Pre-hearing meetings

15. There have been no pre-hearing meetings for this topic.

Topic 1: General

Submissions and Assessment

16. A total of 68 submission points, which were previously considered and addressed in the Section 42A Report of the General topic, were not included in hearing notices provided to the relevant submitters. A list of these submission points and where the relevant assessment can be found in the original report are listed in Appendix 2.

Recommendation

17. No change to recommendations.

Topic 2: Marlborough's Tangata Whenua Iwi

Submissions and Assessment

18. One submission point, which was previously considered and addressed in the Section 42A Report for Marlborough's Tangata Whenua Iwi, was not included in hearing notices provided to the relevant submitter. The submission point and where the relevant assessment can be found in the original report is listed in Appendix 2.

Recommendation

19. No change to recommendations.

Topic 3: Natural and Physical Resources

Prepared by Liz White

Submissions and Assessment

20. M. Winter made a submission in relation to Issues 4B (955.2) and 4C (955.7) Objective 4.2 (955.3) Objective 4.3 (955.8) and Policy 4.2.1 (955.4). This was the same submission as that made by a number of parties and as such was identified within the Topic 3 Section 42A Report as part of the 'Group 2' submitters. The Group 2 submission points as they relate to the above provisions were addressed on pages 31 and 45 of the Section 42A report.

Recommendation

21. No change to recommendations.

Topic 5: Landscapes and Natural Character – Issues, Objectives, Policies, and Methods

Prepared by Maurice Dale, Consultant Senior Planner, Boffa Miskell Ltd

Submission Points Addressed in Section 42A Report

Submissions and Assessment

22. Several submissions received on Topic 5 in relation to the landscape and natural character provisions of the MEP were addressed in the original s42A report, but the submitter was not invited to the original hearing. Those submissions, where they have been addressed in the s42A report, and the final recommendation are detailed in the table below.

Submitter	Submission	Where discussed in s42A Report	Recommendation
Federated Farmers – 425/737	Delete rule 19.3.5.10	Section 5.28, pages 70 - 79	Accept in part, insofar that rule 19.3.5.10 is amended as follows: <i>There must be no excavation in excess of 500m³ per Computer Register located within the Limestone Coastline Outstanding Natural Feature and Landscape within any 12-month period. <u>This does not apply to excavation for the purposes of maintaining existing tracks, fences, races and drains where their location and physical extent does not change.</u></i>
Port Marlborough Ltd – 433/193	Support/retain rule 19.3.5.10	Section 5.28, pages 70 - 79	Accept in part, insofar that rule 19.3.5.10 is amended as follows: <i>There must be no excavation in excess of 500m³ per Computer Register located within the Limestone Coastline Outstanding Natural Feature and Landscape within any 12-month period. <u>This does not apply to excavation for the purposes of maintaining existing tracks, fences, races and drains where their location and physical extent</u></i>

			<i>does not change.</i>
Pitapisces Ltd – 1245/1	Amend rule 4.2.1.11 to delete the maximum size of buildings and structures.	Section 5.28, pages 70 - 79	Reject.

Recommendation

23. Adopt the recommendations detailed in the table above.

Deferred Submissions Relating to Forestry in Landscape Areas

24. Since the closing of submissions on the MEP, the National Environmental Standard on Plantation Forestry (NES-PF) has come into effect which provides nationally consistent rules for managing commercial plantation forestry under the RMA.
25. Submissions received on the MEP relating to commercial forestry were initially deferred from consideration by the Hearings Panel to allow the Council to first complete a process in accordance with section 44A of the RMA to identify and make the required changes to the MEP rules to align with the NES-PF requirements.
26. The NES-PF alignment process was concluded in November 2018, resulting in the removal of the commercial forestry rules from the MEP that duplicate or conflict with the NES-PF. Other rules of the MEP relating to commercial forestry were retained for reasons of stringency where regulation 6 of the NES-PF enables more stringent rules to be applied.
27. The circumstances under regulation 6 of the NES-PF where a rule may be more stringent than the NES include where the rule:
- Gives effect to a freshwater objective in the National Policy Statement for Freshwater Management (NPSFM).
 - Gives effect to policies 11, 13, 15, and 22 of the New Zealand Coastal Policy Statement (NZCPS) for the coastal environment.
 - Provides for the protection of section 6 RMA outstanding natural features and landscapes, or significant natural areas.
 - Manages activities within 1km upstream of the abstraction point of a drinking water supply for more than 25 people where the water take is from a water body.
28. Relevant to the landscape topic, the NES-PF also provides that District Plans may make new planting within '*visual amenity landscapes*' a permitted or controlled activity, but must provide for replanting of existing forestry in these landscapes as a permitted activity. That is other than where the NES enables

a more stringent rule can be applied under the circumstances listed above, for example under policy 15(b) of the NZCPS to *'avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and landscapes in the coastal environment.'*

29. The NES-PF does not restrict the types of conifer species that may be planted as commercial forestry. However, it does include standards which requires landowners and forest operators to apply a Wilding Tree Risk Calculator to a site when they are considering establishing a new plantation forest or replanting a different type of conifer that has a higher risk score than the previous species. If the risk of wilding spread is high, resource consent is required for planting the new species.
30. Overall through the NES-PF alignment process, the MEP rules have been amended to provide for planting, harvesting, and replanting commercial forestry in identified outstanding natural features and landscapes (ONFL's), and high amenity landscapes in the way set out in the table below. It should be noted that this table only captures the status of commercial forestry in landscape areas, and not the status of forestry in other environments identified in the MEP (e.g. erosion prone areas, wetlands), or the status in respect of non-compliance with various MEP standards (e.g. earthworks).

Landscape	Activity Status in Landscape Areas		
	Planting of Commercial Forestry	Harvesting of Commercial Forestry	Replanting of Commercial Forestry
Marlborough Sounds ONFL	Restricted discretionary (rule 4.5.3 of MEP)	Restricted discretionary (rule 4.5.4 of MEP)	Permitted (rule 4.1.6 of MEP)
Limestone Coastline ONFL	Restricted discretionary (reg 16 of the NES-PF)	Permitted (reg 63 of the NES-PF)	Permitted (reg 77 of the NES-PF)
White Bluffs ONFL	Restricted discretionary (reg 16 of the NES-PF)	Permitted (reg 63 of the NES-PF)	Permitted (reg 77 of the NES-PF)
All other inland ONFL's	Restricted discretionary (reg 16 of the NES-PF)	Permitted (reg 63 of the NES-PF)	Permitted (reg 77 of the NES-PF)
Marlborough Sounds Coastal Landscape	Restricted discretionary (rule 4.5.3 of MEP)	Restricted discretionary (rule 4.5.4 of MEP)	Permitted (rule 4.1.6 of MEP)
Wairau Dry Hills Landscape	Controlled (reg 15 of the NES-PF)	Permitted (rule 3.1.7)	Permitted (rule 3.1.6)

Note: the Marlborough Sounds Coastal Landscape and Wairau Dry Hills Landscape are *'visual amenity landscapes'* for the purposes of the NES-PF.

31. Following the completion of the NES-PF alignment process, the Hearing Panel heard submissions made in respect of Topic 22 – Forestry, commencing on the 3rd of December 2018. The s42A report on that topic prepared by Consultant Planner Liz White recommended various additional changes to the commercial forestry rules of the MEP. Further changes were recommended by Ms White in reply to evidence received at the hearing. With regard to the landscape related provisions, the only material change recommended were:
- Amend the references to ‘*commercial forestry*’ throughout the MEP to instead read ‘*plantation forestry*’ to align with the terminology used in the NES-PF.¹
 - Deletion of rules 3.7.2, 4.7.2, 7.5.3, and 8.5.3, which make the planting of lodgepole pine (*Pinus contorta*) a prohibited activity in the Rural Environment, Coastal Environment, Coastal Living, and Rural Living zones.²
32. This report considers those deferred submissions on the MEP policies and methods of implementation relating to commercial forestry in ONFL’s and high amenity landscapes. In so doing, it recognises the changes that have been made to the rules in completing the NES-PF alignment process, and s42A recommendations on submissions made on Topic 22 – Forestry.
33. Submissions on the specific provisions are addressed in the following sections.

Chapter 7 - Landscape Policy 7.2.2

Submissions and Assessment

34. Policy 7.2.2 addresses the control of activities in the Wairau Dry Hills Landscape, by setting permitted activity thresholds, and requiring resource consent for commercial forestry activities, to implement Objective 7.2. The policy reads:
- Control activities that have the potential to degrade the amenity values that contribute to the Wairau Dry Hills Landscape by:*
- (a) *setting permitted activity standards that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and*
 - (b) *requiring resource consent for commercial forestry activities.*
35. No change was recommended to the policy in the original Topic 5 s42A report, or in the reply to evidence presented at the hearing. No changes were also recommended as part of the s42A report and reply to evidence on Topic 22 – Forestry.
36. The deferred submissions on the policy request:

¹ Page 1, Section 42A Report – Reply to Evidence – Topic 22: Forestry

² Paragraphs 290 – 296, pages 54 – 55, Section 42A Report – Topic 22: Forestry

- Amend the policy to read '~~Control~~ Enable activities that ~~have the potential to degrade~~ are consistent with the amenity values that contribute to the Wairau Dry Hills Landscape by:
 - (a) ~~setting permitted activity standards that are consistent with the existing landscape values and uses and that will require greater assessment where proposed activities and structures exceed those standards; and~~
 - (b) ~~requiring resource consent for commercial forestry activities.~~'

(Federated Farmers (425/105))

- Amend the policy to read '~~Control~~ activities that have the potential to degrade the amenity values that contribute to the Wairau Dry Hills Landscape by:
 - (a) ~~setting permitted activity standards that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and~~
 - (b) ~~requiring resource consent for commercial forestry activities~~ prohibiting new resource consents for commercial forestry.'

(Judy and John Hellstrom (688/177))

- General comment – commercial forestry is not allowed but shelter belts are, especially with a preference for indigenous species on ridges, valleys and hills. **(Hawkesbury Farm (767/1))**

37. The submissions either seek the policy provide greater enablement of commercial forestry activities, or their prohibition in the Wairau Dry Hills Landscape. The greater enablement for commercial forestry sought by Federated Farmers reflects other aspects of their submissions which seek deletion of landscapes with high amenity from the MEP, and that primary production should be viewed as having a positive contribution of the values and attributes of the Wairau Dry Hills.
38. The Wairau Dry Hills Landscape is a '*visual amenity landscape*' for the purposes of the NES-PF. As a result of the completion of the NES-PF alignment process, the MEP rules provide for harvesting and replanting of commercial forestry in the Wairau Dry Hills Landscape as a permitted activity under rules 3.1.6 and 3.1.7 respectively. The planting of new commercial forestry, is a controlled activity under regulation 15 of the NES-PF, requiring a resource consent to be obtained.
39. In this regard, none of the circumstances in regulation 6 of the NES-PF that enable a more stringent activity status for the planting or replanting of commercial forestry in visual amenity landscapes would apply. No change is therefore recommended to the policy in response to the submissions of Judy and John Hellstrom, and Hawkesbury Farm to make commercial forestry a prohibited activity in the Wairau Dry Hills landscape.
40. In response to the submission of Federated Farmers, it is acknowledged that the NES-PF provides that a District Plan may make the planting of new commercial forestry in visual amenity landscapes such as the Wairau Dry Hills a permitted activity. However, it is noted that a distinctive characteristic of the Wairau Dry Hills Landscape identified in the MEP is its open grasslands which are visually

sensitive to change. Planting of new commercial forestry could affect their distinctive colour and open values which are unencumbered by modifications through unnatural vegetation patterns.

41. Accordingly, it is considered that control over the planting of new commercial forestry in this landscape is appropriate and that it should remain a controlled activity under regulation 15 of the NES-PF to allow effects on visual amenity values to be considered through a resource consent. I note that Ms White in the s42A report on Topic 22 – Forestry similarly concluded *'it better to retain the standard and some level of control, rather than removing the standard entirely and having no controls on planting.'*³ It is however recommended that clause (b) of the policy be amended to recognise that resource consent is not required for replanting commercial forestry in the Wairau Dry Hills Landscape so as to align with the NES-PF.

Recommendation

42. Amend policy 7.2.2 as follows:

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

- (a) setting permitted activity standards that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and*
- (b) requiring resource consent for new commercial forestry ~~activities~~ planting, but not replanting.*

*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, new commercial forestry, needs to be assessed through the resource consent process, as it could have a significant adverse effect on the landscape values of this area. The use of standards for permitted activities is considered appropriate for other activities in order to manage effects on landscape values, as resource use and development is generally to be expected within this landscape.*⁴

³ Paragraph 105, page24, Section 42A Report – Topic 22: Forestry

⁴ Submission 425/105 Federated Farmers

Chapter 7 - Landscape Policy 7.2.3

Submissions and Assessment

43. Policy 7.2.3 addresses the control of activities within the Marlborough Sounds Coastal Landscape by using a non-regulatory approach to maintain values in the Coastal Living Zone, setting permitted activity thresholds, and requiring resource consent for commercial forestry activities, to implement Objective 7.2. The policy reads:

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

44. No change was recommended to the policy in the original Topic 5 s42A report, or in the reply to evidence presented at the hearing. No changes were also recommended as part of the s42A report and reply to evidence on Topic 22 – Forestry.

45. The deferred submissions on the policy request:

- Amend the policy to read *'For areas of the Marlborough Sounds Coastal Landscape that are classified as an Outstanding Feature and Landscape, ~~Control-Enable~~ activities that ~~have the potential to degrade~~ are consistent with the amenity values and attributes 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 permitted standards/conditions that are consistent with the existing landscape values and land uses; ~~and~~*
 - ~~(c) requiring resource consent for commercial forestry activities.'~~*

(Federated Farmers (425/109))

- Delete the policy and replace with a new policy that establishes a compliance regime that provides a fast track resource consent approval for landowners, and operators, approved by the Council for their past satisfactory environmental performance, having regard also to the internal regime of each organisation for achieving environmental protection. **(D C Hemphill (648/33))**

- Amend the policy by deleting clause (c) (**Judy and John Hellstrom (688/178)**)
- General comment – delete provisions in relation to plantation forest (**Marlborough Forest Industry Association (962/54)**)
- Amend clause (c) of the policy to read 'requiring controlled activity resource consent for commercial forestry activities and restricted discretionary resource consent for new commercial forestry activities' (**Nelson Forests Ltd (990/189)**)
- Amend clause (c) of the policy to read 'requiring resource consent for commercial forestry activities including re-establishment after harvesting' (**Port Underwood Association (1042/4)**)

46. The submissions either seek the policy provide greater enablement of commercial forestry activities, or their restriction in the Marlborough Sounds Coastal Landscape. The greater enablement for commercial forestry sought by Federated Farmers reflects other aspects of their submissions which seek deletion of landscapes with high amenity from the MEP, and that primary production should be viewed as having a positive contribution of the values and attributes of the landscape. Other submissions consider requiring resource consent for commercial forestry will prevent replanting of forests, affect reinvestment in forestry, and affect good environmental outcomes. The submission of Judy and John Hellstrom consider there should be no new consents for commercial forestry issued in the Marlborough Sounds.

47. The Marlborough Sounds Coastal Landscape is a '*visual amenity landscape*' for the purposes of the NES-PF. As a result of the completion of the NES-PF alignment process, the MEP rules provide for replanting of commercial forestry in the Marlborough Sounds Coastal Landscape as a permitted activity under rule 4.1.6. The planting of new commercial forestry and harvesting, will be a restricted discretionary activity under rule 4.5.3 and 4.5.4 of the MEP, requiring resource consent. This rule approach is largely consistent with that sought by Nelson Forests Ltd's submission.

48. In response to the submissions of Federated Farmers, D C Hemphill, and Marlborough Forest Industry Association, the restricted activity status for planting of new commercial forestry and harvesting, reflects the circumstances under regulation 6 of the NES-PF which enables more stringent rules for commercial forestry in order to specifically manage:

- Effects on wetlands under section 6(c) of the RMA;
- Sedimentation within the coastal environment under policy 22 of the NZCPS;
- Effects on the values of the Marlborough Sounds ONFL under policy 15(a) of the NZCPS;
- Effects on the values of the Marlborough Sounds Coastal Landscape under policy 15(b) of the NZCPS;
- Effects on drinking water supplies for more than 25 people where the water take is from a water body.

49. In regard to the Marlborough Sounds Coastal Environment, the greater stringency is enabled by the policy 15(b) NZCPS requirement to '*avoid significant adverse effects and avoid, remedy, or mitigate*

other adverse effects of activities on other natural features and landscapes in the coastal environment. This requires Council's to manage the adverse effects of activities in the coastal environment, including forestry, on high amenity landscapes identified in accordance with section 7(c) of the RMA, and which otherwise fall outside the higher status of being an ONFL under section 6(b) of the RMA.

50. The distinctive characteristics of the Marlborough Sounds Coastal Landscape in the MEP are its high aesthetic values and high levels of naturalness and visual coherence. Planting of new areas of commercial forestry and harvesting, has the potential to significantly adversely affect these values. Accordingly, it is considered that providing for planting of new commercial forestry and harvesting in this landscape, as a restricted discretionary activity, is appropriate to allow effects on visual amenity values to be considered through a resource consent consistent with policy 15(b) of the NZCPS, and section 7(c) of the RMA. It is however recommended in response to the submission of Federated Farmers that clause (b) of the policy be amended to recognise that resource consent is not required for replanting commercial forestry in the Marlborough Sounds Coastal Landscape so as to align with rule 4.1.6 of the MEP.
51. Rules 4.5.3 and 4.5.4 as amended to align with the NES-PF did not specify effects on the values of the Marlborough Sounds Coastal Landscape as a matter over which the Council will consider resource consent applications. Based on the above analysis, it is recommended the assessment matters for rules 4.5.3 and 4.5.4 be amended to include reference to effects on the values of the Marlborough Sounds Coastal Landscape, as a matter to be considered in the assessment of resource consent applications. Such an amendment can be made without further formality under section 44A of the RMA to ensure alignment with the NES-PF.
52. In response to the submission of Port Underwood Association, it acknowledged that regulation 6 of the NES-PF would enable a more stringent rule to also be applied to replanting existing commercial forestry. Applying a more stringent rule would however affect reinvestment certainty for existing lawfully established plantation forestry with resultant effects on economic and social wellbeing. Furthermore, the Marlborough Sounds Coastal Landscape has been identified on the basis of the existing commercial forestry that exists, and which therefore makes up part of its values. Accordingly replanting of existing commercial forestry will not further degrade values in a way which would be inconsistent with policy 15(b) of the NZCPS and section 7(c) of the RMA within the coastal environment. No change is therefore recommended to the policy in response to this submission.

Recommendation

53. Amend policy 7.2.3 as follows:

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 permitted activity standards/conditions that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and*
- (b) *requiring resource consent for new commercial forestry activities and harvesting, but not replanting.*

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 restricted 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 1.⁵

54. Amend assessment matter 4.5.3.3 as follows:

The effects on the values of the Marlborough Sounds Coastal Landscape, and Marlborough Sounds Outstanding Natural Feature and Landscape.⁶

55. Amend assessment matter 4.5.4.3 as follows:

The effects on the values of the Marlborough Sounds Coastal Landscape, and Marlborough Sounds Outstanding Natural Feature and Landscape.⁷

⁵ Submission 425/109 Federated Farmers

⁶ Consequential amendment under section 44A of the RMA.

⁷ Consequential amendment under section 44A of the RMA.

Chapter 7 - Landscape Policy 7.2.4

Submissions and Assessment

56. Policy 7.2.4 sets out the requirement that where resource consent is required, regard is to be had to potential adverse effects on the values that contribute to the landscape, to implement Objective 7.2.

The policy reads:

'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.'

57. A change was recommended to the policy in reply to the evidence presented at the original Topic 5 hearing by NZTA, as follows:

Where resource consent is required to undertake an activity within an outstanding natural feature and landscape or a landscape with high amenity value:

- a) ~~regard will be had~~ have regard to the potential adverse effects of the proposal on the values that contribute to the landscape;*
- b) recognise that minor or transitory adverse effects may not need to be avoided;*

58. The sole deferred submission on the policy is from **(Nelson Forests Ltd (990/190))**, which seeks deletion of the application of the policy to commercial forestry. This is in the basis that it provides no certainty for resource users.
59. Policy 7.1.4 is a process related policy which is intended to make it clear that in assessing resource consents for use and development in ONFL's and high amenity landscapes, that effects on the values that contribute to the landscape is required. This ensures the degradation of the values from which the significance of a landscape are derived, are appropriately considered in the assessment resource consents. The policy applies in conjunction with policies 7.2.5, 7.2.6, and 7.2.7 which together form the basis for managing adverse effects on ONFL's and high amenity landscapes.
60. Consideration of the adverse effects of proposals on the values that contribute to ONFL's and high amenity landscapes is important to ensure values which underpin those landscapes are not degraded, and therefore ensures consistency with sections 6(b) and 7(c) of the RMA, and policy 15 of the NZCPS within the coastal environment. It is therefore not recommended to remove application of the policy to commercial forestry, where resource consent for such forestry is required by the rules of the MEP as amended to align with the NES-PF.

Recommendation

61. Retain policy 7.2.4 as recommended in the Topic 5 s42A report reply to evidence.

Chapter 7 - Landscape Policy 7.2.7

Submissions and Assessment

62. Policy 7.2.7 sets out the basis for managing adverse effects from activities on the values that contribute to ONFL's, the Wairau Dry Hills Landscape, and Marlborough Sounds Coastal Landscape, to implement Objective 7.2.
63. Changes were recommended to the policy in reply to evidence received at the original Topic 5 hearing, as follows:

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~~, and maintain the high amenity values of the Wairau Dry Hills by:

(a) In respect of structures:

- (i) avoiding visual intrusion on skylines, particularly when viewed from public places;*
- (ii) avoiding new dwellings in ~~close proximity~~ adjacent to the foreshore;*
- (iii) using reflectivity levels and building materials that complement the colours in the surrounding landscape;*
- (iv) limiting the scale, height and placement of structures to minimise intrusion of built form into the landscape;*
- (v) recognising that existing structures may contribute to the landscape character of an area and additional structures may complement this contribution;*
- (vi) making use of existing vegetation as a background and utilising new vegetation as a screen to reduce the visual impact of built form on the surrounding landscape, providing that the vegetation used is also in keeping with the surrounding landscape character; and*
- (vii) encouraging utilities to be co-located wherever possible;*
- (viii) whilst recognising the functional and operational requirements of regionally significant infrastructure.*

(b) In respect of land disturbance (including tracks and roads):

- (i) avoiding extensive land disturbance activity that creates a long term change in the visual appearance of the landscape, particularly when viewed from public places;*
- (ii) encouraging tracks and roads to be located adjacent to slopes or at the edge of landforms or vegetation patterns and to follow natural contour lines in order to minimise the amount of land disturbance required;*
- (iii) minimising the extent of any cuts or side castings where land disturbance is to take place on a slope; and*

- (iv) *encouraging the revegetation of cuts or side castings by seeding or planting.*
- (vi) *whilst recognising the functional and operational requirements of regionally significant infrastructure.*

(c) *In respect of vegetation planting:*

- (i) *avoiding the planting of new exotic forestry in areas of outstanding natural features and landscapes 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*
- (iii) *recognising the potential for wilding pine spread.*

64. The deferred submissions on the policy request:

- Delete the policy **(Nelson Forests Ltd (990/191))**
- General comment – Ensure legally established plantation forest is not captured by the policy **(Marlborough Forest Industry Association (962/57))**
- General comment – Areas classified as ONFL should not permit replanting of exotic forestry once the existing forest on the land has been harvested **(Tu Jaes Trust (1202/5))**
- Amend clause (c) of the policy to include reference to ‘*encourage indigenous forestry and recognise its co-benefits*’ **(EDS (698/55))**

65. The submissions either seek that policy does not apply to commercial forestry, or that replanting of forestry should not be permitted in ONFL’s following harvesting. In particular, the submission of Nelson Forests Ltd considers the policy is unclear and open to interpretation and should be deleted. EDS seeks to encourage indigenous forestry where it is compatible with the characteristics and values of ONFL’s.

66. Clause (c)(i) of the policy requires avoiding the planting of new forestry within the Marlborough Sounds ONFL. This provides policy direction for resource consents for new forestry which are a restricted discretionary activity under rule 4.5.3 of the MEP following completion of the NES-PF alignment process. It acknowledged that the wording of the policy creates some uncertainty and conflict in light of policy 7.2.5 which only requires the avoidance of adverse effects on the values that contribute to ONFL’s. Furthermore, policy 7.2.8 as recommended to be amended in reply to the evidence received at the original Topic 5 hearing recognises that some ONFL’s include areas where primary production activities currently occur, and enables such activities where they do not degrade landscape values.

67. In response to the submission of Nelson Forests Ltd, it is therefore recommended that clause (i) be amended to require the avoidance of the planting of new forestry in the Marlborough Sounds ONFL only where they degrade landscape values. This will achieve a consistent and complementary policy approach across Chapter 7 of the MEP.

68. Clause (c)(ii) of the policy, which encourages plantations of exotic trees to be planted in a form that complements the natural landform is considered to provide appropriate direction for the location design of plantations in landscape areas. This is particularly for new planting of commercial forestry within the Wairau Dry Hills Landscape which is a controlled activity under regulation 15 of the NES-PF, and where such a consent must be granted subject only to conditions. This clause of the policy is considered to provide clear guidance for the imposition of appropriate conditions as to the design of such planting so as to manage the effects on the high amenity values of this landscape. No change to this clause is therefore recommended in response to the submission of Nelson Forests Ltd.
69. Clause (c)(iii) of the policy recognises the potential for wilding pine spread, and links to rules in the MEP that restrict planting of specific wilding pine species.⁸ The NES-PF contains its own regime for managing wilding tree spread from commercial forestry. As a result of the NES-PF alignment process, the MEP rules restricting the planting of wilding pine species were therefore amended so that they no longer apply to commercial forestry. Ms White in the s42A report on Topic 22 – Forestry, also recommended removal of all of the remaining rules from the MEP which restrict the planting of specific wilding tree species.⁹ This was on the basis that the rules would duplicate the requirements for unwanted organisms under the Biosecurity Act 1993.
70. In response to the submission of Nelson Forests Ltd, it is therefore recommended that clause (iii) of the policy be deleted in recognition that all rules controlling wilding pine spread are recommended (as a consequence of the s42A report on Topic 22) to be removed from the MEP. In the event that the Panel determines that those rules should be retained, then it is recommended that the policy reference in clause (iii) be similarly retained to ensure consistency.
71. Regulation 77 of the NES-PF provides that replanting of commercial forestry within ONFL's is by default a permitted activity. As part of completing the NES-PF alignment process, all MEP rules have been amended to enable replanting to be a permitted activity in all ONFL's. The proposed policy therefore would not apply to existing lawfully established commercial forestry plantations or replanting of them.
72. It is acknowledged that regulation 6 of the NES-PF would enable a more stringent rule to be applied to replanting commercial forestry, as it would provide for the protection of outstanding natural features and landscapes. Applying a more stringent rule would however affect reinvestment certainty for existing lawfully established plantation forestry with resultant effects on economic and social wellbeing. Furthermore, the ONFL's have been identified on the basis of the existing commercial forestry that exists, and which therefore makes up part of their values. Accordingly replanting of existing commercial forestry will not further degrade values in a way which would be inconsistent with policy 15 of the NZCPS and section 6(b) of the RMA within the coastal environment. No change to the policy is therefore recommended in response to the submissions of Marlborough Forest Industry Association, and Tu Jaes Trust.

⁸ Rules 3.7.2, 4.7.2, 7.5.3, and 8.5.3

⁹ Paragraphs 290 – 296, pages 54 – 55, s42A report, Topic 22 – Forestry.

73. The policy as worded would only apply to 'exotic' commercial forestry, and there is no restriction afforded to 'indigenous' forestry through the policy. No specific encouragement of indigenous forestry in the policy is therefore considered necessary, and such forestry will be enabled in ONFL's and high amenity landscapes where it is otherwise consistent with the requirements of other policies. No change to the policy is therefore recommended in response to the submission of EDS.

Recommendation

74. Amend clause (c) of Policy 7.2.7 as follows:

(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 where they degrade landscape values;*

(ii) *encouraging plantations of exotic trees to be planted in a form that complements the natural landform; and*

~~(iii) *recognising the potential for wilding pine spread.*~~¹⁰

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.

¹⁰ Submissions 990/191 Nelson Forests Ltd

Chapter 7 - Landscape Policy 7.2.8

Submissions and Assessment

75. Policy 7.2.8 recognises that primary production activities currently occur within ONFL's, and high amenity landscapes, to implement Objective 7.2.
76. Changes were recommended to the policy in reply to evidence received at the original Topic 5 hearing, as follows:
- Recognise that some outstanding natural features and landscapes and landscapes with high amenity value ~~will fall within areas in which~~ include areas where primary production activities currently occur, and enable such activities where they do not degrade landscape values.*
77. The sole deferred submission is from **(Marlborough Forest Industry Association (962/58))** which requests equality is provided for all primary land use, including farming and forestry.
78. Policy 7.2.8 (as recommended to be amended above) would apply equally to all primary production activities, including farming and forestry, and would enable these activities in ONFL's and high amenity landscapes where they do not degrade landscape values. Accordingly, it is considered that the policy addresses primary production activities equitably, and no further change is therefore recommended to the policy in response to the submission.

Recommendation

79. Retain policy 7.2.8 as recommended in the Topic 5 s42A report reply to evidence.

Chapter 7 - Landscape Policy 7.2.10

Submissions and Assessment

80. Policy 7.2.10 addresses the management of the impact of wilding pines on landscapes, to implement Objective 7.2. As notified, it reads:
- 'Reduce the impact on wilding pines on the landscape by:*
- (a) supporting initiative 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.'*
81. No change was recommended to the policy in the original Topic 5 s42A report, or in the reply to evidence presented at the hearing. No changes were also recommended as part of the s42A report and reply to evidence on Topic 22 – Forestry.
82. The deferred submissions on the policy request:
- General comment - Councils powers under the Biosecurity Act, not the RMA are key. The Branch and Letham catchments, planted by the Former Catchment Board (predecessor of the

District Council) are significant seed sources and should be addressed under the Biosecurity Act. Any policy enacted under the RMA should give rise to a risk based approach, and not blanket prohibitions **(Ernslaw One Ltd (505/10))**.

- Amend the policy to align with the methodology used in the proposed forestry NES and use a spread-risk based approach to define permitted versus discretionary status for planting various conifers **(Ernslaw One Ltd (505/11))**.
- Amend the policy to capture all wilding exotic tree species **(Judy and John Hellstrom (688/180))**.
- Amend the policy to include reference to '(c) Use consent conditions to require forestry operations to remove wilding pines within 1km of the designated forestry boundary and to cover the cost of removing wilding pines at a greater distance that have emanated from that operation' and '(d) Using consent conditions to require wilding removal as part of subdivision.' **(EDS (698/56))**.
- General comment – Ensure planning controls are warranted, based on risk analysis **(Marlborough Forest Industry Association (962/60))**.
- General comment - Ensure that the rules that are developed from this policy apply to all land uses and areas of the region, not just in relation to forestry type planting. Employ the Wilding Risk Calculator rather than have a blanket ban on particular tree species. **(Nelson Forests Ltd (990/194))**.

83. The remaining submissions seek the application of a risk based approach to managing wilding tree spread as per the National Environmental Standard on Plantation Forestry (NES-PF), rather than controlling the planting of specific wilding species as required by clause (b) of the policy. Other submissions seek greater restriction on wildings, including for additional species and other plant pests, and use of consent conditions to remove wildings.

84. Policy 7.2.10 addresses the landscape impacts of wilding pines through supporting control initiatives, and controlling the planting of species that are prone to wilding spread. The policy provides the basis for rules in the MEP which restrict the planting of several conifer species, including:

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

85. RMA plans have a limited role in the management of wilding trees, insofar that they can only control the causative land uses which result in wilding tree spread. They cannot regulate removal of wilding trees unrelated to a land use, which are instead addressed through Regional Pest Management Plans prepared under the Biosecurity Act 1993. Recognising this, Policy 7.2.10 therefore only provides policy support for non-regulatory control initiatives, and controls the land use of planting specific commercial wood species which are prone to wilding spread.
86. The NES-PF contains its own regime for managing wilding tree spread from commercial forestry. As a result of the NES-PF alignment process, the MEP rules restricting the planting of wilding pine species were therefore amended so that they no longer apply to commercial forestry. Ms White in the s42A report on Topic 22 – Forestry, also recommended removal of all of the remaining rules from the MEP which restrict the planting of specific wilding tree species.¹¹ This was on the basis that the rules would duplicate the requirements for unwanted organisms under the Biosecurity Act 1993.
87. In response to the submissions of Ernslaw One Ltd, Marlborough Forest Industry Association, and Nelson Forests Ltd, it is therefore recommended that clause (b) of the policy be deleted in recognition that all rules controlling wilding pine spread are recommended (as a consequence of the s42A report on Topic 22) to be removed from the MEP. In the event that the Panel determines that those rules should be retained, then it is recommended that the policy reference in clause (b) be similarly retained for consistency.
88. Requiring removal of wildings as part of the subdivision process would not be an appropriate, effective or proportional response to the issue of exotic wilding tree spread. Specifically, it could lead for example to conditions on wilding tree management being imposed on subdivision consents for activities which comprise relatively minor rule infringements or have no effect or bearing on wilding tree spread. Furthermore, it could impose such requirements over a wide area where the application site is larger. Such an approach would not be a proportionate or reasonable response to the issue. Other mechanisms outside the MEP, including Biosecurity Act 1993 and Regional Pest Management Plans provide a more effective and efficient means to address exotic wilding tree spread. No change is therefore recommended in response to the submission of EDS

Recommendation

89. Amend policy 7.2.10 as follows:

Reduce the impact on wilding pines on the landscape by:

~~(a) — supporting initiative 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,

¹¹ Paragraphs 290 – 296, pages 54 – 55, s42A report, Topic 22 – Forestry.

*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.*¹²

Chapter 7 - Landscape Policy 7.2.11

Submissions and Assessment

90. Policy 7.2.11 addresses landscape issues on land administered by DOC and identified as ONFL's, to implement Objective 7.2. As notified it reads:

'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.'

91. No change was recommended to the policy in the original Topic 5 s42A report, or in the reply to evidence presented at the hearing. No changes were also recommended as part of the s42A report and reply to evidence on Topic 22 – Forestry.
92. The sole deferred submission on the policy from **Judy and John Hellstrom (688/181)** requests that the explanation to the policy be modified to recognise that vegetation changes on land administered by the Department of Conservation can occur from other wilding exotic tree species, other than just wilding pines.
93. Policy 7.2.11 is only an advocacy policy that provides that the Council will liaise with DOC to ensure appropriate management responses to landscape issues are implemented on conservation land.
94. Wilding pines are considered the most significant plant pest issue in Marlborough which directly affects landscape values, and the policy recognises that that vegetation changes on land administered

¹² Submissions 505/10 and 11 Ernslaw One Ltd, 962/60 Marlborough Forest Industry Association, and 990/194 Nelson Forests Ltd

by the Department of Conservation can be as a result of other types of pest plant incursions. Accordingly, no change is considered necessary to the explanation to the policy in response to the submission.

Recommendation

95. Retain Policy 7.2.11 as notified.

Chapter 6 - Natural Character Method 6.M.1

Submissions and Assessment

96. Method 6.M.1 covers the application of Regional and District rules, and as notified reads:

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*

97. No change was recommended to the method in the original Topic 5 s42A report, or in the reply to evidence presented at the hearing. No changes were also recommended as part of the s42A report and reply to evidence on Topic 22 – Forestry.
98. The deferred submissions on method of implementation 6.M.1 are from **Marlborough Forest Industry Association (962/51)**, and **Nelson Forests Ltd (990/186)**, which oppose the method.
99. The primary concern of the remaining submissions is that the rules that apply to commercial forestry in the MEP are not equitable with those for other similar activities (such as agriculture), or based on evidence of the commercial forestry causing an adverse effect. They consider rules should be equitable and also align with the National Environmental Standard on Plantation Forestry.
100. The NES-PF contains its own regime for managing wilding tree spread from commercial forestry. As a result of the NES-PF alignment process, the MEP rules restricting the planting of wilding pine species were therefore amended so that they no longer apply to commercial forestry. Ms White in the s42A report on Topic 22 – Forestry, also recommended removal of all of the remaining rules from the MEP

which restrict the planting of specific wilding tree species.¹³ This was on the basis that the rules would duplicate the requirements for unwanted organisms under the Biosecurity Act 1993.

101. In response to the submissions of Marlborough Forest Industry Association, and Nelson Forests Ltd it is therefore recommended that the reference to ‘the planting of certain species of exotic tree’ as an activity to be regulated, is deleted in recognition that all rules controlling wilding pine spread are recommended (as a consequence of the s42A report on Topic 22) to be removed from the MEP. In the event that the Panel determines that those rules should be retained, then it is recommended that the reference in the method of implementation be similarly retained for consistency.

Recommendation

102. Amend method 6.M.1 as follows:

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*~~¹⁴

Chapter 7 - Landscape Method 7.M.1

Submissions and Assessment

103. Method 7.M.1 covers the identification of outstanding natural features and landscapes, and landscapes with high amenity value. As notified, the method reads:

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

¹³ Paragraphs 290 – 296, pages 54 – 55, s42A report, Topic 22 – Forestry.

¹⁴ Submissions 962/51 Marlborough Forest Industry Association, and 990/186 Nelson Forests Ltd

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.

104. No change was recommended to the method in the original Topic 5 s42A report, or in the reply to evidence presented at the hearing. No changes were also recommended as part of the s42A report and reply to evidence on Topic 22 – Forestry.
105. The sole deferred submission on method of implementation 7.M.1 is from **D C Hemphill (648/29)**, which seeks the deletion of the method on the basis the methodology of the 2009 landscape assessment is not clear and appears subjective.
106. Method 7.M.1 provides the basis for identification of Marlborough’s outstanding natural features and landscapes, and landscapes with high amenity value. Mr James Bentley’s original s42A report on Topic 5 addressed those submissions regarding the methodology used in the 2009 to identify such landscapes. Notwithstanding the specific methodology used, method 7.M.1 is considered necessary to recognise the need to identify these landscapes, consistent with sections 6(b) and 7(c) of the RMA. The method is therefore recommended to be retained.

Recommendation

107. Retain Method 7.M.1 as notified.

Chapter 7 - Landscape Method 7.M.3

Submissions and Assessment

108. Method 7.M.3 covers the application of Regional and District rules, and as notified reads:

7.M.3 District and regional rules

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

109. No change was recommended to the method in the original Topic 5 s42A report, or in the reply to evidence presented at the hearing. No changes were also recommended as part of the s42A report and reply to evidence on Topic 22 – Forestry.
110. The deferred submissions request:
- Oppose/delete method 7.M.3 (**D C Hemphill (648/31), Marlborough Forest Industry Association (962/61)**).
 - Amend method 7.M.3 to remove commercial forestry and planting of specific exotic tree species from the list of activities to be regulated (**Nelson Forests Ltd (990/195)**).
111. The primary concern of the remaining submissions is that the rules that apply to commercial forestry in the MEP are not clear or equitable with those for other similar activities (such as agriculture), or based on evidence of the commercial forestry causing an adverse effect on the character of outstanding natural features and landscapes.
112. As a result of the completion of the NES-PF alignment process, the MEP rules continue to restrict commercial forestry in ONFL's and high amenity landscapes. The inclusion of commercial forestry in the list of activities to be regulated in method 7.M.1 therefore remains accurate in light of completing the NES-PF alignment process. Accordingly, it is not recommended to remove reference to 'commercial forestry' in response to the submissions of D C Hemphill, Marlborough Forest Industry Association, and Nelson Forests Ltd.
113. The NES-PF contains its own regime for managing wilding tree spread from commercial forestry. As a result of the NES-PF alignment process, the MEP rules restricting the planting of wilding pine species were therefore amended so that they no longer apply to commercial forestry. Ms White in the s42A report on Topic 22 – Forestry, also recommended removal of all of the remaining rules from the MEP which restrict the planting of specific wilding tree species.¹⁵ This was on the basis that the rules would duplicate the requirements for unwanted organisms under the Biosecurity Act 1993.
114. In response to the submissions of D C Hemphill, Marlborough Forest Industry Association, and Nelson Forests Ltd it is therefore recommended that the reference to 'the planting of certain species of exotic tree' as an activity to be regulated, is deleted in recognition that all rules controlling wilding pine spread are recommended (as a consequence of the s42A report on Topic 22) to be removed from the MEP. In the event that the Panel determines that those rules should be retained, then it is recommended that the reference in the method of implementation be similarly retained for consistency.

Recommendation

115. Amend Method of Implementation 7.M.1 as follows:

7.M.3 District and regional rules

¹⁵ Paragraphs 290 – 296, pages 54 – 55, s42A report, Topic 22 – Forestry.

As necessary, apply district or regional rules to activities that have the potential to threaten identified values that contribute to the landscape character of outstanding natural features and landscapes. 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*~~¹⁶

Landscape Rules

Submissions and Assessment

116. The deferred submissions on the landscape rules of the MEP request:

- Add new rules, or modify existing rules to:
 - enable minor expansion of existing forestry without resource consent in ONFL's
 - enable the intensification of commercial forestry in ONFL's in those areas where it is already established and in areas adjacent existing commercial forestry, particularly where such a use may be anticipated by the underlying zoning; and
 - recognise commercial forestry activities in areas not identified as outstanding, only require controlled or restricted discretionary consent.

(NZ Forest Products Holdings Ltd (995/13)).
- Apply similar controls on the location and reflectance of new buildings, the planting of commercial forestry, and limits on excavation and filling of land to large areas of outstanding landscapes in south Marlborough that do not appear to have any controls in place **(Helen Mary Ballinger (351/11)).**
- Rule 3.3.10.4 should not apply to restoration planting of indigenous species. **(Thomas Robert Stein (1179/30))**

¹⁶ Submissions 648/31 D C Hemphill, 962/61 Marlborough Forest Industry Association, and 990/195 Nelson Forests Ltd.

117. The submission of NZ Forest Products Ltd seeks modification of the rules relating to commercial forestry to enable minor expansion and intensification of commercial forestry without resource consent, and provide for forestry in landscape areas that are not ONFL's as a controlled or restricted discretionary activity.
118. As a result of the completion of the NES-PF alignment process, the MEP rules provide for new planting of commercial forestry within ONFL's as a restricted discretionary activity. This would also capture minor expansion of existing commercial forestry. The MEP rules have also been amended in way that that replicates or defers to regulation 77 of the NES-PF in making the replanting of existing commercial forestry a permitted activity in ONFL's. This would also provide for intensification of forestry in the replanted area as a permitted activity, subject to complying with all relevant standards of the NES-PF. The MEP rules are therefore considered appropriate in light of the NES-PF. No further change is therefore recommended to the MEP rules in response to the submission of NZ Forest Products Ltd.
119. The submission of Helen Mary Ballinger seeks that additional controls on buildings, planting of commercial forestry, and limits on excavation and filling be applied to the ONFL's in South Marlborough. Buildings in the ONFL's in South Marlborough are not subject to any landscape specific controls in the MEP, other than the standard range of bulk and location controls that apply under the underlying zonings (e.g. building height and site coverage). This is compared to other ONFL's where additional landscape specific controls apply. These include a 10m² restriction on building site, and a light reflectance value control of 45% for painted surfaces on buildings.
120. The sensitivity of the ONFL's in South Marlborough and threats to their values from new buildings, are considered distinguishable from the other ONFL's in the MEP. In particular, the South Marlborough ONFL's comprises large tracts of steep hill and high country, and large landholdings where there is a low likelihood of intensive or large scale building development occurring that would affect the openness of these ONFL's. Much of the underlying land also comprises land within the conservation estate or otherwise under Crown ownership, where additional controls on development exist under the Conservation Act 1987, and Crown Pastoral Land Act 1998. Overall it is considered that there is a low risk of extensive built development occurring in the South Marlborough ONFL's that would warrant additional controls being included in the MEP. No additional controls on buildings are therefore recommended as a result of the submission of Helen Ballinger.
121. As a result of the completion of the NES-PF alignment process, the planting of new commercial forestry in the ONFL's in South Marlborough is a restricted discretionary activity under regulation 16 of the NES-PF, requiring resource consent. Furthermore, limits on filling and excavation also exist in these ONFL's under the MEP rules. Specifically, excavation or filling with clean fill is limited to less than 500m³ per property (computer freehold register) within any 12-month period. Accordingly, no additional controls on these activities in the South Marlborough ONFL's are considered necessary or are recommended as a result of the submission of Helen Ballinger.
122. The submission of Thomas Robert Stein seeks that rule 3.3.10.4 which prevents conservation planting and carbon sequestration forestry planting in the Wairau Dry Hills Landscape, should not apply to

restoration planting of indigenous species. This issue was considered in response to other submissions received at section 5.28, page 76 of the original Topic 5 s42A report dated 20 November 2017. The report noted that historically the Wairau Dry Hills were covered in indigenous vegetation, and furthermore that many gullies on the hills comprise areas of such regenerating vegetation. Indigenous vegetation therefore makes up part of the inherent values of this landscape. As a result, it was recommended to amend the relevant rules to permit conservation planting with indigenous species within the Wairau Dry Hills Landscape. Given this recommendation, no further change is required in response to the submission of Thomas Stein.

Recommendation

123. Amend Rule 3.3.10.4 as follows.

~~There must be no planting~~ Only indigenous species may be planted within the Wairau Dry Hills Landscape.¹⁷

¹⁷ Submission 1179/30 Thomas Robert Stein.

Topic 5: Landscape and Natural Character – Technical Mapping, Values and Overlays

Prepared by James Bentley, Senior Principal Landscape Architect, Boffa Miskell

Submissions and Assessment

124. *Submitter 215/1 Musco Seafoods Limited*

125. This submission is in relation specifically to marine farm 8448, which is located within Kaikoura Bay, Port Underwood.

126. This submission specifically considers that the areas of high, very high and outstanding natural character be simplified to either one or at the most two tiers. This level complexity is likely to generate high levels of uncertainty for marine farmers when farms are either proposed or re-consented.

Discussion

127. Much of my response to this submission point is contained within my discussion on pages 21 through to 24 of the Section 42A Report: *Topic 5: Natural Character – Technical Mapping, Values and Overlays*.

128. Furthermore, it is noted that the specific farm in question (8448) is not subject to any high, very high or outstanding natural character overlay in the MEP.

Recommendation

129. That no change occurs to the methodology, maps and values.

Submissions and Assessment

Submitter 401/47 Aquaculture New Zealand

130. The submission of Aquaculture New Zealand seeks to amend the seaward extent of the coastal natural character mapping and that it 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.

Discussion

131. This submission point has already been covered in my discussion on page 23 and 24 of the Section 42A Report: *Topic 5: Natural Character – Technical Mapping, Values and Overlays*.

Recommendation

That no change occurs to the methodology, maps and values.

Submission Points Addressed in Section 42A Report

Submissions and Assessment

132. Several submissions received on Topic 5 in relation to the landscape and natural character technical mapping, values and overlays of the MEP were addressed in the s42A report, but the submitter was not invited to the original hearing. Those submissions, where they have been addressed in the s42A report, and the final recommendation are detailed in the table below.

Submitter	Submission	Where discussed in s42A Report	Recommendation
Tony Hawke 369/14	Requests to review the mapping approach as it is very broad brush.	Page 19, 20, 21 and 22 of the Landscape s42A report	Accept in part. I recommend that the Landscape Overlay Maps in Volume 4 of the MEP are made sharper, clearer and increased in scale so that greater detail can be understood. No other changes are considered necessary.
Federated Farmers – 425/782	Refer to page 20 of the Natural Character s42A report	Page 20, 21, 22 of the Natural Character s42A report	Accept in part. I recommend no change to Appendix 2 other than the maps in the MEP are clarified further (refer to the next section General: Mapping) for further explanation.
Federated Farmers – 425/784	Refer to page 19 of the Landscape s42A report	Page 19, 20, 21 and 22 of the Landscape s42A report	Accept in part. I recommend that the Landscape Overlay Maps in Volume 4 of the MEP are made sharper, clearer and increased in scale so that greater detail can be understood. No other changes are considered necessary.
Federated Farmers – 425/785	Mentioned on page 19 of the Landscape s42A, however discussed on pages 13, 54, 55, 56. Concerning that the	Page 13,19, 54,55,56 of the Landscape s42A report	Reject

Submitter	Submission	Where discussed in s42A Report	Recommendation
	overlay of High Amenity Value Landscapes and all associated policies and provisions are deleted from the Plan.		
Federated Farmers – 425/786	Requests that the overlay of Riparian Natural Character Management Areas and all associated policies and provisions are deleted from the Plan.	Page 65 and 66 of the Natural Character s42A report	Reject
Federated Farmers – 425/788	Refer to page 19, 55 and 56 of the Landscape s42A report concerning significant ridgelines.	Page 55 and 56 of the Landscape s42A report	Reject
Friends of Nelson Haven and Tasman Bay Incorporated 716/202	Maps are drawn in a manner that makes them difficult to read.	Page 23, 24 of the Natural Character s42A report	Accept in part. I recommend that the Coastal Natural Character Maps 1-5 maps within Volume 4 of the MEP be amended to better articulate the mapped areas (through more refined maps and colouration) and to address the mapping gaps currently present. The maps should therefore be reproduced at a larger scale, have sufficient colouration differences between areas of High, Very High and Outstanding Natural Character and overlap sufficiently.
Friends of Nelson Haven and Tasman Bay	The extent of the outstanding natural landscape is generally supported as being in accordance with	Page 19, 20, 21 and 22 of the Landscape s42A report	Reject

Submitter	Submission	Where discussed in s42A Report	Recommendation
Incorporated 716/205	Part 2 of the RMA and because it gives effect to the NZCPS, in particular Policy 15. However, there are inconsistencies and confusing assessments components in the assessments		
Heritage New Zealand Pouhere Taonga 768/70	Requests that the historic heritage related associative values remain as notified	Page 19, 20, 21 and 22 of the Landscape s42A report	Accept
Kroon, Hanneke and Jansen, Joop 808/5	Covers multiple requests. Refer to page 20, 21, 22, 27, 32, 37, 38, 39 of the Landscape s42A report	Refer to page 20, 21, 22, 27, 32, 37, 38, 39 of the Landscape s42A report	Reject
The Marlborough Environment Centre Incorporated 1193/59	That the Wairau River continue to be classified as Outstanding Natural Landscape (ONL) from the source to the Waihopai confluence.	Page 57 and 58 of the Landscape s42A report	Reject
Christopher Redwood 601/1	Request that the natural character overlay in the vicinity of farm 8164 in Guards Bay be removed, or record that aquaculture will not affect the relevant values.	Page 31 of the Natural Character s42A report	Reject
Christopher Redwood 601/2	Remove natural character overlay from the vicinity of marine farm 8125 in South Forsyth Bay; or record that	Page 51 and 52 of the Natural Character s42A	Reject

Submitter	Submission	Where discussed in s42A Report	Recommendation
	aquaculture will not affect the relevant values	report	
Christopher Redwood 601/3	Remove natural character overlay from the vicinity of marine farm 8125 in South Forsyth Bay; or record that aquaculture will not affect the relevant values.	Page 51 and 52 of the Natural Character s42A report	Reject
Christopher Redwood 601/4	Remove natural character overlay from the vicinity of marine farm 8130 in Wakatahuri; or record that aquaculture will not affect the relevant values.	Page 51 and 52 of the Natural Character s42A report	Reject
Christopher Redwood 601/5	Remove natural character overlay from the vicinity of marine farm 8316 in Pidgeon Bay; or record that aquaculture will not affect the relevant values.	Page 51 and 52 of the Natural Character s42A report	Reject

Topic 6: Indigenous Biodiversity

Prepared by Andrew MacLennan

Submissions and Assessment

133. Forest and Bird (715.390) (715.432) seek that new standards be added to the Rural Environment Chapter and the Coastal Environment Chapter to ensure protection of significant indigenous vegetation outside the Coastal Environment and outside the Threatened Environment Overlay. The standards sought include species description, height, density and area of clearance limitation. Similar relief is sought under submission point 715.379, which is considered on page 51 of the Indigenous Biodiversity Section 42A report where I state that:

'I consider that an additional standard restricting the removal of significant indigenous vegetation, would not be an efficient method of achieving Objective 8.1. I consider that the additional standard would result in any removal of indigenous vegetation requiring an assessment to determine whether the particular area is considered significant. I consider that this is an inefficient method of achieving the outcomes sought within Objective 8.1, as it will likely require a specialist assessment which adds additional time, cost, and uncertainty to an activity. In contrast, I consider that the voluntary programme allows significant indigenous biodiversity to be identified and measures put in place to ensure it is protected on a property wide scale. As noted above, I consider that this voluntary approach has been proven to be an effective method of actively protecting the value of Marlborough's indigenous biodiversity.'

As such, I do not recommend that an additional subsection is added to Standard x.3.x.3 within areas outside of the coastal environment. For areas within the coastal environment, I consider that the NZCPS has more directive requirements in terms of how indigenous biodiversity is to be managed, which are discussed later in this report.'

I maintain this position, and do not consider an additional standard is required.

134. Federated Farmers (425.427) oppose the provisions for clearance of vegetation that is not indigenous, and also oppose the definition for vegetation clearance. They seek that the definition for vegetation clearance is amended as follows:

Indigenous Vegetation Clearance means the cutting, destruction or the removal of all forms of standing vegetation that is indigenous to New Zealand ~~including indigenous and exotic plant vegetation~~ by cutting, burning, cultivation, crushing, spraying or chemical treatment.

This issue was considered as part of the Land Disturbance Section 42A report within paragraphs 154 to 158. This particular submission point was not assessed. However, it was acknowledged that the 'vegetation clearance' definition captures both 'indigenous' and 'non-indigenous' vegetation clearance and any amendments made to the definition in Land Disturbance Section 42A report may unintentionally impact the activities captured by the indigenous vegetation clearance standards. Given that the proposed definition of 'Vegetation Clearance' is used in standards relating to both non-

indigenous vegetation clearance (Standard 3.3.12, 4.3.11 and 7.3.7) and also indigenous vegetation clearance (Standards 3.3.11, 4.3.10 and 7.3.8) it would be inappropriate to amend the definition as suggested, as this would lead to a disconnect between the non-indigenous vegetation clearance standards and the definition of 'Vegetation Clearance'. Given this I do not support the suggested amendments to the definition.

135. Guardians of the Sounds (752.52) support the identification, mapping and ongoing monitoring and protection of ecologically significant marine sites and seek that they be retained. While this specific submission point was not considered within the Indigenous Biodiversity Section 42A report, a number of submitters supported Policy 8.3.7, Rule 16.7.5, and 8.AER.1 and sought that these provisions be retained as notified. I agreed that ecologically significant marine sites should be retained.
136. Legacy Fishing Limited (906.19) (906.20) consider that Map 17 Marine Mammal (Whale) does not relate to any recommendation or restriction written into the body of the MEP. They consider that it is not appropriate to include an overlay map that has no reference or purpose, particularly as submitters are not able to understand or judge why they have been included and therefore are not in a position to make a meaningful submission on these maps. They consider that marine mammal management sits at the national level through the Department of Conservation and falls outside Council jurisdiction. They seek that Map 18 Marine Mammal (Dolphin) is deleted from the MEP.
137. This submission was not considered as part of the Indigenous Biodiversity Section 42A report. I note that within pages 71 – 72 of the Indigenous Biodiversity Section 42A report I discuss the vulnerability of the ecologically significant marine site (ESMS). As part of this assessment I considered that the 41 ESMS that are not considered vulnerable to bed disturbance activities, such as ESMS that protect bird nesting, or dolphin and whale habitats be removed from the application of Rule 16.7.5. This suggestion clarifies that the proposed prohibited activity rule for dredging, bottom trawling, and anchoring will not apply within the Map 17 or Map 18 ESMS's. These sites have been retained within the MEP as there are a range of objectives and policies within the MEP that direct the identification, and protection of areas of significant indigenous biodiversity value (Objectives 8.1 and 8.2, Policies 8.1.1, 8.1.2, and 8.2.1). Given these areas have been identified as significant, these objectives and policies will be relevant to any new activities seeking to develop within these areas for which consent is required. Given this I consider the mapping and identification of these areas is required to achieve the direction of the objectives and policies listed above. I do not support the deletion of these areas.
138. Te Atiawa o Te Waka-a-Maui (1186.231) note that a recent report commissioned by the MDC identified significant ecological habitat at the mouth of the Waikawa Stream. This habitat was identified as critical to the functioning of the Queen Charlotte Sound, and one of the last remaining locations of this habitat. They seek that Map 41 is modified to create a new overlay for 'significant habitat' and cover the significant eel grass beds at the mouth of the Waikawa Stream. Mr Peter Hamill, MDC's Team Leader – Land and Water made the following comments:

From my knowledge of the extent of seagrass beds in the Marlborough Sounds and reading the Waikawa Estuary (Marlborough) Broad Scale Habitat Mapping 2016 report prepared by Leigh Stevens and Barry Robertson I am in agreement with Te Atiawa's submission that it is a habitat

that is ecologically important for many species that live in Queen Charlotte Sound. It is my view that the Waikawa seagrass beds are ecologically significant based on the criteria set out in Appendix 3 of the Proposed Marlborough Environment Plan based on the representativeness and rarity criteria. It Ranks H for representativeness as it is one of the best examples of the characteristic ecosystem in the region and Ranks H in Rarity as the seagrass bed is a regionally rare community.

Previously the method for determining ecological significance in the marine environment has involved the use of an expert panel. The panel assesses the site as a whole and provide input on the significance criteria from their varied areas of expertise. If the Waikawa Estuary was to be included in the MEP as a significant area it would be included using a different methodology and therefore it may be prudent to put the site forward to the next meeting of the expert panel and if it is deemed significant by the Panel, be included in the MEP in the next plan change round.

Recommendation

139. No change to recommendations.

Topic 6: Indigenous Biodiversity - Significant Wetlands

Prepared by Paul Whyte

Submissions and Assessment

Rule 3.7 Prohibited Activities - Rural Environment Zone.

140. Rule 3.7 outlines a number of prohibited activities, including the drainage of specified wetlands. Fish and Game (509.325) requests additional prohibited activity rules to ensure the protection of wetlands by ensuring no livestock, including intensively farmed livestock, will have access to significant wetlands and that no grazing or cropping is undertaken within any wetland area.
141. This submission has similarities to Fish and Game (509.190) on Policy 15.1.23 which was dealt with in the Section 42A report on Water Resource (Quality). In paragraph 49 the following was stated:
- The Fish and Game submission (509.190) seeks amendments to the Policy to ensure all intensively farmed livestock access to rivers, lakes and wetlands is avoided. The submitter is of the view that access to rivers, lakes and wetlands is avoided, and note that it has also sought amendment to the definition of intensively farmed livestock to include all lowland farmed cattle. The exclusion of stock from Significant Wetlands was a matter considered carefully during the consultation process and the outcome was that it was a step too far. The wetlands that remain are there only because the current farming regime has allowed them to not be destroyed, so with identification of the Significant Wetlands in the MEP and management provisions around them, the view was that that landowner management would allow them to continue to exist without the need for total stock exclusion. If stock are allowed to graze wetlands to a point where they no longer exist then obviously these wetlands would benefit from fencing, however it was considered that non-regulatory approaches, such as the Significant Natural Area programme were the best approach to this issue.*
142. In my view, a consistent approach should be taken, and the same reasoning above can be adopted for any change to the rules. In addition, there are rules relating to cultivation in proximity to wetlands. I also note that in the Reply to Evidence report for Water Resource (Quality) the following was stated in respect of the Fish and Game submission (509.190):
- The evidence states that the submitter supports the approach taken by the Council as an interim measure ahead of national direction. On that basis, it is assumed that the submitter no longer seeks changes to the Policy (509.190) and supports its retention as notified.*
143. Accordingly, it appears the submitter supports the general approach to wetlands and given this and the above, I recommend the submission is rejected.
144. Rarangi District Residents Association (1089.30) state that there is no mention of excluding stock from wetlands and given grazing and trampling by stock can cause serious damage a new rule should be included that exclude stock from Significant Wetlands. Given my response above, I am of the view that the submission should be rejected.

145. Rarangi District Residents Association (1089.25) requests that the Rarangi Significant Wetlands (WSS, W132, W133, W134, W135, W136, W138) are added to the named waterbodies in 3.7 Prohibited Activities. The submission presumably refers to Rules 3.7.7-3.7.11 which prohibit drainage from a number of specified wetlands.
146. Peter Hamill (MDC Senior Environmental Scientist- Water Quality and Ecology) has considered this submission point and does not support the addition of the wetlands, as the wetlands are located within modified environments and some are being restored or may be suited to restoration. Therefore, it would be more appropriate for drainage of these wetlands to require a discretionary activity resource consent to enable each specific case to be assessed on its merits. I support this viewpoint and accordingly the submission should be rejected.

New Rule, Removal of Vegetation – Rural Zone and the Coastal Environment Zone.

147. Thomas R Stein (1179.37 and .38) and Queen Elizabeth the Second National Trust (1265.15 and .16) request a rule that allows for the removal, by non-mechanical means, of non-indigenous species within, or within 8 metres of a significant wetland as part of a restoration project in the Rural and the Coastal Environment Zones. The submitters note that this matter is currently only covered in the Rural Living Zone and should be extended to the above zones.
148. I note this issue was addressed in paragraph 107 of the Section 42A report for Significant Wetlands, which in dealing with a similar submission on Rules 3.3.12.3 and 4.3.11.3 noted:

The use of the standards in the MEP that are worded “Vegetation clearance must not be in, or within 8m of a Significant Wetland” was reviewed and the writers do, in part, agree with an issue raised by C Shaw. It is noted in the submission that the Rural Living Zone has a standard that does enable some plant removal by non-mechanical means, that same standard does not exist in the Rural or Coastal Environment Zones. On review it was identified that both the Rural and Coastal Living Zones and all the Open Space Zones enable some plant removal by non-mechanical means but the Rural or Coastal Environment Zones do not. In the writer’s view this is an oversight as it is not logical that provisions for the less rural type zones would be more enabling in this regard than the very rural type zones. It is recommended that Standards 3.3.12.3 and 4.3.11.3 are amended to reflect similar standards in other zones, but that no specific enablements be made relative to restoration projects.

149. Accordingly, paragraph 189 of the Section 42A report recommended that Rules 3.3.12.3 and Rule 4.3.11.3 be amended as set out below and in order to retain consistency, I believe the same amendments should be adopted for Thomas R Stein (1179.37 and 38) and Queen Elizabeth the Second National Trust (1265.15 and.16).

~~Standard 3.3.12.3 – Vegetation clearance must not be in, or within 8m of a Significant Wetland....~~
Within, or within 8m of, a Significant Wetland, plants identified in Appendix 25 must be the only vegetation removed, and plants must only be cleared by non-mechanical means.

~~Standard 4.3.11.3 – Vegetation clearance must not be in, or within 8m of a Significant Wetland....~~
Within, or within 8m of, a Significant Wetland, plants identified in Appendix 25 must be the only vegetation removed, and plants must only be cleared by non-mechanical means.

150. For completeness, it is also noted that para 185 of the section 42A report recommended a further amendment to Rule 3.3.12.3 in respect of fenced wetlands.

Recommendation

151. That Fish and Game (509.325) is rejected.
152. That Rarangi District Residents Association (1089.30) is rejected.
153. That Rarangi District Residents Association (1089.25) is rejected.
154. That Thomas R Stein (1179.37 and 38) and Queen Elizabeth the Second National Trust (1265.15 and.16) are accepted and Rules 3.3.12.3 and 4.3.11.3 are amended as follows:

~~Standard 3.3.12.3 – Vegetation clearance must not be in, or within 8m of a Significant Wetland....~~
Within, or within 8m of, a Significant Wetland, plants identified in Appendix 25 must be the only vegetation removed, and plants must only be cleared by non-mechanical means.

~~Standard 4.3.11.3 – Vegetation clearance must not be in, or within 8m of a Significant Wetland....~~
Within, or within 8m of, a Significant Wetland, plants identified in Appendix 25 must be the only vegetation removed, and plants must only be cleared by non-mechanical means

Topic 7: Public Access and Open Space

Prepared by Paul Whyte

Submissions and Assessment

General Rule 2.9.10

155. NMFG (509.278) supports General Rule 2.9.10 which provides for passive, informal or active recreation in, on, under, or above the bed of a lake or river. The support is noted.

Recommendation

156. That NMFG (509.278) is accepted.

Topic 9: Natural Hazards

Prepared by Paul Whyte

Submissions and Assessment

Fire Safety Setback

157. MDC (91.222) requests a new standard be added to the Rural Living Zone under Rule 8.2.1 so that any habitable structure or accessory building must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership. The submitter states this addition is required to ensure consistency with the Coastal Environment Zone and Rural Environment Zone, and as it is possible there may be some existing forestry in the Rural Living Zone or on adjacent land zoned Coastal Environment Zone and Rural Environment Zone.
158. I believe the reasoning appears sound and will improve fire safety in the district by requiring a separation distance. I note the standard in the Coastal Environment Rural and Rural Environment Zones was the subject of some submissions which resulted in some minor amendments to the rule and it is appropriate that these are applied to the standard in the Rural Living Zone (refer paras 347-349 and 357 of Section 42A report).

Recommendation

159. That MDC (991.222) is accepted in part and a new standard is added to Rule 8.2.1 as follows:

8.2.1. A habitable structure or an accessory building to the habitable structure must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.

Topic 10: Urban Environments

Submissions and Assessment

160. A total of 19 submission points, which were previously considered and addressed in the Section 42A Report for Urban Environments, were not included in hearing notices provided to the relevant submitters. A list of these submission points and where the relevant assessment can be found in the original report are listed in Appendix 2.

Recommendation

161. No change to recommendations.

Topic 11: Use of the Coastal Environment

Prepared by Deborah Donaldson

Submissions and Assessment

Submission from Yachting New Zealand (503.003)

162. Yachting New Zealand made a submission (503.3) requesting that the definitions for '*recognised navigational routes*' and '*recognised anchorages of refuge*' be included within Volume 2 – Chapter 25 - Definitions of the Plan. Yachting New Zealand sought the inclusion of these definitions as consequential amendments to the submission (503.2) which they made on Policy 13.15.2.
163. The s42A report¹⁸ (at paragraph 496-504) responded to Yachting New Zealand's submission on Policy 13.15.2 by recommending that Policy 13.15.2(b) be amended to include consideration of '*recognised navigation routes*'.
164. In addition, it was recommended that a new definition be included within Chapter 25 - Definitions for '*recognised navigation routes*.' The wording of the definition reflects the relief sought by the submitter.
165. After considering Yachting New Zealand's evidence I recommended (within the Reply to Evidence at pages 74-76) that Policy 13.15.2(e) be amended to include '*ensuring that areas that provide for recognised anchorages of refuge are not adversely affected by activities within structures within the coastal marine area.*'
166. I also recommended that a new definition (that reflects the relief sought by the submitter) is provided within Chapter 25 - Definitions for '*Recognised Anchorages of Refuge*'.

Recommendation

167. For the reasons outlined above and contained within the s42A report and Reply to Evidence, I recommend that Volume 2 - Chapter 25 Definitions is amended to include definitions for '*Recognised Navigation Routes*' and '*Recognised Anchorages of Refuge*', and that the submission of Yachting New Zealand (503.003) is accepted.

Submission from Bryan Skeggs (574.018)

168. A submission was received from Bryan Skeggs (574.018) on Chapter 15 - Resource Quality (Water, Air, Soil). Mr Skeggs, a marine farmer, submitted that clean water and healthy ecosystems are important to continue to produce safe, quality seafood with environmental integrity. He submitted that terrestrial and coastal activities could:
- a. negatively impact water quality;
 - b. decrease opportunities to harvest;

¹⁸ S42A Hearings Report, Topic 11: The use of the Coastal Environment, 12th March 2018, prepared by Debbie Donaldson.

- c. increase monitoring and testing costs; and
 - d. have an adverse impact on the industry's (marine farming) international reputation and market advantage.
169. Mr Skeggs requested that a marine farm protection overlay within 1000m of the boundary of any marine farm be created.
170. The nature of this submission and relief sought is similar to Aquaculture NZ's submission (401.139) considered within my s42A report (paragraphs 1326 – 1329).
171. It was apparent from Aquaculture NZ's verbal evidence at the hearing that the intention of the 1000m marine farm protection overlay was to prevent discharges of contaminants from land entering the coastal marine area. These contaminants then posed a risk to water quality near marine farms. Mr Skeggs submission also reflected this.
172. Aquaculture NZ submitted on the 1000m marine farm protection overlay within Topic 17 – Subdivision (401.182).
173. Mr Ian Sutherland (s42A officer) rejected these submissions within his s42A Report¹⁹ and Reply to Evidence²⁰ on this topic. He argued that Appendix 7 and other sections of the MEP and NZ standards would adequately protect against contamination, and in particular to coastal waters.
174. I am still unclear about how this overlay would work in practice, given that there are existing rules and standards within the Plan that already restrict the discharge of contaminants to the coastal marine area. I am also unsure about what the overlay would achieve and what the practical implications of the applying the overlay would be.

Recommendation

175. For the reasons outlined above I recommend that the submission of Bryan Skeggs (574.018) is rejected.

Submission from Forest and Bird (715.360)

176. Forest and Bird (715.360) made a submission on 13.AER.1. While they support the target to protect mapped areas of significance, they raised concerns that this target failed to achieve s6 of the RMA or Policy 11 of the NZCPS, as there is no clear process for mapping significant vegetation or significant habitats of fauna, or indigenous biodiversity. They also stated that monitoring to assess effectiveness within 13.AER.1 failed to include monitoring of permitted activities and compliance with the Plan.
177. Mapping of sites of 'significant vegetation or significant habitats of indigenous fauna' was raised by Forest and Bird in their submission (715.215) on Policy 13.1.1. Within my Reply to Evidence (pages 12-13) I agreed with the submitter that Policy 11(a) of the NZCPS requires that adverse effects are

¹⁹ S42A Hearings Report, Topic 17: Subdivision, 23rd March 2018, prepared by Ian Sutherland, paragraphs 371-377.

²⁰ S42A Reply to Evidence, Topic 17: Subdivision, 3rd October 2018, prepared by Ian Sutherland, page 2.

avoided on areas with indigenous biological diversity listed in Policy 11(a). To do this, it is important that these sites are identified and mapped by the Council within the Coastal Environment.

178. In light of the above, I agree that 13.AER.1 should reflect the need for mapping of, and reassessment of areas of 'significant vegetation or significant habitats of indigenous fauna'. However, given 'biodiversity' is already listed within 13.AER.1 it does not need to be listed separately. I consider that the AER already provides the relief requested by the submitter.
179. Forest and Bird submit that the monitoring to assess effectiveness in 13.AER.1 also fails to include monitoring of permitted activities and compliance with the Plan.
180. I have concerns about how this could be done in practice. The nature of permitted activities is such that the standards contained within the rules provide a restriction on the nature or extent to which an activity can occur, without the requirement for a resource consent, and without the need to contact, gain permission, or consult with Council or any other party, before, during or after the activity is undertaken. As such it would be difficult for Council to monitor the level of 'permitted activities' occurring across the coastal environment, whether these activities occur on public or private land.
181. Section 35 of the RMA places a duty on the Council to gather information, monitor and keep records, which includes monitoring the efficiency and effectiveness of policies, rules and other methods in its Plan²¹. At least every 5 years Council is required to compile and make available to the public a review of the results of its monitoring²². Given that this requirement exists outside of the Plan, I do not consider it necessary to include it within the AER.

Recommendation

182. For the reasons outlined above I recommend that 13.AER.1 is retained as notified and the submission of Forest and Bird (715.360) is accepted in part.

Submission from Te Rūnanga o Toa Rangatira (166.43)

183. Te Rūnanga o Toa Rangatira raised concerns in their submission on Method 5.M.10 (166.43) that there were no rules in place to enforce the Tangata Whenua chapter, and nothing to show how MEP policies would be met. Te Rūnanga o Toa Rangatira stated that while it was useful to have a chapter addressing Tangata Whenua issues, objectives and policies, this needed to be supported by specific rules and methods to ensure that the Council met its legal obligations. Te Rūnanga o Toa Rangatira sought the development of specific rules that would include;

5.M.10 Make a rule to consult with iwi in and around coastal statutory areas.

184. Allocation of space within the coastal marine area to a person or entity is likely to occur through one of two processes:

²¹ RMA s35(2)(b)

²² RMA s35(2A)

- a. In most cases the allocation space will be intrinsically linked to requirement for a coastal permit for coastal occupation (for example for a jetty). Such an application would resource consent as discretionary activity. If the proposal has the potential to effect Maori cultural values then consultation with iwi will be required as part of the resource consent process.
 - b. Council can also zone areas within the coastal marine area for a certain activity, such as aquaculture. Rezoning can occur through a plan review, or plan change, and iwi must be consulted as part of this process.
185. In addition, any change in an allocation regime by the Council will also require a plan change with s32 analysis. Section 32 of the RMA has recently been amended and s32 reports must now include a summary of all advice received from iwi on the plan change, and a summary of *how* the plan change responded to that advice, including any provisions to give effect to the advice.
186. There is existing direction within the MEP, within Policy 3.1.2 and Methods 3.M.2 of Chapter 3 – Marlborough’s Tangata Whenua Iwi (that recognise statutory acknowledgements), and in 3.M.4 Consultation to ensure that iwi are treated as affected parties on appropriate resource consent applications. ^[1]_[SEP]

Recommendation

187. For the reasons outline above I recommend that the submission of Te Rūnanga o Toa Rangatira (166.43) is rejected.

Submissions on Rule 16.3.16

188. Four submissions were received in response to Rule 16.3.16 contained within Volume 2 – Chapter 16 Coastal Marine Zone. These submissions were not addressed within the s42A Report, s42A Addendum Reports, or the Reply to Evidence for Topic 11 – Use of the Coastal Environment.
189. Rule 16.1.19 provides that the ‘Take and use of coastal water’ is a permitted activity within the Coastal Marine Zone. Rule 16.3.16 sets out the standards to be met which include;

16.3.16.1 The take of coastal water must not be from within the following Ecologically Significant Marine Sites:

- (a) Whangarae Bay – No. 1.1;*
- (b) Greville Harbour – No.1.7;*
- (c) Anakoha Bay Estuary – No .2.25;*
- (d) Tuna, Harvey and Duncan Bay Estuaries – No. 3.10;*
- (e) Clova Bay – No. 3.14;*
- (f) Kaiuma Estuary – No. 3.19;*
- (g) Havelock-Mahakipawa Estuaries – No. 3.20;*

(h) *Kenepuru Estuary* – No. 3.21;

(i) *Okiwa Bay* – No. 4.1;

(j) *Ngakuta Bay* – No. 4.5;

(k) *Shakespeare Bay* – No. 4.10;

(l) *Whatamongo Bay* – No. 4.12;

(m) *Deep Bay* – No. 5.7;

(n) *Wairau Lagoon* – No. 8.2.

190. Marine Farming Association (426.230), Aquaculture New Zealand (401.234) and Sanford Limited (1140.50) have all made submissions arguing that boats should be able to take and use coastal water for cooling or non-consumptive uses. They claim that Standard 16.3.16.1 needs to be amended so that it does not apply to the take and use of water for the ordinary operation of vessels. Sanford Limited submit that 16.3.16.1 should be amended to read “*Other than for the purposes of running a vessel.*”
191. Fire and Emergency New Zealand (993.077) supported standard 16.3.16 as notified. They consider that the standards appropriately manage the location of water takes in relation to ecologically significant areas and any potential water quality effects.
192. Section 14(2) of the RMA states that ‘no person may take, use...water other than open coastal water, unless the taking, using is allowed by s14(3). Section 14(3) states that a person is not prohibited under s14(2)(a) if:
- a. the taking and using is expressly allowed by a NES, a rule in a regional plan or a resource consent; or
 - b. pursuant to s14(2)(d) coastal water (other than open coastal water) is required for an individuals’ reasonable domestic or recreational needs, and that the taking and use does not, or is not likely to have an adverse effect on the environment.
193. The NZCPS recognises the contribution made to the social, economic and cultural wellbeing of people and communities from the use of the coastal marine area (Policy 6(2)(a)). The Policy also recognises that there are certain activities that have a functional need to be located within the coastal marine area, and that it is appropriate to allow for these activities in certain places (Policy 6(2)(b)).
194. Within the MEP, the following activities are provided for as permitted activities with the Coastal Marine Area;
- Discharge of coastal water into coastal water (Rule 2.16.5 with Permitted Activity Standards within 2.17.5)
 - Use of surface water by a ship (Rule 16.1.3)

- Coastal recreation (Rule 16.1.5) (Definition in Chapter 25 includes sailing and boating)
 - Take and use of coastal water (Rule 16.1.19)
195. As outlined above, within the Coastal Marine Zone the 'take and use of coastal water' is a permitted activity under Rule 16.1.19. This is subject to performance standards contained within Standard 16.3.16, that state that the take of coastal water must not occur within the listed Ecologically Significant Marine Sites (ESMS).
196. On review of the ESMS listed within Standard 16.3.16 it is noted that the sites listed are predominately estuaries. In most cases, there would be very limited, or no access at all, by vessels into these ESMS.
197. There are however exceptions to this and it is apparent that vessels are currently operating within some of the ESMS listed within 16.3.16. An example of this is Greville Harbour where a boat jetty is located within the ESMS boundaries, and the Marlborough cruising guide identifies a number of safe anchorages located within the harbour.
198. The submitter is requesting that the standard does not apply to the ordinary operation of vessels. It is therefore necessary to consider the potential effects of any amendment to the standard.
199. The potential effects of allowing vessels to operate within the listed ESMS are;
- Potential effects on water quality from the discharge of coastal water into coastal water resulting from the take and use of coastal water to operate the boat; and
 - Any disturbance of the foreshore and seabed from the use of vessels.
200. The discharge of coastal water into coastal water is a permitted activity (Rule 2.16.5) provided it meets the standards in Rule 2.17.5. These standards control temperature, dissolved oxygen, aquatic organisms, marine risk organisms, emissions or objectionable odour, and pH levels.
201. Any permitted activity within the Coastal Marine Zone must also comply with the standards for foreshore and seabed disturbance contained within Rule 16.2.1.
202. It is noted that the permitted activity standard 16.3.16.1 only restricts the 'take' of water in these ESMS, and not the use, and there are no rules that prohibit discharge within these sites.
203. For these reason, I do not consider that applying an exemption, as proposed by the submitters to allow for the 'normal operation of a vessel' would be likely to result in any adverse effects on the environment, and in particular to the listed ESMS. In reality a number of these site are not accessible by vessel anyway, and where the sites are, boats are currently using these sites. As far as I am aware there has been no evidence presented to demonstrate that the take of water from these sites for the normal operation of a vessel is, or is likely to, cause adverse effects on these sites.
204. I do not consider that the amendments proposed above will alter the outcome of the rule, which is to limit water takes from these ESMS where doing so may have adverse effects on these environments.

205. For the reasons outlined above I recommend that the submissions of Marine Farming Association (426.230), Aquaculture New Zealand (401.234), Sanford Limited (1140.50) and Fire and Emergency New Zealand (993.077) are accepted.

206. I recommend that Permitted Activity Standard 16.3.16.1 is amended to read;

16.3.16 Take and use of coastal water

16.3.16.1 Except for the ordinary operation of a ship ~~the~~ take of coastal water must not be from within the following Ecologically Significant Marine Sites:

- (a) Whangarae Bay – No. 1.1;
- (b) Greville Harbour – No.1.7;
- (c) Anakoha Bay Estuary – No .2.25;
- (d) Tuna, Harvey and Duncan Bay Estuaries – No. 3.10;
- (e) Clova Bay – No. 3.14;
- (f) Kaiuma Estuary – No. 3.19;
- (g) Havelock-Mahakipawa Estuaries – No. 3.20;
- (h) Kenepuru Estuary – No. 3.21;
- (i) Okiwa Bay – No. 4.1;
- (j) Ngakuta Bay – No. 4.5;
- (k) Shakespeare Bay – No. 4.10;
- (l) Whatamongo Bay – No. 4.12;
- (m) Deep Bay – No. 5.7;
- (n) Wairau Lagoon – No. 8.2.

Submissions and Assessment

Submission points addressed in the Section 42A Report

Submission by Marlborough District Council (91.157)

207. Marlborough District Council made a submission (91.157) requesting that Policy 15.1.19 and Rule 16.7.4 be amended so that they to clarify the intended application of the policy and rule to apply only to discharges of sewerage from land based activities. The submission proposed that Policy 15.1.19 and Rule 16.7.4 are amended to read:

Policy 15.1.19 – Progressively work toward eliminating the discharge of human sewage from land based activities to coastal waters in the Marlborough Sounds, with the exception of regionally significant infrastructure.

Rule 16.7.4 - Discharge of treated or untreated human sewage [from land based activities](#) into the coastal marine area, except for the discharge of treated human sewage from regionally significant infrastructure.

208. The submission (91.157) was accepted (pg 284) within the s42A Appendix. However, the recommendation within the s42A Report (paragraph 1219) does not reflect this as it states that Policy 15.1.19 and Rule 16.7.4 are retained as notified.
209. It is clear in my s42A Report assessment (at paragraphs 1191 and 1192) that I accepted the MDC submission as a means to improve the interpretation of the Policy and Rule. This is also reflected in the 'Topic 11 - Section 42A Report Writer - Reply to Evidence - Tracked Changes Document' that accompanied the Reply to Evidence and contains the above mark ups within this document.

Recommendation

210. For the avoidance of doubt, I recommend that Policy 15.1.19 is amended to read;

Policy 15.1.19 – Progressively work toward eliminating the discharge of human sewage [from land based activities](#) to coastal waters in the Marlborough Sounds, with the exception of regionally significant infrastructure.

211. For the avoidance of doubt, I recommend that Policy Rule 16.7.4 is amended to read;

Rule 16.7.4 - Discharge of treated or untreated human sewage [from land based activities](#) into the coastal marine area, except for the discharge of treated human sewage from regionally significant infrastructure.

212. I recommend, as outlined within the s42A report (pg 284) that the submission of Marlborough District Council (91.157) is accepted.

Submission by Dominion Salt Limited (355.17)

213. A submission was received from Dominion Salt Limited (355.17) requesting that Planning Map 187 be amended to:

- Extend the area of the 'administration, workshops, salt refining and processing area' south to provide for growth;
- Extend Lake Grassmere Salt Works Zone over adjoining roads and over the Open Space Zone up to the edge of the Coastal Marine Area;
- Encompass 25m either side of the pipelines and infrastructure inside the Coastal Marine Area; and
- Encompass all of the Salt Works area of operation.

214. This submission was addressed at paragraphs 949 and 963-970 of the s42A Report, where a recommendation was made to retain Planning Map 187 as notified.

215. The matters raised in this submission were also raised by Dominion Salt at the hearing. I responded to this submission within my Reply to Evidence at pages 108-112 recommending amendments be made to Planning Map 187 to extend the area of the site identified as the 'Lake Grassmere Salt Works Administration, Workshops, Salt Refining and Processing Area', and providing for the inclusion of a 'Salt Works Outlet Zone'.
216. For the reasons outlined within the Reply to Evidence (pg 108-122) I recommend that the submission of Dominion Salt Limited (355.17) is accepted in part.

Submissions by Dominion Salt Limited (355.6 and 355.7)

217. Dominion Salt Limited (355.6 and 355.7) made submissions that permitted activity Rule 22.1.1 and 22.1.2 be amended to reflect the existing permitted activities within the operative MSRMP.
218. These submissions were addressed at paragraphs 973-976 and 981 of the s42A Report. The s42A Report recommended that the submissions were accepted and that amendments were made to Rule 22.1.1 and Rule 22.1.2 to reflect the relief sought by the submitter. The submitter at the hearing supported the recommendations made within the s42A Report.
219. For the reasons outlined within the s42A report it is recommended that the submissions by Dominion Salt Limited (355.6 and 355.7) are accepted.

Submission by Dominion Salt Limited (355.8)

220. Dominion Salt Limited (355.8) made a submission requesting that Rule 22.1.3 be revised to separate the 'take and use of coastal water' from the remainder of the rule.
221. This submission was addressed at paragraphs 977-978 of the s42A Report. There was no evidence presented at the hearing that altered the recommendation within the s42A Report.
222. For the reasons outlined within the s42A Report I recommend that the submission by Dominion Salt Limited (355.8) is rejected.

Submission by Dominion Salt Limited (355.11)

223. Dominion Salt Limited (355.11) made a submission requesting that the word '*Notwithstanding*' be removed from Rule 22.2.1.3 and replaced with '*any building not coming within*'. ^[1]_[SEP]
224. This submission was addressed at paragraphs 57-62 of the s42A Addendum Report dated 22nd March 2018, where I recommended that changes were made to Rule 22.2.1.3 to clarify the application of the Rule. The submitter, at the hearing, supported the recommended changes to the Rule.
225. For the reasons outlined within the s42A Addendum Report it is recommended that the submission by Dominion Salt Limited (355.11) is accepted in part.

Submission by Dominion Salt Limited (355.12)

226. Dominion Salt Limited made a submission (355.12) requesting the deletion of Rule 22.3.4.1.
227. This submission was addressed at paragraphs 979-980 and 982 of the s42A Report, with a recommendation to accept the submission in part and amend Rule 22.3.4.1 to allow for the construction of a temporary channel when a storm event is forecast, or immediately following a storm event. This recommendation was supported by the submitter within evidence presented at the hearing.
228. For the reasons outlined within the s42A Report it is recommended that the submission by Dominion Salt Limited (355.12) is accepted in part.

Submission by Federated Farmers (425.818)

229. In Federated Farmers' (425.818) submission they requested that Standard 16.3.11.1 be deleted and replaced with a new standard that states "The Council must be advised prior to the works occurring".
230. This submission was addressed at paragraphs 19-30 of the s42A Addendum Report dated 28th March 2018. I recommended there that the submission be rejected and that the Rule be retained as notified. This matter was raised in evidence at the hearing and addressed in my Reply to Evidence at pages 143-144, where I recommend that the recommendation within the s42A Addendum report be maintained.
231. For the reasons outlined within the s42A Addendum Report it is recommended that the submission by Federated Farmers (425.818) is rejected.

Submission by Michael William Rosson (950.3)

232. Michael William Rosson made a submission (950.3) opposing Policy 13.9.1. This Policy states that moorings will be limited to one mooring per certificate of title.
233. This submission was addressed at paragraphs 440-450 of the s42A Report recommending that Policy 13.9.2 is retained as notified and the submission of Michael William Rosson is rejected. This matter was raised extensively though the hearing, however my recommendations have not changed.
234. For the reasons outlined within the s42A Report it is recommended that the submission by Michael William Rosson (950.3) is rejected.

Submission from New Zealand Transport Agency (NZTA) (1002.200)

235. New Zealand Transport Agency (NZTA) (1002.200) made a submission supporting rules in the Port Landing Area Zone which recognise the need to protect road users from the potential adverse effects

of lighting and glare. The submission therefore supports Rule 14.2.4 – Use of external lighting, as notified.

236. This submission was accepted in the Appendix of my s42A Report (page 271) however it is noted that this submission was not specifically referred to within the main body of the s42A report.
237. Submissions dealing with lighting were generally addressed within Topic 18 – Nuisance Effects - by Mr Paul Whyte.
238. The only other submission received in relation to Rule 14.2.4 was from Port Marlborough New Zealand (PMNZ) (433.151) requesting changes to the external lighting standards within Standard 14.2.4.1. This submission was rejected by Mr Paul Whyte within his s42A report (at paragraph 41) who recommended that Rule 14.2.4 be retained as notified.
239. Given that there are no changes proposed to Rule 14.2.4, it is recommended that the submission from NZTA (1002.200) to retain the rule as notified is accepted. This is consistent with the recommendation contained in the Appendix of the s42A Report (pg 271).

Submission from Marlborough Roads (967.8)

240. The submission from Marlborough Roads (967.8) supports Policy 13.10.5 as notified. In particular Policy 13.10.5(a) requires consideration of the 'proposed reason for the structure and the benefits likely to arise from its use'. Marlborough Roads consider this policy would support coastal works related to the State Highway and local road network and related structures in the coastal marine area.
241. The submissions on the coastal structure provisions were addressed at pages 106-114 of the s42A Report. The submission was not specifically referred to within the report, but the report noted at paragraph 599 that the majority of submissions (which included this submission) supported the provisions as notified. Submissions on Policy 13.10.5 were discussed in detail at page 111- 112 of the s42A Report, and it was recommended that the submission was accepted given that no changes were recommended to Policy 13.10.5.
242. It is noted that one change was proposed to Policy 13.10.5 within the Reply to Evidence, however this change does not affect the submission from Marlborough Roads.
243. For the reasons outlined within the s42A Report it is recommended that the submission from Marlborough Roads (967.8) is accepted.

Submission from Port Marlborough New Zealand (PMNZ) (433.104)

244. The submission from PMNZ (433.104) opposed Rule 13.1.14 and associated Standards 13.3.5.1 and 13.3.5.2, which relate to living accommodation within the Port Zone.
245. The details of the submission, and an assessment of the submission, is contained at paragraphs 1079-1090 of the s42A Report. Within the s42A Report I recommended changes to Standard 13.3.5.2 to include 'contractors', in line with the submission by PMNZ.

246. Within evidence presented by Ms Louise Taylor for PMNZ, Ms Taylor confirmed that she was 'comfortable with the s42A officer recommendations'²³.
247. For the reasons outlined within the s42A Report the submission by PMNZ (433.104) is accepted in part.

²³ Evidence of Louise Elizabeth Robertson Taylor on behalf of PMNZ, dated 29th March 2018, pg 18

Topic 11: Allocation of Public Space in the Coastal Marine Area

Submissions and Assessment

Submission Points not addressed in the Section 42A report

General support for proposed charging regime

248. The submission by Eric Jorgensen (404.3) expresses general support for the issue definition and supporting objectives and policies. Mr Jorgensen seeks that the issue definition, objectives and policies are retained, and other submission points seek amendments to Policy 5.10.4,²⁴ Policy 5.10.5,²⁵ Policy 5.10.6²⁶ and Policy 5.10.7.²⁷
249. Submission point 404.3 expresses general support for the proposed coastal occupancy charging regime. Submissions of a similar nature are addressed in Section 5.4 of the s42A report. Having reviewed the submission there are no additional matters raised that I consider need responding to.
250. Other matters raised by the submitter have been addressed in the following sections of the section 42A report:
- 404.4 Policy 5.10.4 Sections 5.4, 5.14
 - 404.5 Policy 5.10.5 Sections 5.4, 5.14
 - 404.6 Policy 5.10.6 Sections 5.4, 5.14
 - 404.7 Policy 5.10.7 Sections 5.4, 5.14
251. In conclusion I propose no further amendments to the provisions in light of the matters raised by this submitter.

Submissions and Assessment

Submitters who were not invited to the hearing

Relocation of provisions to Chapter 13

Forest and Bird (715.101, 102, 103, 104, 105, 106, 107, 108, 109)

252. Forest and Bird made the following submissions (715.101, 102, 103, 104, 105, 106, 107, 108, 109) requesting that the provisions under Issue 5J relating to Coastal Allocation be relocated to Chapter 13 – The use of the Coastal Environment.
253. These submissions were addressed within paragraphs 134-137 of the s42A Report where it was recommended that the submissions be rejected. This matter was then raised within evidence

²⁴ Eric Jorgensen (404.4)

²⁵ Eric Jorgensen (404.5)

²⁶ Eric Jorgensen (404.6)

²⁷ Eric Jorgensen (404.7)

presented at the hearing by Marine Farming Association and Aquaculture NZ (who had made a further submission in support of the submissions of Forest and Bird).

254. I have reconsidered my recommendation made within the s42A in light of the evidence presented at the hearing. As outlined within my Reply to Evidence at pages 3-5, I recommend that the provisions under Issue 5J are moved to the end of Chapter 13 - The Use of the Coastal Environment, with subsequent changes to the title and introduction text of Chapter 13. This change is recommended so that provisions specifically relating to the Coastal Environment are contained within one chapter. I consider this change will improve navigation throughout the plan.
255. Therefore, for the reasons outlined within the Reply to Evidence at page 3-5, I recommend that the submissions of Forest and Bird (715.101, 102, 103, 104, 105, 106, 107, 108, 109) are now accepted.

Objective 5.10

The Fishing Industry Submitters (710.7)

256. The Fishing Industry Submitters (710.7) opposed Objective 5.10 on the basis that it failed to recognise inherent rights to utilise fisheries resources under the Fisheries Act 1996. They requested that the commentary of the objective is amended to make specific reference to the role of MPI under the Fisheries Act to manage fisheries.
257. This submission was addressed at paragraphs 141 and 157 of the s42A Report but was not raised during the hearing.
258. My assessment remains unchanged from that as outlined within the s42A report, and I continue to recommend that the submission is rejected.

Sanford Limited (1140.4)

259. Sanford Limited made a submission (1140.4) raising concerns that the use of the term 'equitable' in relation to the allocation of space within the coastal marine area was unclear.
260. The submission was addressed at paragraphs 143 and 147-156 of the s42A Report. This submission was similar to the submission from Aquaculture NZ(401.34) and Marine Farming Association (426.34). As part of the s42A Report I recommended that these submissions were rejected and no changes be made to Objective 5.10.
261. Aquaculture NZ and Marine Farming Association presented further evidence on their submissions to Objective 5.10 within the hearing on Topic 11. The evidence presented, and my assessment of this evidence is outlined at pages 5-6 of my Reply to Evidence. Within the Reply to Evidence I recommended changes to the commentary of Objective 5.10 to help clarify what 'equitable' meant when applying the objective.
262. I recommend that Sanford Limited's submission (1140.4) is accepted in part for the reasons outlined within the Reply to Evidence at pages 5-6.

Te Ātiawa o Te Waka-a Maui (1186.46)

263. The submission from Te Ātiawa o Te Waka-a Maui (1186.46) opposed Objective 5.10 on the basis that it does not take into account cultural values.
264. This submission was addressed within paragraph 144 and 158-159 of the s42A Report.
265. I addressed this submission within the Reply to Evidence at pages 7-9, recommending that changes are made to the commentary of Objective 5.10. These changes specifically refer the plan user to the provisions within Chapter 3 of the Plan. The changes also highlight the significance of this topic to iwi, ensuing that when considering coastal allocation within the coastal marine area the cultural and spiritual values of Marlborough's tangata whenua iwi are recognised and provided for.
266. For the reasons outlined within my Reply to Evidence I recommend that Te Ātiawa o Te Waka-a Maui's submission (1186.46) is accepted in part.

Judy and John Hellstrom (688.29)

267. The submission by Judy and John Hellstrom (688.29) supported Objective 5.10 as notified. This submission was addressed within paragraphs 140 and 161 of the s42A report.
268. The changes proposed to the commentary of Objective 5.10 (outlined within the s42A and Reply to Evidence) do not affect how the objective is applied and the wording of Objective 5.10 remains as notified. For the reasons set out within the s42A it is recommended that the submission of Judy and John Hellstrom (688.29) is accepted.

Policy 5.10.1

The Fishing Industry Submitters (710.8)

269. The Fishing Industry Submitters (710.8) opposed Policy 5.10.1 as they argued it failed to recognise inherent rights to utilise fisheries resources under the Fisheries Act 1996. The submitters requested that the policy be amended to state specifically that there are no inherent rights under the RMA.
270. This submission was addressed at paragraphs 165 and 173 of the s42A Report but was not raised at the hearing. My s42A assessment remains unchanged and I recommend that this submission is rejected.

Judy and John Hellstrom (688.30)

271. The submission by Judy and John Hellstrom (688.30) supported Policy 15.10.1 as notified. This submission was addressed within paragraphs 163 and 175 of the s42A report.
272. There are no changes proposed to the notified version of Policy 5.10.1 within the s42A and Reply to Evidence. It is recommended that the submission of Judy and John Hellstrom (688.30) is accepted for the reasons outlined in the s42A report.

Policy 5.10.2

Te Rūnanga O Ngāti Kuia (501.20)

273. The submission by Te Rūnanga O Ngāti Kuia (501.20) requested that if mooring areas are to be established then a portion of space should be set aside for iwi use. This submission was addressed within paragraphs 180 and 186-188 of the s42A report.
274. This particular issue was not raised at the hearing, nor were any amendments to Policy 5.10.2 proposed via the Reply to Evidence. For these reasons, my s42A report assessment remains unchanged and I recommend that the submission of Te Rūnanga O Ngāti Kuia (501.20) is rejected.

Judy and John Hellstrom (688.31)

275. The submission by Judy and John Hellstrom (688.30) supported Policy 15.10.2 as notified. This submission was addressed within paragraphs 177 and 190 of the s42A report.
276. Within the s42A and Reply to Evidence only minor changes to the commentary of Policy 15.1.2 are proposed. These changes do not affect the application of the Policy. For the reasons outlined within the s42A report it is recommended that the submission of Judy and John Hellstrom (688.31) is accepted.

Policy 5.10.3

Te Ātiawa o Te Waka-a-Maui (1186.47)

277. Te Ātiawa o Te Waka-a-Maui made a submission (1186.47) to amend Policy 15.10.3 to include cultural and environmental values. This submission was addressed within paragraphs 194 and 199-200 of the s42A report.
278. This particular issue was not raised at the hearing. Cultural and environmental values of any proposal requiring coastal occupation (and allocation of space within the coastal marine area) will be assessed through the resource consent process for a coastal permit for the activity. This process requires assessment of other objectives and policies within the plan including those within Chapter 3 – Marlborough's Tangata Whenua Iwi, and Chapter 13 - The Use of the Coastal Environment, which requires an assessment of the activity against the cultural and environmental values of the coastal environment.
279. I continue to recommend that the submission of Te Ātiawa o Te Waka-a-Maui (1186.47) is rejected for the reasons outlined within the s42A report.

Judy and John Hellstrom (688.32)

280. The submission by Judy and John Hellstrom (688.32) supported Policy 15.10.3 as notified. This submission was addressed within paragraphs 192 and 201 of the s42A report.
281. No changes are proposed to Policy 15.10.3 within the s42A and Reply to Evidence. For the reasons outlined within the s42A report it is recommended that the submission of Judy and John Hellstrom (688.32) is accepted.

Policy 5.10.4

282. The submission by Michael Rosson (950.1) opposes the proposed charging regime because there are already costs associated with moorings. This submission was coded to Policy 5.10.4, but more closely relates to general opposition to the charging regime.
283. This issue was addressed at paragraphs 104 – 106 of the s42A report where it was acknowledged that there are costs associated with moorings, and that the costs associated with the maintenance of a structure occupying the CMCA (such as a mooring) may be a relevant factor when assessing the public and private benefits associated with a structure. This could be a relevant factor under Policy 5.10.6(a) if a waiver was sought on the basis of the occupation being ‘non-exclusive’ and therefore providing less private benefit. No amendments to the policy were considered necessary.
284. This particular issue was not specifically raised at the hearing, and nor were any further amendments to Policy 5.10.4 proposed via the supplementary statement.

Policy 5.10.5

Pelorus Boating Club Inc (1246.3)

285. The submission by Pelorus Boating Club Inc (1246.3) seeks that moorings provided by boating clubs should be exempt from the coastal occupancy charging regime. This submission point was coded to Policy 5.10.1, but more closely relates to Policy 5.10.5.
286. This issue was addressed at paragraphs 239 – 242 of the s42A report where it was concluded that while there may be some level of public benefit being accrued to boating clubs’ moorings (depending on how they are managed, and to whom they are made available), this public benefit is not accrued to the extent that a blanket pre-determined exemption should be made for them in Policy 5.10.5.
287. This issue was addressed at the hearing by Paul Williams and the Waikawa Boating Club. As set out on page 3 of the supplementary statement provided to the Panel following the conclusion of the hearing I reiterated that my view on this issue remains unchanged. Consequently, no amendments to Policy 5.10.5 were proposed in the supplementary statement on this matter.

Michael Rosson (950.2)

288. The submission by Michael Rosson (950.2) opposes the proposed charging regime, and seeks that private jetties and moorings should be exempt from the charging regime, particularly if there is no road access. This submission point was coded to Policy 5.10.6, but more closely relates to Policy 5.10.5.
289. This issue was addressed at paragraphs 235 – 238 of the s42A report where it was concluded that private jetties and moorings that are associated with providing access to properties with no road access should not be exempt from the proposed charging regime.
290. This issue was raised at the hearing by another submitter,²⁸ but the argument put forward by the submitter did not alter my view on this matter. No changes were proposed to Policy 5.10.5.

²⁸ DC Hemphill (648.11)

Topic 12: Rural Environments

Prepared by Andrew MacLennan

Submissions and Assessment

291. Forest and Bird (496.100) support prohibited activities listed under Rule 3.7. and seek that these standards be retained. As part of the Rural Environments Section 42A report I considered the merits of Rule 3.7.1 related to woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established woodlot forestry plantation. In paragraphs 466 – 469 I assessed the submission points related to Rule 3.7.1 and concluded that, on balance, I considered that this rule is an appropriate method of achieving Objectives 15.4 and the water quality objectives listed within Chapter 15 of the MEP.
292. M and K Gerard (424.178) support the heading 7.3.6 and seek that it be retained. The heading associated with 7.3.6 (Planting of vegetation) was not considered within the Rural Environments Section 42A report, and no submission sought to amend the heading. As such, I agree that the heading 7.3.6 be retained.
293. Horticulture New Zealand (769.134) note that the RMA has a definition for production land that provides for primary production activities. They seek that this definition is included in the MEP as it encompasses all primary production activities, not only those limited by the definition of farming. The definition of 'production land' within the RMA reads as follows:
- production land—*
- 1. means any land and auxiliary buildings used for the production (but not processing) of primary products (including agricultural, pastoral, horticultural, and forestry products):*
 - 2. does not include land or auxiliary buildings used or associated with prospecting, exploration, or mining for minerals,—*
- and production has a corresponding meaning.*
294. Based on a word search of Volume 1 Chapters: 13 Use of the Coastal Environment, Chapter 14 Use of the Rural Environment, and Volume 2 Chapters: 2 General Rules, 3 Rural Environment Zone, 4 Coastal Environment Zone, 7 Coastal Living Zone, and 8 Rural Living Zone. The term 'production land' is used four times within four prohibited activity rules²⁹ related to the discharge of contaminants to air arising from the burning of a number of materials. Given there is no alternative definition of 'production land' within the MEP, and the term is defined within the RMA, I consider it would be appropriate to add reference to the RMA definition within Chapter 25 – Definitions of the MEP to add clarity to the prohibited activity rules listed above. I note that when other terms that have been defined in the RMA are used within the MEP, the definitions are not repeated in the MEP. Instead. the

²⁹ Prohibited Activity Rules: 3.7.14.(n), 4.7.9.(n), 7.5.6.(n), and 8.5.6.(n).

following reference is used: *'has the same meaning as in Section 2 of the Act'*. I consider a similar reference for 'production land' would be appropriate.

295. Pernod Ricard (1039.131) consider that the relatively broad definition of 'Farming' within the MEP would include viticulture activities (i.e. growing grapes) but would exclude the production of wine. They support this definition and seek that it be retained. As part of the Rural Environments Section 42A report I considered the submission points associated with the definition of 'Farming'. Within the foot note to paragraph 359 I list a range of submitters who support the definition of 'Farming' and seek that it be retained as notified. Pernod Ricard should have been included as part of those submitters.

Recommendation

296. I recommend that the following definition be added to Chapter 25 – Definitions of the MEP:

Production land has the same meaning as in Section 2 of the Act.³⁰

³⁰ Horticulture New Zealand (769.134)

Topic 13: Resource Quality (Air)

Submissions and Assessment

297. A total of four submission points, which were previously considered and addressed in the Section 42A Report for Resource Quality - Air, were not included in hearing notices provided to the relevant submitters. A list of these submission points and where the relevant assessment can be found in the original report are listed in Appendix 2.

Recommendation

298. No change to recommendations.

Topic 13: Resource Quality (Water)

Prepared by Paul Whyte

Submissions and Assessment

General Rule 2.9.9 - Livestock entering onto, or passing across, the bed of a river

299. NMFG (509.203) in respect of “General Rule 2.9.9 Livestock entering onto, or passing across, the bed of a river” seeks that the MEP apply the allocation of nutrients principles from Beef and Lamb NZ (attached as an appendix to the submission) as policies and rules when considering the allocation of nutrients for farming activities.
300. In my view it is not entirely clear how the allocation of nutrients is relevant to a rule controlling stock crossing over water bodies. It may be that the submission is part of a generic approach in respect of nutrients, but the submitter should clarify this. However, at this stage the submission is rejected. I note the rule is addressed in detail in paragraphs 164-199 of the Section 42A report for Resource Quality (Water).

Munsell Scale - Coastal Environment Zone

301. NFL (990.27) states there is no methodology available on how to use the Munsell scale in the standards in the Coastal Environment Zone (Rules 4.3.8.11, 4.3.11.11, 4.3.12.11, and 4.3.15.11 (although not all of these appear to relate to forestry)). As such, this leaves the rule open to interpretation and accordingly reference to the Munsell Scale should be deleted. An alternative is suggested by the submitter as follows:
- “Any discharge of sediment into water must not, after reasonable mixing, cause a decrease in clarity of more than 20% for more than 8 hours in any 24-hour period and more than 40 hours in total in any calendar month.”*
302. This matter was considered in Topic 13 Resource Quality (Water) where reference to a similar submission by NFL is considered in paragraph 873 of the Section 42A report. In paragraph 882, after considering all the submissions on this matter, the Section 42A report states the following:

It is recommended that WilkesRM Limited’s submission points 359.007, 359.008, 359.009, 359.013, 359.014, 359.015, 359.016, 359.017, 359.018, 359.020, 359.021, 359.022, 359.023, 359.024, 359.026, 359.027, 359.028, 359.029 and 359.030 are accepted as the writers agree with the submitter regarding the Munsell scale, so removal of the scale from the Standard is supported, ... and it is recommended that the Standards 3.3.9.11, 4.3.8.11, 8.3.8.11, 3.3.12.11, 4.3.11.11, 7.3.8.11, 19.3.4.6, 22.3.9.8, 3.3.13.6, 4.3.12.6, 3.3.14.12, 4.3.13.10, 19.3.6.15, 22.3.7.8, 22.3.6.6, 3.3.16.11, 4.3.15.11, 19.3.5.15 and 20.3.3.8 are amended as follows –

[Harvesting/Vegetation clearance/Cultivation/Excavation/Filling/Excavation or filling] must not cause any conspicuous change in the colour or visual natural clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area, as measured as follows:

~~(a) hue must not be changed by more than 10 points on the Munsell scale.~~

~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the [harvesting/vegetation clearance/cultivation/excavation/filling/excavation or filling] site.~~

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

303. The Section 42A report considered that the NFL suggested amendment identified above did not have sufficient justification (paragraph 873).

304. Accordingly, I believe that the recommendation above is adopted in respect of NFL (990.27) given that it retains a consistent approach.

Recommendation

305. That NMFG (509.203) is rejected.

306. That NFL (990.27) is accepted in part and Rules 4.3.8.11, 4.3.11.11, 4.3.12.11, and 4.3.15.11 are amended as follows:

[Harvesting/Vegetation clearance/Cultivation/Excavation/Filling/Excavation or filling] must not cause any conspicuous change in the colour or visual natural clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area. as measured as follows:

~~(a) hue must not be changed by more than 10 points on the Munsell scale.~~

~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the [harvesting/vegetation clearance/cultivation/excavation/filling/excavation or filling] site.~~

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

Topic 14: Waste and Discharges to Land

Prepared by Adele Dawson

Dairy Farm Effluent-Flood Hazard Areas

Submissions and Assessment

307. A number of submission points were received in relation to the discharge of dairy farm effluent, specifically the permitted activity standard related to storage systems within a flood hazard area. Permitted activity standards 3.3.28.10 and 4.3.27.9 state:

For a new dairy farm established after 9 June 2016, the storage system must not be located within:

(a) 20m of a river, lake, Significant Wetland, drainage channel or Drainage Channel Network;

(b) 20m of the boundary of any adjacent land in different ownership;

(c) a Flood Hazard Area.

308. Submissions on this permitted activity standard in relation to Flood Hazard Areas were not addressed in the s42A report. Federated Farmers (425.584, 425.681) support in part these standards but seek amendments. They state that most dairy farms are located in a flood hazard area of some level according to the Planning Maps but not all farmers believe the maps accurately address the flood risk. Federated Farmers considers that storage systems in flood hazard areas should only be avoided where there is a significant risk of regular inundation and as such seek that the permitted standard only refers to Flood Hazard Area 4. They consider that this is aligned with the policy approach in the MEP.

309. Dairy NZ (676.108, 676.153) and Fonterra (1251.85) also seek for the permitted activity standards to only restrict storage facilities in areas at risk of more frequent flooding. The submitters state that it is unclear in the MEP what shallow and moderate floods are and whether they pose a risk to the integrity of an effluent system. The submitters seek the standards are amended to refer to Flood Hazard Areas 3 and 4.

310. MEC (1193.81), Land Vision Limited (904.12) and Millen Associates Limited (972.9) support permitted activity standard 3.3.28.10 and seek it is retained.

311. 'Flood Hazard Area' is defined in the MEP as *an area identified on the Flood Hazard Area Maps 1 to 41*. Policy 11.1.9 seeks to establish a hierarchy of flood risk and sets out 4 levels of flooding as follows:

- a. Level 1: Land that suffers flooding of shallow, low velocity water in a flood event with an annual recurrence interval of 1 in 50 years;
- b. Level 2: Land that suffers flooding but the depth/velocity of the flooding is not well understood, or cannot easily be expressed relative to natural ground level, in a flood event with an annual recurrence interval of 1 in 50 years, or land within 8 meters of any lake, river or wetland;

- c. Level 3: Land that suffers flooding of deep, fast flowing water in a flood event with an annual recurrence interval of 1 in 50 years, or land in the bed of any lake or river or in any wetland; and
 - d. Level 4: Land that has the potential to suffer flooding of deep, fast flowing water in an extreme flood event that overwhelms stopbanks and other constructed flood defences.
312. The permitted activity standard restricts any new storage system from being constructed in any flood hazard area. The effect of this is not that these systems can never be located within these areas, but rather that a resource consent will be required as a discretionary activity to establish a new system within a flood hazard area. I consider that this is an appropriate approach as flooding may potentially overwhelm a storage facility or impact its integrity thereby creating a risk of the system leaking or failing. I consider it necessary to retain this standard to enable the assessment of new systems on a case by case basis via the resource consent process if a farmer seeks to construct a storage system where flooding may occur. This assessment can consider the nature of the flooding a specific site is vulnerable to and the risk posed to the specific storage system design.
313. In relation to the accuracy of the flood hazard maps, this has been assessed in Topic 9: Natural Hazards.

Recommendation

314. I do recommend any changes to permitted activity standards 3.3.28.10 and 4.3.27.9.

Application of agrichemical and fertiliser near waterbodies

Submissions and Assessment

315. Several submissions were received in relation to the permitted activity standards 3.3.22.3, 4.3.21.2, 3.3.23.3 and 4.3.22.2 in relation to the application of agrichemicals and fertiliser in close proximity to rivers. These standards are addressed in the original s42A report at paragraphs 329 and 330. Nelson Forests Limited (990.114, 990.115) submit that the term river is too broad, and the standards should only apply to permanently flowing and intermittently flowing waterbodies.
316. Windermere Forests Limited (1238.44) state that permitted activity standard 3.3.22.3 is impossible to comply with.
317. W Esson (336.19) opposes permitted activity standard 3.3.22.3 and states that due to the definition of 'river', it would be difficult to control noxious weeds around streams on forestry blocks. W Esson seeks that Rule 2.17.2 replaces Rule 3.3.22.3.
318. Permitted activity standards 3.3.22.3 and 4.3.21.2 state:

The application must not result in the agrichemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water.

Permitted activity standards 3.3.23.3 and 4.3.22.2 state:

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

319. A discussion on a similar matter is already included in the s42A report, paragraphs 329 and 330. I consider that there are risks to water quality associated with application of agrichemicals and fertiliser to waterbodies when water is present. The submitters have not provided any evidence to suggest that effects will be avoided if the standard is amended as request. As proposed, the permitted activity standards do not restrict application to ephemeral waterbodies where no water is present and there are no setbacks required from waterbodies where water is present. I consider the standards are quite enabling but careful application would be necessary to ensure the presence of water is identified and that discharges to water are avoided when operating in close proximity to waterways.

Recommendation

320. I do not recommend any changes to permitted activity standards 3.3.22.3, 4.3.21.2, 3.3.23.3 and 4.3.22.2.

Offal pit setbacks

Submissions and Assessment

321. Federated Farmers (425.596) submit on permitted activity standard 3.3.32.4 in relation to the setback required between offal pits and drainage channels. Federated Farmers do not support this required setback but no clear reason has been given. This matter is assessed in the s42A report at paragraph 711. I consider that separation is required between offal pits and drainage channels as drainage channels are likely to convey water into natural waterbodies and allowing offal pits within 20m poses a risk to the quality of the ultimate receiving waterbody.

Recommendation

322. I do not recommend any changes to permitted activity standard 3.3.32.4.

Dairy Farm Effluent Setbacks

Submissions and Assessment

323. Dairy NZ (676.98) submit on permitted activity standard 3.3.28.2 which requires specified setbacks from sensitive receiving environments for discharges of dairy farm effluent. Dairy NZ support this standard.
324. A change to standard 3.3.28.2 was recommended in the s42A report to require a 20m setback from mean high water springs. The support from Dairy NZ for this standard does not alter my recommendation for this change.

Recommendation

325. I do not recommend any further changes to permitted activity standard 3.3.28.2.

General Rule 2.22.1

Submissions and Assessment

326. MEC (1193.121) support the general rule 2.22.1 in relation to the application of an agrichemical and seek it is retained.

327. Rule 2.22.1 relates to the application of agrichemicals in the rail and road corridor. A discussion on these rules and submissions received is included in the s42A report at paragraphs 337 and 338. The s42A report includes a recommendation to specify these rules are discharges to land not discharges to air as proposed. The support from MEC for this rule is acknowledged and as outlined in the s42A report I recommend this rule is retained with amendments to the permitted activity standards to address other submitters' concerns.

Recommendation

328. I do not recommend any further changes to Rule 2.22.1.

Impeded Drainage

Submissions and Assessment

329. Land Vision Limited (904.14) seek a new definition is included in the MEP for the term 'impeded drainage'. Land Vision seek the addition of the following definition:

Impeded Drainage means soils that have either

i) between the 30cm and 60cm of the soil surface, but not within 15cm of the base of the A horizon, 50% or more low chroma mottles on cut faces or ped faces or

ii) that have within 15cm of the base of the A horizon or within 30 cm of the mineral soil surface, 2% or more redox segregations or <50% low chroma colours on cut faces or ped faces.

330. The term impeded drainage is relevant to the Soil Sensitive Areas, one of which represents soils with impeded drainage. In relation to submissions regarding the accuracy of the Soil Sensitive Areas, it has been recommended to include a new method in Chapter 15 (15.M.x) which describes the three types of Soil Sensitive Areas and that MDC will undertake further work to refine those areas. Paragraph 805 of the s42A report details this discussion. Because it has been recommended to include this new method which describes impeded drainage, I do not consider it is necessary to add a specific definition.

Recommendation

331. I do not recommend the insertion of a definition of impeded drainage.

Certified Nutrient Advisor

Submissions and Assessment

332. Ravensdown (1090.125) seek a definition is included for the term 'Certified Nutrient Advisor' and recommends that the industry accepted definition is used. This definition is:

A Nutrient Management Advisor certified under the Nutrient Manager Adviser Certification Programme Ltd.

333. Ravensdown have sought the inclusion of a definition of 'certified nutrient management advisor' as they have requested amendments to Method 15.M.25 that specifically seeks for nutrient management plans to incorporate a nutrient budget developed by a certified nutrient management advisor.
334. Submissions on Method 15.M.25 have been considered in Topic 13 Resource Quality (Water). The author of the Topic 13 s42A report and the reply report does not recommend amending method 15.M.25 as requested by Ravensdown therefore the term 'certified nutrient management advisor' is not recommended to be included within the MEP.

Recommendation

335. I do not recommend the insertion of a definition for Certified Nutrient Management Advisor.

Soil Sensitive Areas

Submissions and Assessment

336. Longfield Farm Limited (909.84) submit on Issue 15F stating that the MEP makes reference to Soil Sensitive Areas in a number of locations. Longfield Farm Limited appreciate the difference in soils and soils types and the differing nature of those soils with respect to discharges, disturbance and productivity however consider that the scale of the current mapping is extensive.
337. The accuracy of the Soil Sensitive Areas mapping has been covered comprehensively in the s42A report in Matter 16. As outlined in the s42A report, a new method is recommended to recognise further work to be undertaken by MDC to refine the soil mapping.

Recommendation

338. No further changes are recommended.

Agrichemicals and HSNO

Submissions and Assessment

339. MDC (91.52) seek the deletion of permitted activity standard 6.3.8.1 which states:

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

340. MDC submit that the inclusion of this standard unnecessarily limits the agrichemical used to one approved for use under the Hazardous Substances and New Organism Act 1996, this was not intended.

341. The s42A report already includes a recommendation to delete this standard in paragraph 357 as such, the submission from MDC has been addressed.

Recommendation

342. No further changes are recommended.

Aquatic Herbicide and Glyphosate

Submissions and Assessment

343. Fish and Game (509.439, 509.440) submit on the Open Space Zone 3 rules in relation to the application of an aquatic herbicide or glyphosate to remove pest plants from Significant Wetlands. Fish and Game state that all discharge rules in the Plan need to include conditions requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.69 of the RMA.

344. This matter has been addressed in the s42A report in paragraphs 259-263. In my view, the current permitted activity standards will ensure that any contaminants that enter water will have minimal impact and therefore are expected to achieve the water quality classification standards.

Recommendation

345. No changes are recommended.

Farming diffuse discharges

Submissions and Assessment

346. Environmental Defence Society Incorporated (EDS) (698.117) are concerned that the MEP does not clearly control excrement discharges from farm animals as part of a farming operation. EDS consider that although the wording of Rule 2.19.2 is sufficiently broad to capture this scenario (making it a

Discretionary Activity) it is more efficient and effective for the MEP to include a specific rule requiring consent for this activity. EDS believe these discharges must be controlled to comply with the RMA, specifically section 15(1)(b) and section 30(c)(ii).

347. The specific farming activities that are most likely to result in adverse environmental effects are managed in the MEP, for example the discharge of dairy farm effluent. Direct discharges of animal effluent to land can result in cumulative effects but I consider at this stage there is inadequate information to develop rules for this activity. In many other regions the diffuse discharges from farming activities are managed through nutrient budgeting and land use rules. The information necessary to adopt a similar approach is not yet available. This type of approach requires a significant level of technical information to understand nutrient budgets and nutrient losses to set appropriate loss rates. This approach is planned to be undertaken and directed in Chapter 15. Due to this lack of information, I consider it is not yet possible to address the concerns raised by EDS and the current approach is sufficient to meet RMA requirements.

Recommendation

348. No further changes are recommended.

Topic 15: Transportation and Signage

Prepared by Andrew Henderson

Submissions and Assessment

Cumulative Effects

349. NZTA (1002.180, 182 and 183) seek the inclusion of a Policy and Method framework to manage the cumulative effects of transport in the Rural Environment, Rural Living and Coastal Environment Zone respectively. These submission points relate to submission point 1002.274 which requested the inclusion of a “Transport Cumulative Effects Overlay” in the Plan. This point was addressed in paragraphs 214 – 216 of the Section 42A report on Topic 15, where it was noted that the requested overlay was neither necessary nor appropriate as the overlay would add additional complexity to the plan and require regular updates by way of Plan Changes to remain current. Accordingly, it was recommended that the submission was rejected. On the basis that the earlier relief sought was not accepted, I consider it appropriate that NZTA (1002.180, 182, and 183) also be rejected.

Definition

350. The Oil Companies (1004.54) support the definition of “Vehicle Oriented Activities” as notified and request that it be retained. This support is noted.

Recommendation

351. That NZTA (1002.180, 182 and 183) are rejected.
352. That Oil Companies (1004.54) is accepted.

Topic 18: Nuisance Effects and Temporary Military Training

Prepared by Paul Whyte

Submissions and Assessment

Discharge of Dust

353. WI Esson (336.6) submits that there is no rule permitting the discharge of dust to air from a land-based activity on a road or rail corridor, such as the transportation of logs on a gravel road and that it appears that if this is the case, then all activities on such roads would require resource consent. The submitter states that this activity should be part of a routine activity and be a permitted activity.
354. This general matter was addressed in the Section 42A report on this topic in paragraphs 59-70 and paragraphs 90-92. In essence, it recommended that in order to provide more clarity, Rule 2.21 is amended to allow dust discharged in road and rail corridors and dust discharged in the various zones as permitted activities subject to any discharges not causing an objectionable or offensive effect beyond the legal boundary. Accordingly, the submission is recommended to be accepted.

Recommendation

355. That WI Esson (336.6) is accepted in accordance with paragraphs 90-92 of the Section 42A report Nuisance Effects and Temporary Military Training

Topic 19: Soil Quality and Land Disturbance

Prepared by Hannah Goslin

Submissions and Assessment

356. Nelson Marlborough Fish and Game (509.432) seek, in relation to Standard 19.3.6.15, that excavation and fill be combined into one activity in the Open Space 3 Zone and the standard is amended to provide for tracking in the Para Wetland. The submission point in relation to combining excavation and fill into one activity has been mentioned in relation to several standards. I have addressed this point in paragraph 177 to 180 of the Section 42A Report where I recommended that excavation and fill are not combined. Standard 19.3.6.15 sets out water quality standards which must not be breached for filling to be a permitted activity. As such, I do not see the relevance of providing for tracking in relation to a standard that sets out receiving water quality standards. The submitter has sought the provision for tracking in the Para Wetland in relation to several other standards, which have been assessed in other Section 42A Reports (for example Section 42A Report relating to Significant Wetlands). In my view the request is not relevant to Standard 19.3.6.15 and should be considered in relation to other standards or rules.
357. Marlborough Environment Centre Incorporated (1193.63) oppose Rule 3.1.12 seeking the activity status be changed from permitted to controlled, permitted activity standards be more rigorous and for those undertaking non-indigenous vegetation clearance to undertake annual, independently audited monitoring for the effects of the clearance.
358. Rule 3.1.12 provides a permitted activity rule for non-indigenous vegetation clearance undertaken within the Rural Environment Zone. Rule 3.3.12 sets out the permitted activity standards that must be met for this clearance to be a permitted activity. In my view, amending the activity status from permitted to controlled is not necessary as I consider the current standards are appropriate to achieve Objective 15.4 and policies 15.4.2 and 15.4.3 of the MEP. Additionally, in cases where the permitted activity standards are unable to be met, a resource consent is required as a discretionary activity. This enables Council to thoroughly consider the relevant actual and potential adverse effects of the activity and impose conditions to manage effects. With regards to requiring monitoring of the effects of non-indigenous vegetation clearance, in my experience monitoring is an ongoing and systematic process. Typically monitoring is associated with actions which are to be undertaken if monitoring shows breaches of particular limits. It is also common for monitoring results to be reported to Council on a regular basis. Where monitoring is not linked to requirements to undertake actions or report to Council, there is no useful requirement for monitoring. On this basis, I do not do not recommend the relief sought by the submitter.

Recommendation

359. No change to recommendations.

Topic 20: Utilities and Designations

Prepared by Liz White

Submissions and Assessment

360. Transpower (1198.52) seek that a new permitted activity standard be applied to activities in the Drainage Chanel Network, via a new standard in Chapter 2, General rules. This was not addressed in the Section 42A report, but was addressed in the Reply Table (pages 21-22) where I agreed that the inclusion of the standard was appropriate.
361. Federated Farmers (425.503) support in part Standard 3.2.1.8, which restricts buildings or structures from being located within 90m of the designation boundary of the secured yard of the National Grid Blenheim substation. However, they seek that the setback only be applied to dwellings, stating that it is inappropriate for other buildings to be subject to the same restrictions. Horticulture New Zealand further submit that the restriction should only apply to sensitive activities. The example they cite is that a pump shed is required to be located beside rivers and drainage channels to access water. It is not clear to me how the example relates to the setback from the substation, given that there is no river or drainage channel within 90m of the substation.
362. As a result of the submission made by other parties, and Transpower's response to them, I recommended that the standard in question be deleted and replaced with a controlled activity rule that would apply to buildings, structures and sensitive activities between 15m and 90m. My understanding is that this rule will affect two properties in the Rural Environment Zone (12 and 30 Thomsons Ford Road), both of which will also be affected from the setbacks National Grid lines. One of the matters of control would allow for consideration of the sensitivity of any particular activity to the National Grid substation and therefore allows for an applicant to demonstrate that their activity (e.g. a non-habitable building) is not sensitive. As a controlled activity, consent for a building or structure within this 15-90m setback could not be refused. In my view, the technical evidence from Transpower supports this approach, and I am not aware of any technical evidence that suggests that the risk of electrical hazard only applies to dwellings. While I therefore do not recommend any additional changes as a result of this submission, I note that the changes already recommended may in any case go some way to address this submitter's concerns.
363. Te Atiawa o Te Waka-a-Maui (1186.136) generally seek that the standards that apply to all permitted activities within the Coastal Living Zone are amended "*to account for cultural matters and protect cultural sites, areas and resources.*" Two of the standards in 7.2 (7.2.1.10 and 7.2.1.11) were considered in Topic 20, because they restrict specified activities in relation to their proximity to National Grid infrastructure. These standards were considered in paragraphs 189 to 200 of the Section 42A report, and further recommendations were made in the reply report. In my view, the standards are specific to implementing the policy direction in the MEP related to managing potential effects on regionally significant infrastructure and are not in any way related to cultural sites, areas

and resources. As such, I do not consider further changes are required to these particular standards to address the matter raised by the submitter.

Recommendation

364. No change to recommendations.

Topic 21: Zoning

Prepared by Paul Whyte

Submissions and Assessment

Rail Corridor Zoning

365. KiwiRail Holdings Limited (873.78) notes that under Zone-based Rules of the MEP (page 1-3) the rail corridor is not zoned. The submission notes however that when using the maps, the rail network shows up as “Proposed Zone: Road” in which the rail corridor is not a legal road, and not always in parallel with the state highway. The submission goes on to say that there is no certainty provided in the instance of unzoned land, or land zoned Road, whether the provisions of the adjacent zoned land apply, or whether in relation to certain activities, presumptions in Part 3 of the Act apply unless the General Rules chapter addresses those activities. The submitter requests that certainty is provided in respect of provisions applying to unzoned land, or the zoning of the Rail Corridor is clarified.
366. This general matter has been addressed in previous Section 42A reports including Topic 15 Transportation and Signage Addendum 4 May 2018 (paras 1-10) and Topic 20 Utilities and Designations (para 275) and Reply to Evidence – Topic 20: Utilities and Designations (pages 14 and 15).
367. In essence, rail corridors are unzoned (except in a small number of instances-refer para 275 of Section 42A report Topic 20 Utilities and Designations). The effect of this is that there are no zone rules applicable to such land, and therefore, (unless a district-wide rule applies), land use activities are not restricted (i.e. the presumption in Section 9 of the RMA is that any use of land is allowed as of right, unless that use is specifically restricted in a district plan or a regional plan). Sections 12-14 of the RMA matters will however apply to roads given the Rules in Chapter 2 of the MEP. On page 1-2 of Volume 2 of the MEP, the following is stated: “The General Rules in Chapter 2 of Volume 2 apply to activities irrespective of zoning”.
368. As such no change was recommended in the Section 42A reports. However, in the Section 42A report Topic 15 Transportation and Signage Addendum 4 May 2018 (para10) it was indicated that if the Panel considered it appropriate for road corridors to have an underlying zoning, the MEP could be amended to indicate that designated roads shall adopt the zoning of the adjacent land. In my view, the same principle could be applied to rail corridors.
369. In terms of the differentiation between rail and road designations, I understand that while it may not be distinct on the printed version of the planning maps, it is clear when zooming in on the electronic map versions. As such I do not consider the changes sought are necessary.

Recommendation

370. That KiwiRail Holdings Limited (873.78) is rejected.

Topic 21: Definitions

Prepared by Andrew Henderson

Submissions and Assessment

Computer Register

371. Federated Farmers (459.389) oppose the definition of 'Computer Register' and request that it be deleted from the Plan on the basis that it would confuse plan users, and impact on farming activities as it sets out permitted limits for vegetation clearance and excavation, amongst other activities.
372. The term 'Computer Register' as it relates to land tenure is, in my opinion, relatively well understood. Computer Registers record freehold interest in land, and the rules relate to activities undertaken on land that is held in such registers. I do not consider it necessary to delete the definition, as it would require rewording many different rules in the Plan and would not change the interpretation or implementation of the Plan.

Traffic and Safety Sign

373. NZTA (1002.257) request that a definition be included for "Traffic and Safety Sign". This submission point was incorrectly referenced as 1002.247 in paragraph 366 of the Section 42A report Transportation and Signage , and the Panel is referred to that discussion. The Assessment provided stated that:
- ...request that "Safety and hazard Sign" be defined as the phrase is broad and there is no clarity around how the rules should be applied. I do not consider that a definition is necessary, as the existing rules (and the inclusion of a Definition for 'Official Road Sign') provide clarity around signs that are permitted, including signs erected as a result of other legislation (including Health and Safety and temporary signs). However, should the submitter remain of the view that such a definition is necessary, then suggested wording should be tabled at the hearing for the panel's consideration.*
374. There was no suggested wording tabled at the hearing, but I note as the result of other submissions some changes to the definition of signs was made in paragraphs 383 and 384 of the Section 42A report which may satisfy the submitter. However, in respect of NZTA (1002.257), I recommend that the submission is rejected.

Recommendation

375. That Federated Farmers (459.389) is rejected.
376. That NZTA (1002.257) is rejected.

Topic 22: Forestry

Prepared by Liz White

Submissions and Assessment

377. Beef and Lamb New Zealand (459.7) submit broadly that some of the prohibited activity controls within the MEP should be downgraded and appear unnecessarily restrictive. This matter was addressed in paragraph 113 of the Section 42A report, but was referenced as relating to submission point 459.47. The submission point relating to 459.47 is a more specific submission relating to prohibited activity Rule 3.7.1, and as that rule applies to woodlot forestry. As such it was addressed in Topic 12: Rural Environments, at paragraph 466.
378. Killearnan (167.2) raise concerns that the standards for permitted activity for commercial forestry cannot be met without much difficulty and consider that application of the proposed rules will result in widespread reduction of trees planted in Marlborough. They consider that there is little scientific justification for the inclusion of many of the standards relating to forestry in the Plan and that the MEP has unfairly and unjustifiably singled out forestry as a destructive resource user. They state that this needs to be rectified, with the MEP amended to better acknowledge the varied benefits of forestry. They seek that the MEP actively promote forest establishment and the working forest landscape and that the Council acknowledge that the forestry industry is silently working to off-set the environmental damage caused by consumer driven lifestyles. They also consider that until the release of the NESPF, there is little purpose in considering the MEP rules.
379. The latter part of this submission, in terms of the release of the NESPF, has essentially been addressed through the hearing for the Forestry topic being delayed until the Council completed the NESPF alignment exercise. In terms of the broader concerns about the approach taken to forestry in the MEP, this is a similar matter to that raised by L K Powell (addressed in paragraph 56 of the Section 42A report) and Warren Forestry (addressed in paragraph 67 of the Section 42A report). As stated in response to those submissions, I note that the introduction of the NESPF provides a national set of standards, that these are not able to be amended through the MEP and the rules in the MEP can only be more stringent in specified circumstances or to manage effects not managed under the NESPF. In particular, the effect of the NESPF is that a number of standards within the MEP managing forestry have been removed or reduced in their application. In light of this new national framework, I consider the crux of the submitter's concerns have been addressed, to the extent that they can be through the MEP. I also note that in response to a number of specific submissions on the detail of the rule framework, further recommendations have been made that may address the concerns of this submitter in part. This is balanced with the retention or amendment of standards and rules that are considered to be necessary to appropriately manage the adverse environmental effects of forestry, including those necessary to meet the Council's statutory obligations, including giving effect to the NZCPS.

380. Sea Shepherd New Zealand (1146.25) and Pinder Family Trust (578.25) seek that a mandatory replanting management plan is required for replanting on steep slopes, with the plan identifying areas at high risk of erosion and require retirement and implementation of buffers, such as gully heads and steep ephemeral gullies. They seek a similar management plan for afforestation. This is one of a number of controls sought by the submitter in various places within their submission, that relate to a request that the Council implement the controls identified in the Mitigating Fine Sediment from Forestry in Coastal Waters of the Marlborough Sounds. These matters are set out in paragraph 228 of the Section 42A Report and addressed in paragraph 243, where I do not recommend the specific management plan approach sought.
381. These submitters also seek “greater recognition and encouragement of planting permanent forest (not for harvest) or allowing native regeneration. Assistance could include rates rebate and funding for control of wilding pines.” They consider that this will assist with improving soil conservation and water quality, and thereby help to maintain and restore indigenous biodiversity within the Sounds, with further substantial benefits for the landscape, recreation and tourism. In my view, these are matters that sit outside the MEP and therefore do not necessitate a change to the MEP.

Recommendation

382. No change to recommendations.

Appendix 1: Recommended decisions on decisions requested

Topic 5: Landscapes and Natural Character – Issues, Objectives, Policies, and Methods						
<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
962	51	Marlborough Forest Industry Association Incorporated	Volume 1	6 Natural Character	6.M.1	Accept in part
990	186	Nelson Forests Limited	Volume 1	6 Natural Character	6.M.1	Accept in part
995	13	New Zealand Forest Products Holdings Limited	Volume 1	7 Landscape	7.	Accept in part
648	29	D C Hemphill	Volume 1	7 Landscape	7.M.1	Reject
425	105	Federated Farmers of New Zealand	Volume 1	7 Landscape	Policy 7.2.2	Accept in part
688	177	Judy and John Hellstrom	Volume 1	7 Landscape	Policy 7.2.2	Reject
767	1	Hawkesbury Farm Limited	Volume 1	7 Landscape	Policy 7.2.2	Reject
425	109	Federated Farmers of New Zealand	Volume 1	7 Landscape	Policy 7.2.3	Accept in part
648	33	D C Hemphill	Volume 1	7 Landscape	Policy 7.2.3	Reject

688	178	Judy and John Hellstrom	Volume 1	7 Landscape	Policy 7.2.3	Reject
962	54	Marlborough Forest Industry Association Incorporated	Volume 1	7 Landscape	Policy 7.2.3	Reject
990	189	Nelson Forests Limited	Volume 1	7 Landscape	Policy 7.2.3	Accept in part
1042	4	Port Underwood Association	Volume 1	7 Landscape	Policy 7.2.3	Reject
990	190	Nelson Forests Limited	Volume 1	7 Landscape	Policy 7.2.4	Reject
698	55	Environmental Defence Society Incorporated	Volume 1	7 Landscape	Policy 7.2.7	Reject
962	57	Marlborough Forest Industry Association Incorporated	Volume 1	7 Landscape	Policy 7.2.7	Accept in part
990	191	Nelson Forests Limited	Volume 1	7 Landscape	Policy 7.2.7	Accept in part
1202	5	Tu Jaes Trust	Volume 1	7 Landscape	Policy 7.2.7	Reject
962	58	Marlborough Forest Industry Association Incorporated	Volume 1	7 Landscape	Policy 7.2.8	Accept
505	10	Ernslaw One Limited	Volume 1	7 Landscape	Policy 7.2.10	Accept
505	11	Ernslaw One Limited	Volume 1	7 Landscape	Policy 7.2.10	Accept

688	180	Judy and John Hellstrom	Volume 1	7 Landscape	Policy 7.2.10	Reject
698	56	Environmental Defence Society Incorporated	Volume 1	7 Landscape	Policy 7.2.10	Reject
962	60	Marlborough Forest Industry Association Incorporated	Volume 1	7 Landscape	Policy 7.2.10	Accept
990	194	Nelson Forests Limited	Volume 1	7 Landscape	Policy 7.2.10	Accept
688	181	Judy and John Hellstrom	Volume 1	7 Landscape	Policy 7.2.11	Reject
648	31	D C Hemphill	Volume 1	7 Landscape	7.M.3	Accept in part
962	61	Marlborough Forest Industry Association Incorporated	Volume 1	7 Landscape	7.M.3	Accept in part
990	195	Nelson Forests Limited	Volume 1	7 Landscape	7.M.3	Accept in part
1179	30	Thomas Robert Stein	2	3 Rural Environment Zone	Rule 3.3.10.4	Accept
351	11	Helen Mary Ballinger	2	3 Rural Environment Zone	Rural Environment Zone	Reject

Topic 5: Landscape and Natural Character – Technical Mapping, Values and Overlays

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
215	1	Musco Seafoods Limited	4	Overlay Maps		Reject
401	47	Aquaculture New Zealand	1	6. Natural Character	6.1.2	Reject

Topic 6: Indigenous Biodiversity

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
715	390	Forest and Bird	2	3 Rural Environment Zone	3.	Reject
715	432	Forest and Bird	2	4 Coastal Environment Zone	4.3	Reject
425	427	Federated Farmers	2	25 Definitions	25.	Reject
752	52	Guardians of the Sounds	4	Overlay Maps	ESMS Mapping	Accept
906	19	Legacy Fishing Limited	4	Overlay Maps	ESMS Mapping	Reject

906	20	Legacy Fishing Limited	4	Overlay Maps	ESMS Mapping	Reject
1186	231	Te Atiawa o Te Waka-a-Maui	4	Overlay Maps	ESMS Mapping	Council officers will provide a recommendation to the hearing panel at the hearing.

Topic 6: Indigenous Biodiversity -Significant Wetlands

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
509	325	Fish and Game	2	3	3.7	Reject
1089	25	Rarangi District Residents Association	2	3	3.7	Reject
1089	30	Rarangi District Residents Association	2	3	3.7	Reject
1179	37	Thomas R Stein	2	3	3.3.12.3	Accept
1179	38	Thomas R Stein	2	4	4.3.11.3	Accept
1265	15	Queen Elizabeth the Second National Trust	2	3	3.3.12.3	Accept
1265	16	Queen Elizabeth the Second National Trust	2	4	4.3.11.3	Accept

Topic 7: Public Access and Open Space

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
509	278	NMFG	2	2	2.8.10	Accept

Topic 9: Natural Hazards

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
991	222	MDC	2	8	Rule 8.2.1	Accept

Topic 11: The Use of the Coastal Environment

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
503	3	Yachting New Zealand	2	25	Definitions	Accept
574	18	Bryan Skeggs	1	15	15	Reject

715	360	Royal Forest and Bird Protection Society NZ	1	13	13.AER.1	Accept in Part
166	43	Te Rūnanga O Toa Rangatira	1	5	5.M.10	Reject
426	230	Marine Farming Association	2	16	16.3.16	Accept
993	77	New Zealand Fire Service	2	16	16.3.16	Accept
1140	50	Sanford Limited	2	16	16.3.16	Accept
401	234	Aquaculture New Zealand	2	16	16.3.16.1	Accept

Topic 11: Allocation of Public Space in the Coastal Marine Area

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
404	3	Eric Jorgensen	Volume 1	5 Allocation of Public Resources		Accept in part

Topic 12: Rural Environments

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
496	100	Forest and Bird	2	3 Rural Environment Zone	3.7	Accept
424	178	Michael and Kristen Gerard	2	7 Coastal Living Zone	7.3.6	Accept
769	134	Horticulture New Zealand	4	25 Definitions	' <i>production land</i> '	Accept
1039	131	Pernod Ricard	4	25 Definitions	' <i>farming</i> '	Accept

Topic 13: Resource Quality (Water)

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
509	203	NMFG	2	2	Rule 2.9.9	Reject
990	27	NFL	2	4	Rule 4.3.8.11, Rule 4.3.11.11, Rule 4.3.12.11 and Rule 4.3.15.11	Accept in part

Topic 14: Waste and Discharges to Land

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
425	596	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.32.4.	Reject
425	681	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.27.9.	Reject
676	98	Dairy NZ	Volume 2	3 Rural Environment Zone	3.3.28.2.	Accept in part
676	153	Dairy NZ	Volume 2	4 Coastal Environment Zone	4.3.27.9.	Reject
1193	121	The Marlborough Environment Centre Incorporated	Volume 2	2 General Rules	2.22.1.	Accept in part
91	52	Marlborough District Council	Volume 2	6 Urban Residential 3 Zone	6.3.8.1.	Accept
336	19	William Ian Esson	Volume 2	3 Rural Environment Zone	3.3.22.3.	Reject
425	584	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.28.10.	Reject
676	108	Dairy NZ	Volume 2	3 Rural Environment Zone	3.3.28.10.	Reject
904	12	Land Vision Limited	Volume 2	3 Rural Environment Zone	3.3.28.10.	Accept

972	9	Millen Associates Limited	Volume 2	3 Rural Environment Zone	3.3.28.10.	Accept
990	114	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.22.3.	Reject
1193	81	The Marlborough Environment Centre Incorporated	Volume 2	3 Rural Environment Zone	3.3.28.10.	Accept
1238	44	Windermere Forests Limited	Volume 2	3 Rural Environment Zone	3.3.22.3.	Reject
1251	85	Fonterra Co-operative Group Limited	Volume 2	3 Rural Environment Zone	3.3.28.10.	Reject
904	14	Land Vision Limited	Volume 2	25 Definitions	25.	Reject
1090	125	Ravensdown Limited	Volume 2	25 Definitions	25.	Reject
909	84	Longfield Farm Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	Issue 15F	Accept in part
509	439	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.1.18.	Reject
509	440	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.3.16.	Reject
990	115	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.23.3.	Reject
990	149	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.21.2.	Reject

990	150	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.22.2.	Reject
698	117	Environmental Defence Society Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	15.M.6	Reject

Topic 15: Transportation and Signs

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
1002	180	NZ Transport Agency	2	3	Cumulative Effects	Reject
1002	182	NZ Transport Agency	2	8	Cumulative Effects	Reject
1002	183	NZ Transport Agency	2	4	Cumulative Effects	Reject
1004	54	The Oil Companies	2	25	Vehicle Oriented Activities	Accept

Topic 18: Nuisance Effects and Temporary Military training

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
336	6	WI Esson	2	2	General Rules	Accept

Topic 19: Soil Quality and Land Disturbance

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
1193	63	The Marlborough Environment Centre Incorporated	2	3 Rural Environment Zone	3.1.12	Reject

Topic 20: Utilities and Designations

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
425	503	Federated Farmers of New Zealand	2	3 Rural Environment Zone	3.2.1.8.	Accept in part
1186	136	Te Atiawa o Te Waka-a-Maui	2	7 Coastal Living Zone	7.2.1.11.	Reject

Topic 21: Zoning

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
873	78	KiwiRail Ltd	4	Zoning maps	Rail corridor zoning	Reject

Topic 21: Definitions

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
439	389	Federated Farmers	2	25	Definition: Computer Register	Reject
1002	257	NZ Transport Agency	2	25	Definition: Safety and Hazard Sign	Reject

Topic 22: Forestry

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
167	2	Killearnan Limited	2	3 Rural Environment Zone	3.	Accept in part
1146	25	Sea Shepherd New Zealand	1	15 Resource Quality (Water, Air, Soil)	Issue 15C	Reject
578	25	Pinder Family Trust	1	15 Resource Quality (Water, Air, Soil)	Issue 15C	Reject

Appendix 2: Submissions addressed in previous reports

Topic 1: General					
<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
401	1	Aquaculture New Zealand	Topic 1: General	p24/para7	Reject
401	2	Aquaculture New Zealand	Topic 1: General	p23/para1	Reject
401	3	Aquaculture New Zealand	Topic 1: General	p23/para1	Reject
401	4	Aquaculture New Zealand	Topic 1: General	p23/para1	Reject
401	5	Aquaculture New Zealand	Topic 1: General	p29/para10	Reject
401	6	Aquaculture New Zealand	Topic 1: General	p29/para10	Reject
401	7	Aquaculture New Zealand	Topic 1: General	p29/para10	Reject
426	1	Marine Farming Association Incorporated	Topic 1: General	p24/para7	Reject
426	2	Marine Farming Association Incorporated	Topic 1: General	p23/para1	Reject

426	3	Marine Farming Association Incorporated	Topic 1: General	p23/para1	Reject
426	4	Marine Farming Association Incorporated	Topic 1: General	p23/para1	Reject
426	5	Marine Farming Association Incorporated	Topic 1: General	p30/para10	Reject
426	6	Marine Farming Association Incorporated	Topic 1: General	p29/para10	Reject
426	7	Marine Farming Association Incorporated	Topic 1: General	p29/para10	Reject
477	1	John Malcolm McKee	Topic 1: General	p25/para3	Reject
539	1	Allen Steele	Topic 1: General	p25/para23	Reject
588	1	Christopher Hall	Topic 1: General	p25/para23	Reject
618	1	Brad Lewis	Topic 1: General	p25/para23	Reject
621	1	Becki Findlayson	Topic 1: General	p25/para23	Reject
624	1	Carol-Ann Herbert	Topic 1: General	p25/para23	Reject
656	1	David King	Topic 1: General	p25/para23	Reject

698	1	Environmental Defence Society Incorporated	Topic 1: General	p24/para10	Reject
698	2	Environmental Defence Society Incorporated	Topic 1: General	p23/para1	Reject
698	3	Environmental Defence Society Incorporated	Topic 1: General	p25/para5	Reject
698	4	Environmental Defence Society Incorporated	Topic 1: General	p28/para3	Reject
698	5	Environmental Defence Society Incorporated	Topic 1: General	p29/para10	Reject
698	6	Environmental Defence Society Incorporated	Topic 1: General	p29/para10	Reject
698	7	Environmental Defence Society Incorporated	Topic 1: General	p29/para10	Reject
715	377	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Topic 1: General	p16/para2	Reject
717	4	Fulton Hogan Limited	Topic 1: General	p23/para1	Reject
717	5	Fulton Hogan Limited	Topic 1: General	p23/para1	Reject
717	6	Fulton Hogan Limited	Topic 1: General	p23/para1	Reject
717	7	Fulton Hogan Limited	Topic 1: General	p27/para6	Reject

721	1	Grant Boyd	Topic 1: General	p25/para 3	Reject
752	1	Guardians of the Sounds	Topic 1: General	p23/para 1	Accept
753	1	Hope Lagden	Topic 1: General	p25/para23	Reject
759	1	Hudson Steele	Topic 1: General	p25/para23	Reject
943	1	Martina Naplawa	Topic 1: General	p25/para23	Reject
955	1	Moira Winter	Topic 1: General	p25/para23	Reject
962	4	Marlborough Forest Industry Association Incorporated	Topic 1: General	p23/para1	Accept
962	6	Marlborough Forest Industry Association Incorporated	Topic 1: General	p27/para7	Reject
990	159	Nelson Forests Limited	Topic 1: General	p23/para1	Dealt with in Topic 22 Commercial and Non- Permanent Sequestration in Forestry
990	160	Nelson Forests Limited	Topic 1: General	p23/para1	Support
990	161	Nelson Forests Limited	Topic 1: General	p25/para5	Reject
990	162	Nelson Forests Limited	Topic 1: General	p27/para8	Reject

992	1	New Zealand Defence Force	Topic 1: General	p29/para9	Reject
996	36	New Zealand Institute of Surveyors	Topic 1: General	p1/para11	Reject
1002	1	New Zealand Transport Agency	Topic 1: General	p23/para1	Reject
1002	4	New Zealand Transport Agency	Topic 1: General	p24/para2	Reject
1002	2	New Zealand Transport Agency	Topic 1: General	p26/para4	Accept
1002	3	New Zealand Transport Agency	Topic 1: General	p28/para6	Accept
1002	299	New Zealand Transport Agency	Topic 1: General	p29/para10	Reject
1004	58	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Topic 1: General	p1/para10	Reject
1067	1	Renee Heta	Topic 1: General	p25/para23	Reject
1080	1	Rata Steele	Topic 1: General	p25/para23	Reject
1089	1	Rarangi District Residents Association	Topic 1: General	Appendix 2 page 88 NB not referred to in text, but the issues referred to in the submission are on pages 23-25 of report	Accept

1090	1	Ravensdown Limited	Topic 1: General	p23/para1	Accept
1140	2	Sanford Limited	Topic 1: General	p23/para1	Accept
1140	3	Sanford Limited	Topic 1: General	p29/para10	Reject
1146	1	Sea Shepherd New Zealand	Topic 1: General	p23/para1	Accept
1158	1	Spark New Zealand Trading Limited	Topic 1: General	p23/para1	Accept
1178	1	Teresa Shaw	Topic 1: General	p23/para25	Reject
1193	1	The Marlborough Environment Centre Incorporated	Topic 1: General	p23/para1	Accept
1193	74	The Marlborough Environment Centre Incorporated	Topic 1: General	p27/para1	Reject
1198	1	Transpower New Zealand Limited	Topic 1: General	p28/para2	Accept in part
1247	1	Robert Walker	Topic 1: General	P23/para25	Reject
1186	228	Te Atiawa o Te Waka-a-Maui	Topic 8: Heritage Resources and Notable Trees	P40/para222	Reject
1186	230	Te Atiawa o Te Waka-a-Maui	Topic 8: Heritage Resources and Notable Trees	P40/para222	Reject

Topic 2: Marlborough's Tangata Whenua Iwi

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
1186	128	Te Atiawa o Te Waka-a-Maui	Topic 2: Marlborough's Tangata Whenua Iwi	P19/para5	Reject

Topic 3: Natural and Physical Resources

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
955	2	Moira Winter	Section 42A Report Topic 3: Natural and Physical Resources	31	Reject
955	7	Moira Winter	Section 42A Report Topic 3: Natural and Physical Resources	45	Accept in part
955	3	Moira Winter	Section 42A Report Topic 3: Natural and Physical Resources	31	Reject
955	8	Moira Winter	Section 42A Report Topic 3: Natural and Physical Resources	45	Accept in part
955	4	Moira Winter	Section 42A Report Topic 3: Natural and Physical Resources	31	Reject

Topic 5: Landscapes and Natural Character – Issues, Objectives, Policies, and Methods

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
1245	1	Pitapisces Ltd	Topic 5 – Landscape Issues, Objective, Policies and Methods	70 - 79	Reject
425	737	Federated Farmers	Topic 5 – Landscape Issues, Objective, Policies and Methods	70 - 79	Accept in part
433	193	Port Marlborough Ltd	Topic 5 – Landscape Issues, Objective, Policies and Methods	70 - 79	Accept in part

Topic 5: Landscape and Natural Character – Technical Mapping, Values and Overlays

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
361	12	Tony Hawke	Landscape s42A	19,20,21,22	Accept in part.
425	782	Federated Farmers	Natural Character s42A	20,21,22	Accept in part.
425	784	Federated Farmers	Landscape s42A	19,20,21,22	Accept in part.
425	785	Federated Farmers	Landscape s42A	13,19,54,55,56	Reject

425	786	Federated Farmers	Natural Character s42A	65,66	Reject
425	788	Federated Farmers	Landscape s42A	55,56	Reject
716	202	Friends of Nelson Haven and Tasman Bay Incorporated	Natural Character s42A	23,24	Accept in part.
716	205	Friends of Nelson Haven and Tasman Bay Incorporated	Landscape s42A	19,20,21,22	Reject
768	70	Heritage New Zealand Pouhere Taonga	Landscape s42A	19,20,21,22	Accept
808	5	Kroon, Hanneke and Jansen, Joop	Landscape s42A	20,21,22,27,32,37,38,39	Reject
1193	59	The Marlborough Environment Centre Incorporated	Landscape s42A	57,58	Reject
601	1	Christopher Redwood	Natural Character s42A	31	Reject
601	2	Christopher Redwood	Natural Character s42A	51,52	Reject
601	3	Christopher Redwood	Natural Character s42A	51,52	Reject
601	4	Christopher Redwood	Natural Character s42A	51,52	Reject
601	5	Christopher Redwood	Natural Character s42A	51,52	Reject

Topic 6: Indigenous Biodiversity

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Paragraph number</i>	<i>Recommendation</i>
433	126	Port Marlborough	Section 42A Report Topic 6: Indigenous Biodiversity	Page 60 – Opposed Standard 13.3.20.4.	Reject
351	20	Helen Mary Ballinger	Section 42A Report Topic 6: Indigenous Biodiversity	Page 17 - support the voluntary partnership	Accept
578	51	Pinder Family Trust	Section 42A Report Topic 6: Indigenous Biodiversity	Page 63 – Support ESMS mapping	Accept in part
752	52	Guardians of the Sounds	Section 42A Report Topic 6: Indigenous Biodiversity	Page 63 – Support ESMS mapping	Accept in part
1042	24	Port Underwood Association	Section 42A Report Topic 6: Indigenous Biodiversity	Page 63 – Support ESMS mapping	Accept in part
1146	52	Sea Shepherd New Zealand	Section 42A Report Topic 6: Indigenous Biodiversity	Page 63 – Support ESMS mapping	Accept in part
1193	44	The Marlborough Environment Centre Incorporated	Section 42A Report Topic 6: Indigenous Biodiversity	Page 63 – Support ESMS mapping	Accept in part
347	8	E and A Ryan	Section 42A Report Topic 6: Indigenous Biodiversity	Page 46 - Support Standards 3.3.11	Accept
348	29	M Chapman	Section 42A Report Topic 6: Indigenous Biodiversity	Page 46 - Opposes Standard 3.3.11.6.	Reject
348	30	M Chapman	Section 42A Report Topic 6: Indigenous Biodiversity	Page 52 - Opposes Standard 3.3.11.5.	Reject

348	31	M Chapman	Section 42A Report Topic 6: Indigenous Biodiversity	Page 47 - Opposes Standard 3.3.11.3.	Accept
351	22	H Ballinger	Section 42A Report Topic 6: Indigenous Biodiversity	Page 52 - Opposes Standard 3.3.11.5.	Reject
425	790	Federated Farmers	Section 42A Report Topic 6: Indigenous Biodiversity	Page 49 - Opposes Threatened Overlay maps	Accept in part
425	532	Federated Farmers	Section 42A Report Topic 6: Indigenous Biodiversity	Page 46 – Opposes Standard 3.3.11.3.	Reject
425	533	Federated Farmers	Section 42A Report Topic 6: Indigenous Biodiversity	Page 59- Opposes Standard 3.3.11.4.	Reject
425	534	Federated Farmers	Section 42A Report Topic 6: Indigenous Biodiversity	Page 60 - Opposes Standard 3.3.11.5.	Reject
425	535	Federated Farmers	Section 42A Report Topic 6: Indigenous Biodiversity	Page 52 – Opposes Standard 3.3.11.6.	Reject
425	539	Federated Farmers	Section 42A Report Topic 6: Indigenous Biodiversity	Page 46 – Opposes Standard 3.3.11.3.	Reject
429	1	Tempello Partnership	Section 42A Report Topic 6: Indigenous Biodiversity	Page 52 - Opposes Standard 3.3.11.5.	Reject
429	2	Tempello Partnership	Section 42A Report Topic 6: Indigenous Biodiversity	Page 52 - Opposes Standard 3.3.11.6.	Reject
433	125	Port Marlborough	Section 42A Report Topic 6: Indigenous Biodiversity	Page 59 – Opposes Standard 13.3.20.3.	Accept
496	95	Royal Forest and Bird Protection Society NZ {Forest & Bird}	Section 42A Report Topic 6: Indigenous Biodiversity	Page 51 - Supports Standard 3.3.11.3.	Accept in part

496	96	Forest and Bird	Section 42A Report Topic 6: Indigenous Biodiversity	Page 59 - Supports Standard 3.3.11.4.	Accept
496	97	Forest and Bird	Section 42A Report Topic 6: Indigenous Biodiversity	Page 60 – Oppose Standard 3.3.11.5.	Reject
496	99	Forest and Bird	Section 42A Report Topic 6: Indigenous Biodiversity	Page 60 – Oppose Standard 3.3.11.6.	Reject
688	58	J and J Hellstrom	Section 42A Report Topic 6: Indigenous Biodiversity	Page 52 - Opposes Standard 3.3.11.5.	Reject
715	386	Forest and Bird	Section 42A Report Topic 6: Indigenous Biodiversity	Page 51 - Supports in part Standard 3.3.11.3	Reject
715	387	Forest and Bird	Section 42A Report Topic 6: Indigenous Biodiversity	Page 59 - Supports in part Standard 3.3.11.4.	Reject
715	388	Forest and Bird	Section 42A Report Topic 6: Indigenous Biodiversity	Page 52 - Opposes Standard 3.3.11.5.	Reject
715	389	Forest and Bird	Section 42A Report Topic 6: Indigenous Biodiversity	Page 61– Oppose Standard 3.3.11.6	Accept
962	186	Marlborough Forest Industry Association Incorporated	Section 42A Report Topic 6: Indigenous Biodiversity	Pages 51 and 52 - Supports Standard 3.3.11.3.	Reject
973	7	Ministry for Primary Industries	Section 42A Report Topic 6: Indigenous Biodiversity	Pages 51 and 52 - Opposes Standard 3.3.11.5.	Reject
990	34	Nelson Forests Limited	Section 42A Report Topic 6: Indigenous Biodiversity	Paragraph 249 of Significant Wetlands Section 42a report.	Reject
990	95	Nelson Forests Limited	Section 42A Report Topic 6: Indigenous Biodiversity	Pages 51 and 52 – Supports Standard 3.3.11.3.	Accept in Part

1179	23	Thomas Robert Stein	Section 42A Report Topic 6: Indigenous Biodiversity	Pages 51 and 52	Reject
1186	165	Te Atiawa o Te Waka-a-Maui	Section 42A Report Topic 6: Indigenous Biodiversity	Page 59 - Seeks change to Standard 13.3.20.	Reject
1193	134	The Marlborough Environment Centre Incorporated	Section 42A Report Topic 6: Indigenous Biodiversity	Page 51 - Opposes Standard 3.3.11.5	Reject
1238	43	Windermere Forests Limited	Section 42A Report Topic 6: Indigenous Biodiversity	Paragraph 249 of Significant Wetlands Section 42a report.	Reject
1245	5	Pitapisces Limited	Section 42A Report Topic 6: Indigenous Biodiversity	Page 60 – Oppose Standard 4.3.10.5	Reject
1245	6	Pitapisces Limited	Section 42A Report Topic 6: Indigenous Biodiversity	Page 60 - Oppose Standard 4.3.10.5	Reject

Topic 6: Indigenous Biodiversity: Significant Wetlands

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
425	570	Federated Farmers of New Zealand	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p34/para 266, p36/para292	Reject
425	804	Federated Farmers of New Zealand	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p33/para268, p36/para292	Reject
454	109	Kevin Francis Loe	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p33/para266, p36/para289	Accept

473	54	Delegat Limited	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p50/para390, p59/para465	Reject
479	218	Department of Conservation	Topic 6 - Indigenous Biodiversity – Significant Wetlands	Appendix 2, Page 95 NB not referred to in the text	Accept
479	219	Department of Conservation	Topic 6 - Indigenous Biodiversity – Significant Wetlands	Appendix 2, Page 95 NB not referred to in the text	Accept
509	330	Nelson Marlborough Fish and Game	Topic 6 - Indigenous Biodiversity – Significant Wetlands	Appendix 2, Page 95 NB not referred to in the text	Accept
509	331	Nelson Marlborough Fish and Game	Topic 6 - Indigenous Biodiversity – Significant Wetlands	Appendix 2, Page 95 NB not referred to in the text	Accept
591	11	Rarangi Golf Club Incorporated	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p33/para266, p36/para289	Accept
676	93	Dairy NZ	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p33/para266, p36/para289	Accept
676	137	Dairy NZ	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p33/para267, p36/para289	Accept
676	141	Dairy NZ	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p28/para224, p29/para240	Accept
676	143	Dairy NZ	Topic 6 - Indigenous Biodiversity – Significant Wetlands	Appendix 2, Page 97 NB not referred to in the text	Accept
904	5	Land Vision Limited	Topic 6 - Indigenous Biodiversity – Significant Wetlands	Appendix 2, Page 94 NB not referred to in the text	Accept
1089	29	Rarangi District Residents Association	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p33/para266, p36/para289	Accept

1089	23	Rarangi District Residents Association	Topic 6 - Indigenous Biodiversity – Significant Wetlands	Appendix 2, Page 95 NB not referred to in the text	Accept
1089	24	Rarangi District Residents Association	Topic 6 - Indigenous Biodiversity – Significant Wetlands	Appendix 2, Page 95 NB not referred to in the text	Accept
1193	116	The Marlborough Environment Centre Incorporated	Topic 6 - Indigenous Biodiversity – Significant Wetlands	Appendix 2, Page 95 NB not referred to in the text	Accept
1193	117	The Marlborough Environment Centre Incorporated	Topic 6 - Indigenous Biodiversity – Significant Wetlands	Appendix 2, Page 95 NB not referred to in the text	Accept
1201	170	Trustpower Limited	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p50/para391, p60/para466	Reject
1265	14	Queen Elizabeth the Second National Trust	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p17/para130, p25/para197	Reject
425	834	Federated Farmers of New Zealand	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p34/para270, p36/para292	Reject
509	405	Nelson Marlborough Fish and Game	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p43/para346, p43/para346, p46/para358	Accept
509	427	Nelson Marlborough Fish and Game	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p23/para184	Reject
509	429	Nelson Marlborough Fish and Game	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p19/para146, p21/para159, p25/para203	Reject
990	109	Nelson Forests Limited	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p20/para157, p25/para208	Reject
1193	118	The Marlborough Environment Centre Incorporated	Topic 6 - Indigenous Biodiversity – Significant Wetlands	p19/para143, p25/para202	Accept

Topic 7: Public Access and Open Space

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
91	95	Marlborough District Council	Topic 7: Public Access and Open Space	p32/para262	Accept
91	114	Marlborough District Council	Topic 7: Public Access and Open Space	p31/para258	Accept
91	115	Marlborough District Council	Topic 7: Public Access and Open Space	p31/para257	Accept
91	255	Marlborough District Council	Topic 7: Public Access and Open Space	p31/para259	Accept
91	256	Marlborough District Council	Topic 7: Public Access and Open Space	p32/para261	Accept
319	7	Clive Tozer	Topic 7: Public Access and Open Space	p38/para272	Reject
424	190	Michael and Kristen Gerard	Topic 7: Public Access and Open Space	p36/para268 Reply in Evidence page 20	Accept
498	1	Hura Pakake Family Trust	Topic 7: Public Access and Open Space	p35/para267	Accept
515	2	Mt Zion Charitable Trust and Scholefield, A M and W W	Topic 7: Public Access and Open Space	p35/para266	Reject
520	1	Ashley Cook	Topic 7: Public Access and Open Space	p36/para269	Accept

716	136	Friends of Nelson Haven and Tasman Bay Incorporated	Topic 7: Public Access and Open Space	p9/para68	Reject
716	137	Friends of Nelson Haven and Tasman Bay Incorporated	Topic 7: Public Access and Open Space	p10/para79	Reject
716	138	Friends of Nelson Haven and Tasman Bay Incorporated	Topic 7: Public Access and Open Space	P11/para84 (716.138) NB shown in report as 716.38	Accept
1258	11	Gary Barnett	Topic 7: Public Access and Open Space	p34/para264	Reject

Topic 9: Natural Hazards

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
64	1	Jet Boating NZ Inc	Topic 9: Natural Hazards	p21/para 166	Reject -NB Submission 64.1 is not referred to in Appendix 2
151	4	Trevor Offen	Topic 9: Natural Hazards	p45/para 364	Accept in part
277	1	Peter Bown	Topic 9: Natural Hazards	p43/para 350	Accept in part- NB Submission 277.1 is not referred to in Appendix 2
277	2	Peter Bown	Topic 9: Natural Hazards	p43/para353	Accept in part- NB Submission 277.2 is not referred to in Appendix 2
424	45	Michael and Kristen Gerard	Topic 9: Natural Hazards	p15/para 113	Accept in part -NB Submission 424.45 is not referred to in Appendix 2

425	783	Federated Farmers of New Zealand	Topic 9: Natural Hazards	p54/para 448	Reject
425	479	Federated Farmers of New Zealand	Topic 9: Natural Hazards	p36/para 301	Reject- NB Submission 425.479 is not referred to in Appendix 2
425	465	Federated Farmers of New Zealand	Topic 9: Natural Hazards	p26/para 210	Reject NB- Submission 425.465 is not referred to in Appendix 2
425	451	Federated Farmers of New Zealand	Topic 9: Natural Hazards	p30/para 247	Accept in part -NB Submission 425.451 is not referred to in Appendix 2
425	626	Federated Farmers of New Zealand	Topic 9: Natural Hazards	p45/para 362	Accept in part- NB Submission 425.626 is not referred to in Appendix 2
472	27	ME Taylor Limited	Topic 9: Natural Hazards	p30/para 247	Reject NB- Submission 472.27 is not referred to in Appendix 2
479	163	Department of Conservation	Topic 9: Natural Hazards	p30/para 247	Accept in part- NB Submission 479.163 is not referred to in Appendix 2
509	283	Nelson Marlborough Fish and Game	Topic 9: Natural Hazards	P30/para 248	Accept in part -NB Submission 509.283 is not referred to in Appendix 2
548	124	Awatere Water Users Group Incorporated	Topic 9: Natural Hazards	p30/para 248	Accept in part -Submission NB 548.124 is not referred to in Appendix 2
648	36	D C Hemphill	Topic 9: Natural Hazards	p30/para 248	Accept in part -NB Submission 648.36 is not referred to in Appendix 2
715	374	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Topic 9: Natural Hazards	p30/para 248	Accept in part- NB Submission 715.374 is not referred to in Appendix 2
738	22	Glenda Vera Robb	Topic 9: Natural Hazards	p30/para 248 (referred to as D. Robb in report)	Accept in part- NB Submission 738.22 is not referred to in Appendix 2

992	46	New Zealand Defence Force	Topic 9: Natural Hazards	p20/para 158	Reject NB- Submission 425.479 is not referred to in Appendix 2
1269	2	KMS Mining Limited	Topic 9: Natural Hazards	p20/para 159	Reject
93	15	Spencer & Susan White	Topic 9: Natural Hazards Addendum 7 May 2018	p2/para 11	Accept
166	50	Te Runanga o Toa Rangatira	Topic 9: Natural Hazards Addendum 7 May 2018	p1/para 4	Reject
455	57	John Hickman	Topic 9: Natural Hazards Addendum 7 May 2018	p2/para 9 (455.57 incorrectly referred to as 455.37 in Section 42A report p30/para 247	Accept in part
456	57	George Mehlhopt	Topic 9: Natural Hazards Addendum 7 May 2018	p2/para 9 (456.57 incorrectly referred to as 456.37 in Section 42A report p30/para 247	Accept in part
1002	135	New Zealand Transport Agency	Topic 9: Natural Hazards Addendum 7 May 2018	p1/para 8	Accept in part
166	49	Te Runanga o Toa Rangatira	Topic 9: Natural Hazards Addendum 7 May 2018	p1/Para 2	Reject

Topic 10: Urban Environments

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
292	1	James (Jim) Rudd	Section 42A Report Topic 10: Urban Environments	111	Accept in part
425	399	Federated Farmers of New Zealand	Section 42A Report Topic 10: Urban Environments	110	Accept in part
425	410	Federated Farmers of New Zealand	Section 42A Report Topic 10: Urban Environments	111	Accept in part
454	125	Kevin Francis Loe	Section 42A Report Topic 10: Urban Environments	111	Accept in part
515	4	Mt Zion Charitable Trust and Scholefield, A M and W W	Section 42A Report Topic 10: Urban Environments	111	Accept in part
681	1	Department of Corrections	Section 42A Report Topic 10: Urban Environments	99 (&113)	Accept
681	2	Department of Corrections	Section 42A Report Topic 10: Urban Environments	112	Reject
712	22	Flaxbourne Settlers Association	Section 42A Report Topic 10: Urban Environments	111	Accept in part
713	1	Fletcher Distribution Limited (Trading as 'Placemakers') and Mico New Zealand Limited (Trading as 'Mico')	Section 42A Report Topic 10: Urban Environments	113	Accept
766	1	Harvey Norman Properties (N.Z.) Limited	Section 42A Report Topic 10: Urban Environments	114	Accept

766	2	Harvey Norman Properties (N.Z.) Limited	Section 42A Report Topic 10: Urban Environments	115	Accept
1002	243	New Zealand Transport Agency	Section 42A Report Topic 10: Urban Environments	112	Accept
1004	11	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Section 42A Report Topic 10: Urban Environments	110	Accept in part
1004	12	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Section 42A Report Topic 10: Urban Environments	112	Accept
1004	53	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Section 42A Report Topic 10: Urban Environments	112	Accept
1044	17	Progressive Enterprises Limited	Section 42A Report Topic 10: Urban Environments	113	No recommendation
1140	72	Sanford Limited	Section 42A Report Topic 10: Urban Environments	111	Accept in part
1251	149	Fonterra Co-operative Group Limited	Section 42A Report Topic 10: Urban Environments	110	Reject
1251	150	Fonterra Co-operative Group Limited	Section 42A Report Topic 10: Urban Environments	112	Reject

Topic 11: Use of the Coastal Environment

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
91	157	Marlborough District Council	S42A Report, Topic 11 Use of the Coastal Environment – 12 th March 2018 and Right of Reply Tracked Changes Document.	Page 212 (para 1191-1192)	Accept
355	17	Dominion Salt Limited	S42A Report, Topic 11 Use of the Coastal Environment – 12 th March 2018 and Right of Reply	Page 174 Page 108-112	Accept in Part
355	6	Dominion Salt Limited	S42A Report, Topic 11 Use of the Coastal Environment – 12 th March 2018	Page 174-175 (paragraphs 973-981)	Accept
355	8	Dominion Salt Limited	S42A Report, Topic 11 Use of the Coastal Environment – 12 th March 2018	Page 175 (paragraphs 977-978)	Reject
355	7	Dominion Salt Limited	S42A Report, Topic 11 Use of the Coastal Environment – 12 th March 2018	Page 175 (paragraphs 977-978)	Accept
355	11	Dominion Salt Limited	Addendum 1 to S42A Report– 22 nd March 2018	Page 12-13 (paragraphs 57-62)	Accept
355	12	Dominion Salt Limited	S42A Report, Topic 11 Use of the Coastal Environment – 12 th March 2018	Page 175 (paragraphs 979-980)	Accept
425	818	Federated Farmers of New Zealand	Addendum 2 to S42A Report– 28 th March 2018	Page 6 (paragraphs 19-30)	Reject
950	3	Michael William Rosson	S42A Report, Topic 11 Use of the Coastal Environment – 12 th March 2018	Page 78-79 (paragraphs 438, 440-450)	Reject
1002	200	New Zealand Transport Agency	S42A Report, Topic 11 Use of the Coastal Environment – 12 th March 2018 S42A Report, Topic 18 Nuisance Effects	Page 271 Page 6 (Paragraph 41)	Accept

			- 5 th October 2018		
967	8	Marlborough Roads	S42A Report, Topic 11 Use of the Coastal Environment – 12 th March 2018	Page 111 (Paragraphs 633-641)	Accept
433	104	PMNZ	S42A Report, Topic 11 Use of the Coastal Environment – 12 th March 2018	Page 195-197 (Paragraphs 1081-1083, 1090)	Accept in part

Topic 11: Allocation of Public Space in the Coastal Marine Area

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page and paragraph number</i>	<i>Recommendation</i>
950	1	Michael Rosson	S42A Hearings Report, Topic 11: Allocation of Public Space in the Coastal Marine Area, 2 nd November 2018	Page 23 & 24, Paragraphs 104 & 106	Reject
950	2	Michael Rosson	S42A Hearings Report, Topic 11: Allocation of Public Space in the Coastal Marine Area, 2 nd November 2018	Page 48 – 49, Paragraphs 235 - 238	Reject
1246	3	Pelorus Boating Club Inc	S42A Hearings Report, Topic 11: Allocation of Public Space in the Coastal Marine Area, 2 nd November 2018	Page 49, Paragraphs 239 - 242	Reject
688	29	Judy and John Hellstrom	S42A Hearings Report, Topic 11: Allocation of Public Space in the Coastal Marine Area, 2 nd November 2018	Page 31-43, Paragraphs 140 and 161	Accept
710	7	The Fishing Industry Submitters	S42A Hearings Report, Topic 11: Allocation of Public Space in the Coastal Marine Area, 2 nd November 2018	Page 31-43, Paragraphs 143 and 157	Reject
715	101, 102, 103, 104, 105, 106, 107, 108,	Forest and Bird	S42A Hearings Report, Topic 11: Allocation of Public Space in the Coastal Marine Area, 2 nd November 2018 S42A Report – Reply to Evidence, Topic	Page 30134-138, Paragraphs 143 and 157 Pages 3-5	Accept

	109		11: Allocation of Public Space in the Coastal Marine Area, by Debbie Donaldson 2 nd November 2018		
1140	4	Sanford Limited	S42A Hearings Report, Topic 11: Allocation of Public Space in the Coastal Marine Area, 2 nd November 2018 S42A Report – Reply to Evidence, Topic 11: Allocation of Public Space in the Coastal Marine Area, by Debbie Donaldson 2 nd November 2018	Page 31-43, Paragraphs 142 and 147-153 Pages 5-7	Accept in Part
1186	46	Te Ātiawa o Te Waka-a-Maui	S42A Hearings Report, Topic 11: Allocation of Public Space in the Coastal Marine Area, 2 nd November 2018 S42A Report – Reply to Evidence, Topic 11: Allocation of Public Space in the Coastal Marine Area, by Debbie Donaldson 2 nd November 2018	Page 33, Paragraph 158 Pages 7-9	Accept in Part
688	30	Judy and John Hellstrom	S42A Hearings Report, Topic 11: Allocation of Public Space in the Coastal Marine Area, 2 nd November 2018	Page 34, Paragraphs 163 and 175	Accept
710	8	The Fishing Industry Submitters	S42A Hearings Report, Topic 11: Allocation of Public Space in the Coastal Marine Area, 2 nd November 2018	Page 35, Paragraphs 165 and 173	Reject
501	20	Te Runanga O Ngāti Kuaia	S42A Hearings Report, Topic 11: Allocation of Public Space in the Coastal Marine Area, 2 nd November 2018	Page 37-38, Paragraphs 186-188	Reject
688	30	Judy and John Hellstrom	S42A Hearings Report, Topic 11: Allocation of Public Space in the Coastal Marine Area, 2 nd November 2018	Page 36-39, Paragraphs 177 and 190	Accept
688	32	Judy and John Hellstrom	S42A Hearings Report, Topic 11: Allocation of Public Space in the Coastal Marine Area, 2 nd November 2018	Page 39-41 Paragraphs 192 and 201	Accept
1186	47	Te Ātiawa o Te Waka-a-Maui	S42A Hearings Report, Topic 11: Allocation of Public Space in the Coastal Marine Area, 2 nd November 2018	Page 39-41 Paragraphs 194 and 199-201	Reject

Topic 13: Resource Quality (Air)

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
431	65	Wine Marlborough	Section 42A Report Topic 13: Air Quality	94	Accept
509	452	Nelson Marlborough Fish and Game	Section 42A Report Topic 10: Air Quality	51	Accept in part
769	108	Horticulture New Zealand	Section 42A Report Topic 10: Air Quality	95	Accept in part
993	68	Fire and Emergency New Zealand	Section 42A Report Topic 10: Air Quality	63	Accept

Topic 13: Resource Quality (Water)

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
425	307	Federated Farmers of New Zealand	Topic 13 - Water Quality	p121/para810	Accept in Part
425	412	Federated Farmers of New Zealand	Topic 13 - Water Quality	p133/para892	Accept
717	68	Fulton Hogan Limited	Topic 13 - Water Quality	p67/para449	Reject

698	90	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p14/para83	Accept in Part
698	91	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p15/para87, p15/para90	Reject
698	92	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p16/para98, p17/para102, p18/para104, p20/para120/121/122	Accept in part
698	94	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p22/para139, p23/para147	Reject
698	95	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p31/para207, p33/para222	Reject
698	96	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p35/para231, p36/para238	Reject
698	97	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p49/para230, p50/para328	Reject
698	98	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p64/para429, p65/para432, p66/para438	Reject
698	99	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p66/para443	Reject
698	100	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p82/para559, para 561	Reject
698	101	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p83/para566, p84/para571	Reject
698	102	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p85/para578 p86/para581	Reject

698	104	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p99/para674, p100/para676	Reject
698	105	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p100/para680 and 681	Reject
698	106	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p100/para686, p102/para695	Reject
698	107	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p103/para711, p104/para716	Reject
698	108	Environmental Defence Society Incorporated	Topic 13 - Water Quality	p116/para786, p118/para792	Reject
717	55	Fulton Hogan Limited	Topic 13 - Water Quality	p65/para437	Accept
717	56	Fulton Hogan Limited	Topic 13 - Water Quality	p89/para600, p91/para608	Reject
1201	99	TrustPower Limited	Topic 13 - Water Quality: Stock Crossing Provisions	p16/para93	Accept in Part
698	115	Environmental Defence Society Incorporated	Topic 13 - Water Quality: Stock Crossing Provisions	p20/para115, p25/para135	Reject
698	116	Environmental Defence Society Incorporated	Topic 13 - Water Quality: Stock Crossing Provisions	p20/para115, p25/para135	Reject
698	103	Environmental Defence Society Incorporated	Topic 13 - Water Quality: Stock Crossing Provisions	p8/para53, p12/para66	Reject
698	93	Environmental Defence Society Incorporated	Topic 13 - Water Quality: Stock Crossing Provisions	p53/293, p57/para316	Reject

425	309	Federated Farmers of New Zealand	Topic 13 - Water Quality: Stock Crossing Provisions	p51/para287, p56/para311	Reject
425	306	Federated Farmers of New Zealand	Topic 13 - Water Quality: Stock Crossing Provisions	p50/para284, p56/para310	Reject
425	292	Federated Farmers of New Zealand	Topic 13 - Water Quality: Stock Crossing Provisions	p50/para283, p56/para309	Reject
425	148	Federated Farmers of New Zealand	Topic 13 - Water Quality: Stock Crossing Provisions	p49/para282, p56/para308	Reject

Topic 14: Waste and Discharges to Land

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Paragraph number</i>	<i>Recommendation</i>
149	38	PF Olsen Ltd	Topic 14: Waste and Discharges to Land	324	Reject
676	107	Dairy NZ	Topic 14: Waste and Discharges to Land	833	Reject
676	136	Dairy NZ	Topic 14: Waste and Discharges to Land	391	Reject
1023	8	P Rene	Topic 14: Waste and Discharges to Land	438	Reject
274	2	Institution of Professional Engineers New Zealand	Topic 14: Waste and Discharges to Land	539	Reject
339	21	S Parkes	Topic 14: Waste and Discharges to Land	826	Accept in part

Topic 15: Transportation and Signage

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
1004	43	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Topic 15: Transportation and Signage	p60/para367 Reply in evidence page 13/14	NB Submission 1004.43 is not referred to in Appendix 1 Accept
717	70	Fulton Hogan Limited	Topic 15: Transportation and Signage	p28/para177	Accept
717	61	Fulton Hogan Limited	Topic 15: Transportation and Signage	p15/para82	Reject
974	4	Ministry of Education	Topic 15: Transportation and Signage	p17/para99	Accept in part -NB Submission 974.4 is not referred to in Appendix 1
1002	269	New Zealand Transport Agency	Topic 15: Transportation and Signage	p35/para211	Accept
1002	236	New Zealand Transport Agency	Topic 15: Transportation and Signage	p36/para218	Accept- NB Submission 1002.236 is not referred to in Appendix 1
1002	237	New Zealand Transport Agency	Topic 15: Transportation and Signage	p37/para220	Reject- NB Submission 1002.237 is not referred to in Appendix 1
1002	239	New Zealand Transport Agency	Topic 15: Transportation and Signage	p37/para225	Accept in part- NB Submission 1002.239 is not referred to in Appendix 1
1002	240	New Zealand Transport Agency	Topic 15: Transportation and Signage	p37/para224	Reject- NB Submission 1002.240 is not referred to in Appendix 1

1002	246	New Zealand Transport Agency	Topic 15: Transportation and Signage	p59/para364	Accept- NB Submission 1002.246 is not referred to in Appendix 1
1002	252	New Zealand Transport Agency	Topic 15: Transportation and Signage	p37/para226	Accept- NB Submission 1002.252 is not referred to in Appendix 1
1002	253	New Zealand Transport Agency	Topic 15: Transportation and Signage	p37/para227	Reject- NB Submission 1002.253 is not referred to in Appendix 1
1002	258	New Zealand Transport Agency	Topic 15: Transportation and Signage	p60/para367	Accept in part- NB Submission 1002.258 is not referred to in Appendix 1
1002	259	New Zealand Transport Agency	Topic 15: Transportation and Signage	p37/para228	Reject -NB Submission 1002.259 is not referred to in Appendix 1
1002	260	New Zealand Transport Agency	Topic 15: Transportation and Signage	p37/para228	Reject in part -NB Submission 1002.260 is not referred to in Appendix 1
1002	262	New Zealand Transport Agency	Topic 15: Transportation and Signage	p60/para369	Accept- NB Submission 1002.262 is not referred to in Appendix 1
1002	202	New Zealand Transport Agency	Topic 15: Transportation and Signage	p38/para231	Accept

Topic 18: Nuisance Effects and Temporary Military Training

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
450	32	Shaun and Jane Peoples	Topic 18: Nuisance Effects and Temporary Military Training	p16/para 114	Reject
509	414	Nelson Marlborough Fish and Game	Topic 18: Nuisance Effects and Temporary Military Training	p7/para 49	Accept
509	416	Nelson Marlborough Fish and Game	Topic 18: Nuisance Effects and Temporary Military Training	p10/para 66	Accept
509	417	Nelson Marlborough Fish and Game	Topic 18: Nuisance Effects and Temporary Military Training	p11/para 75	Reject
992	51	New Zealand Defence Force	Topic 18: Nuisance Effects and Temporary Military Training	p16/para 109	Reject
992	52	New Zealand Defence Force	Topic 18: Nuisance Effects and Temporary Military Training	p16/para 111	Accept
992	53	New Zealand Defence Force	Topic 18: Nuisance Effects and Temporary Military Training	p17/para 116	Reject
992	54	New Zealand Defence Force	Topic 18: Nuisance Effects and Temporary Military Training	p17/para 118 Reply in Evidence page 4	Accept in part
992	57	New Zealand Defence Force	Topic 18: Nuisance Effects and Temporary Military Training	p17/para 120	Reject
993	23	Fire and Emergency New Zealand	Topic 18: Nuisance Effects and Temporary Military Training	p16/para112	Reject

1198	77	Transpower New Zealand Limited	Topic 18: Nuisance Effects and Temporary Military Training	p17/para115	Accept
433	119	Port Marlborough New Zealand Limited	Topic 18: Nuisance Effects and Temporary Military Training	p11/para 82 Reply in Evidence page 6	Accept in part

Topic 19: Soil Quality and Land Disturbance

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
425	543	Federated Farmers of New Zealand	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	36	Rejected
505	33	Ernslaw One Limited	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	30	Reject
1192	41	The Fertiliser Association of New Zealand	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	12	Accept in part
1192	42	The Fertiliser Association of New Zealand	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	12	Reject
1192	43	The Fertiliser Association of New Zealand	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	13	Reject
1192	44	The Fertiliser Association of New Zealand	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	18	Reject
1192	45	The Fertiliser Association of New Zealand	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	19	Accept

1192	46	The Fertiliser Association of New Zealand	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	20	Accept
1192	47	The Fertiliser Association of New Zealand	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	20	Accept
1192	48	The Fertiliser Association of New Zealand	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	20	Accept
1192	49	The Fertiliser Association of New Zealand	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	21	Accept
149	55	PF Olsen Ltd	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	48	Accept
1004	52	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	34	Accept
1146	47	Sea Shepherd New Zealand	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	34	Accept
1193	34	The Marlborough Environment Centre Incorporated	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	45	Accept
1193	32	The Marlborough Environment Centre Incorporated	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	43	Reject
509	432	Nelson Marlborough Fish and Game	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	35	Reject
1193	35	The Marlborough Environment Centre Incorporated	Report on submissions and further submissions Topic 19: Soil Quality and Land Disturbance	45	Accept

Topic 20: Utilities and Designations

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Paragraph number</i>	<i>Recommendation</i>
1198	52	Transpower New Zealand Ltd	Section 42A Report – Reply to Evidence – Topic 20: Utilities and Designations	Pages 21-22	Accept
993	94	Fire and Emergency New Zealand	Section 42A Report Topic 20: Utilities and Designations	270	Accept
1198	83	Transpower New Zealand Ltd	Section 42A Report Topic 20: Utilities and Designations	224	Accept in part
1198	84	Transpower New Zealand Ltd	Section 42A Report Topic 20: Utilities and Designations	224	Accept in part

Topic 22: Forestry

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Paragraph number</i>	<i>Recommendation</i>
459	7	Beef and Lamb New Zealand	Section 42A Report Topic 22: Forestry	113	Reject
861	2	Kerrin Raeburn	Section 42A Report Topic 22: Forestry	231	Accept in part
861	3	Kerrin Raeburn	Section 42A Report Topic 22: Forestry	245	Accept in part

861	4	Kerrin Raeburn	Section 42A Report Topic 22: Forestry	245	Accept in part
990	37	Nelson Forests Limited	Section 42A Report Topic 22: Forestry	94	Reject
1238	46	Windermere Forests Limited	Section 42A Report Topic 22: Forestry	304	Reject

Topic 25: Definitions

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Report</i>	<i>Page number</i>	<i>Recommendation</i>
993	93	Fire and Emergency New Zealand	Topic 25: Definitions	P1/para4	Accept