

Proposed Marlborough Environment Plan

**Section 42A Hearings Report for Hearing Commencing
12 February 2018**

Report dated: 20 November 2017

**Report on submissions and further
submissions Topic 6: Indigenous Biodiversity**

Report prepared by

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List of Abbreviations

MEP	Proposed Marlborough Environment Plan
RMA	Resource Management Act 1991
NZCPS	New Zealand Coastal Policy Statement 2010
NPSET	National Policy Statement on Electricity Transmission 2008
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NPSFM	National Policy Statement for Freshwater Management 2014
NESPF	Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017
NESTF	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016

Submitter Abbreviations

Submitter Number	Submitter Abbreviation	Full Submitter Name
91	MDC	Marlborough District Council
152	CBRA	Clova Bay Residents Association Inc
401	Aquaculture NZ	Aquaculture New Zealand
425	Federated Farmers	Federated Farmers of New Zealand
426	MFA	Marine Farming Association Incorporated
433	Port Marlborough	Port Marlborough New Zealand Limited
459	Beef and Lamb	Beef and Lamb New Zealand
482	DOC	Department of Conservation
507	QCSRA	Queen Charlotte Sound Residents Association
509	Fish and Game	Nelson Marlborough Fish and Game
514	King Family Trust	A J King Family Trust and S A King Family Trust
698	EDS	Environmental Defence Society
710	Fishing Industry	The Fishing Industry Submitters
715	Forest and Bird	Royal Forest and Bird Protection Society
716	Friends of NH and TB	Friends of Nelson Haven and Tasman Bay Incorporated
726	Canantor Mussels	Canantor Mussels Limited and N. I Buchanan-Brown
869	KCSRA	Kenepuru and Central Sounds Residents Association Incorporated
995	NZ Forest Products	New Zealand Forest Products Holdings Limited
962	MFIA	Marlborough Forest Industry Association
974	MPI	Ministry for Primary Industries
1038	PauaMAC 7	PauaMAC 7 Industry Association Incorporated
1189	TRoNT	Te Rūnanga o Kāikoura and Te Rūnanga o Ngāi Tahu
1190	BMCRRA	Bay of Many Coves Residents and Ratepayers Association Incorporated
1193	MEC	The Marlborough Environment Centre Incorporated
1199	Transpower	Transpower New Zealand Limited

Introduction

My name is Andrew Maclennan. I am a Resource Management Consultant from Incite (CH-CH), based in Christchurch. My qualifications and experience are as follows:

I hold a Bachelor of Science in Land Planning and Development from Otago University and am currently studying towards a Masters of Resource Management at Massey University. I am an Associate member of the New Zealand Planning Institute and a member of the Resource Management Law Association.

I have 6 years' planning experience working in both local government and the private sector. My experience includes both regional and district plan development, including the preparation of s32 and s42A reports. I also have experience in resource consents and notices of requirement, both in preparing applications, as well as processing applications for territorial authorities.

In my current and previous roles, I have not undertaken work for any of the submitters on the MEP. I was not involved with the preparation of the MEP. I was contracted by the Marlborough District Council (Council) in August 2017 (after the MEP submission period had closed) to evaluate the relief requested in submissions and to provide recommendations in the form of a Section 42A report.

I have read Council's Section 32 report and Council's technical reports relating to: Significant Marine Sites, and also the Summary Reports on the Results of the Significant Natural Area Programme.

Code of Conduct

I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it.

I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

I am authorised to give this evidence on the Council's behalf.

Scope of Hearings Report

This report is prepared in accordance with Section 42A of the Resource Management Act 1991 (RMA).

In this report I assess and provide recommendations to the Hearing Panel on submissions made on Volume 1 Chapter 8 Indigenous Biodiversity, the indigenous vegetation clearance rules located within the relevant zones within Volume 2, and also Rule 16.7.5 related to the management of ecologically significant marine sites. This report does not consider submission points related to the identification and management of the significant natural wetlands, which are considered in the Wetlands Section 42a report, or the criteria for significant biodiversity (set out in Policy 8.1.1 and Appendix 3).

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.

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.

This report also relies, in part, on legal advice obtained from John Maassen (Legal counsel and Peter Hamill (MDC Team Leader – Land and Water), where identified within this report. This report is intended to be read in conjunction with other Section 42A reports, as follows:

- Criteria for significant biodiversity
- Mapping of ecologically significant marine sites

Overview of Provisions

The provisions that manage the protection of indigenous biodiversity within the Marlborough District are spread throughout the MEP. The objectives, policies, and methods are contained within Volume 1 Chapter 8, and the rules that manage the clearance of indigenous biodiversity are set out in each of the relevant zone based chapters within Volume 2. Objective 8.1 provides a goal of protecting Marlborough's remaining indigenous biodiversity. Objective 8.2 seeks to increase and restore the condition and areas of indigenous biodiversity that has been degraded.

The regulatory approach

Policy 8.1.1 and Appendix 3 of the MEP set out criteria that is to be used to assess whether: wetlands, marine or terrestrial ecosystems, habitats and areas have significant indigenous biodiversity value. The areas of significant wetlands, and ecologically significant marine sites have been mapped as overlays within the MEP, and there are specific policies and rules that are intended to manage the protection of these areas.

Areas of significant indigenous terrestrial biodiversity have not been mapped within the MEP, instead policies and rules have been included with the MEP which manage the general clearance of indigenous biodiversity. The rules proposed within the MEP allow, as a permitted activity, the clearance of some indigenous vegetation where clearance has occurred previously, and tighter controls in areas which have not been historically cleared. The MEP also includes more stringent general vegetation clearance provisions for areas that are located with the coastal environment, in accordance with the requirements of the NZCPS. Any breach of the permitted activity thresholds defaults to a fully discretionary activity status.

The non-regulatory approach

The MEP also contains a strong non-regulatory element. Since 2000, the Council has established the Significant Natural Areas Project, which identifies and protects significant natural areas of indigenous biodiversity on private land within Marlborough.

The Significant Natural Areas Project was established to assist landowners and community groups who wished to protect and restore natural areas and ecosystems. This includes financial assistance to landowners willing to protect ecologically important areas on their properties. Funding is also available from the central government's biodiversity fund and through the QEII National Trust, and landowners themselves have also contributed significantly to the restoration and protection efforts.

The Council has worked on the principle of a partnership approach with landowners to achieve improvements in the protection of remaining terrestrial significant natural areas. The rate of participation in this project indicates that many landowners want to protect unique ecosystems and species where they occur on their properties. A more detailed history of the Significant Natural Areas project can be found within the indigenous biodiversity chapter of the Section 32 report, the Marlborough Significant Natural Areas Project Summary Reports¹, and is discussed further in this report.

There are a number of proposed policies included with the MEP which seek to encourage the continued voluntary protection of indigenous terrestrial biodiversity. These include policies that seek that a variety of means will be used to assist in the protection and enhancement of areas and habitats

¹ <https://www.marlborough.govt.nz/environment/biodiversity/biodiversity-publications-and-reports/marlborough-significant-natural-areas-project-summary-reports>.

with indigenous biodiversity, and that the voluntary partnership approach with landowners is used as the primary means for achieving the protection of areas of significant indigenous biodiversity on private land. These policies are implemented through a range of non-regulatory methods such as: undertaking voluntary ecological assessments on private properties to determine if there are ecosystems habitats or areas present with significant indigenous biodiversity value; supporting Queen Elizabeth II National Trust covenants; and supporting community restoration projects.

Statutory Documents

The following statutory documents are relevant to the provisions and/or submissions within the scope of this report. Although a summary of the way in which these provisions are relevant is provided below, the way in which they influence the assessment of the relief requested by submissions will be set out in the actual assessment.

Resource Management Act 1991

National Policy Statements

New Zealand Coastal Policy Statement 2010 (NZCPS)

The NZCPS sets out national policy direction in order to achieve the purpose of the RMA in relation to the coastal environment. It is the only mandatory national policy statement under the RMA. It contains seven objectives and 29 related policies. The NZCPS provides direction to local authorities in relation to how the coastal environment is to be managed, consistent with the functions given to regional councils and district councils under the RMA. The NZCPS must be given effect to in regional policy statements, regional plans and district plans.

The NZCPS is particularly relevant to the provisions that manage the protection of indigenous biodiversity within the coastal environment, including Rule 16.7.5 that manages activities within ecologically significant marine sites. The particular provisions within the NZCPS are discussed in the assessment of this topic where relevant, and because of their particular relevance, Objective 1 and Policy 11 of the NZCPS are set out as follows:

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;*
- *protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and*
- *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.*

Policy 11 Indigenous biological diversity (biodiversity)

To protect indigenous biological diversity in the coastal environment:

(a) avoid adverse effects of activities on:

- (i) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
- (ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;*
- (iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;*
- (iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*
- (v) areas containing nationally significant examples of indigenous community types; and*
- (vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and*

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

- (i) areas of predominantly indigenous vegetation in the coastal environment;*
- (ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*
- (iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;*
- (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
- (v) habitats, including areas and routes, important to migratory species; and*
- (vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.*

National Policy Statement on Electricity Transmission 2008 (NPSET)

The NPSET sets out the objective and policies for managing the electricity transmission network (the National Grid). It imposes obligations on both Transpower and local authorities. The NPSET promotes a more standardised and consistent approach throughout New Zealand to the transmission of electricity within a region or district and in managing the effects of the transmission network on the environment. The NPSET is not particularly relevant to this report, however the provisions that relate to the clearance of indigenous vegetation associated with the National Grid need to balance the direction set out within the NPSET, against the direction set out within the NZCPS. The particular policies within the NPSET are discussed in the assessment of this topic where relevant.

National Environmental Standards

National Environmental Standards for Plantation Forestry 2017 (NESPF)

The NESPF is designed to provide a nationally consistent set of rules that address the risks of forestry activities and protect sensitive environments. The regulations apply to any forest larger than one hectare that has been planted specifically for harvest. It covers eight core plantation forestry activities: afforestation; pruning and thinning to waste; earthworks; river crossings; forestry quarrying; harvesting; mechanical land preparation; and replanting. In recognition that there are some locations that require a greater degree of protection, the NESPF allows councils to make rules that are more stringent, where necessary, in specified instances. The NESPF does not come into effect until 1 May 2018. Until then, the relevant provisions applicable to forestry in the MSRMP, WARMP and MEP will continue to apply. The NESPF does have direct relevance to the indigenous biodiversity chapter of MEP, as the NESPF contains provisions relating to the clearance of indigenous vegetation associated with plantation forestry. The particular provisions within the NESPF are discussed in the assessment of this topic where relevant.

Indigenous Biodiversity

Analysis of submissions

There were approximately: 654 submission points received on the relevant objectives and policies of Chapter 8 - Indigenous Biodiversity; 219 received on the indigenous biodiversity clearance rules; and 243 received on the ecologically significant marine sites rules and overlay maps.

Key matters

I have set out my analysis of the submissions points by the key matter and then by respective components of the topic, under the following headings:

Matter 1: Status of objectives and policies

Matter 2: Objective 8.1

Matter 3: Objective 8.2

Matter 4: Identification of sites, areas and habitats with significant indigenous biodiversity value

Matter 5: Indigenous biodiversity protection and enhancement through non-regulatory means

Matter 6: Managing effects of subdivision, use and development on indigenous biodiversity

Matter 7: Sea bed disturbance in ecologically significant marine sites

Matter 8: Managing drainage, diversion of water and biodiversity offsets

Matter 9: Miscellaneous

Pre-hearing meetings

There has been no pre-hearing meeting for this topic.

Matter 1: Status of objectives and policies

Forest and Bird (715.172 -.176; and 175.185 - .188) have requested that various objectives and policies within the chapter are identified as RPS, Regional, Coastal and District Plan. I agree that in order to understand the hierarchy and spatial extent of objectives and policies as well as providing consistency with the rest of the MEP, each objective, policy and method requires a code. I understand the lack of coding was a drafting oversight during plan production. As such, I recommend these codes are instated as follows:

	Objectives	Policies	Methods
Regional Policy Statement Provisions	8.1 8.2	8.1.1 8.1.2 8.1.3 8.2.1 8.2.2 8.2.3 8.2.4 8.2.5 8.2.6 8.2.7 8.2.8	8.M.3 8.M.4 8.M.5
Regional Plan Provisions	8.1 8.2	8.2.3 8.2.4 8.2.5 8.2.7 8.2.9 8.2.10 8.2.11 8.2.12	8.M.1 8.M.6 8.M.7 8.M.8 8.M.9 8.M.10 8.M.11 8.M.12

		8.2.13 8.3.1 8.3.2 8.3.3 8.3.4 8.3.5 8.3.6 8.3.8	
Regional Coastal Plan Provisions	8.1 8.2	8.2.3 8.2.7 8.2.9 8.2.10 8.2.12 8.3.1 8.3.5 8.3.7 8.3.8	8.M.1 8.M.6 8.M.7 8.M.8 8.M.9 8.M.11
District Plan Provisions	8.1 8.2	8.2.6 8.2.9 8.3.1 8.3.2 8.3.3 8.3.5 8.3.8	8.M.2 8.M.10 8.M.11 8.M.12

Matter 2: Objective 8.1

Objective 8.1 reads:

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

Submissions and Assessment

There are 11 submitters that generally support Objective 8.1², and seek that the objective be retained as notified.

Aquaculture NZ (401.88), Port Marlborough (433.35), MFA (426.92), Trustpower (1201.77), and Federated Farmers (425.121) have submitted requesting that the objective refers to "areas of significant indigenous biodiversity" as opposed to "all remaining indigenous biodiversity". They consider that this amendment better reflects the intent of Section 6(c) of the RMA. MFIA request that the objective recognises that the significant areas in the plan, while significant, may be affected by legitimate adjacent activities, such as SNA wetlands within plantation forestry.

NZ Forest Products (995.14) consider that Objective 8.1 should be amended to make it clear that appropriate (not absolute) protection of significant indigenous biodiversity is to be achieved. They consider that the current provisions contain an absolute protection of significant indigenous biodiversity, which does not recognise that there are some activities which may not be able to avoid affecting areas of significant indigenous biodiversity. EDS (698.61 and .62) request that Objective 8.1 and Policy 8.1.1 be amended to include reference to "wetland and marine environments".

Forest and Bird (715.171) have suggested a range of amendments to the explanation of the objective to provide clarity to the intent of the objective. Similarly, Friends of NH and TB (716.92) support the

² I. Mitchell (364.18); DOC (479.69); Forest and Bird (496.24); QCSRA (504.29); Fish and Game (509.121); Pinder Family Trust (578.23); J. and J. Hellstron (688.72); Guardians of the Sounds (752.23); KCSRA (868.24); NZTA (1002.33); Sea Shepherd New Zealand (1146.23).

objective but seek that the explanation is amended to remove reference to maintaining or improving areas and the condition of indigenous biodiversity “*where opportunities arise*” as they consider these words weakens the effect of the objective and make its meaning unclear.

When considering the above submission points I note that Section 32(1)(a) requires an evaluation of whether the objective is the most appropriate way to achieve the purpose of the RMA. As such, I note that Section 5 of the RMA requires that the sustainable management of natural and physical resources is promoted, and Section 5(2)(b) requires that the life-supporting capacity of ecosystems is safeguarded. Section 6(c) of the RMA requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Section 30(1)(ga) provides regional councils with functions under the RMA to establish, implement and review objectives, policies and methods for maintaining indigenous biological diversity. In relation to indigenous biodiversity within the coastal environment, the NZCPS is also relevant. Objective 1 of the NZCPS seeks to safeguard the integrity, form, and functioning, and resilience of the coastal environment and sustain its ecosystems, and Objective 6 of the NZCPS seeks to enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety. Finally, Objective 7 of the NZCPS requires that the management of the coastal environment (including the coastal marine area) recognises and provides for New Zealand international obligations.

As such, while I acknowledge that Section 6(c) of the RMA provides specific direction on the protection of areas of ‘significant’ indigenous vegetation, I consider that the intent of the Objective 8.1 is to seek a broader level of protection within the Marlborough environment. This is consistent with the wider functions of the Council under Section 30(1)(ga) to maintain indigenous biological diversity. The explanation associated with Objective 8.1 states that there has been considerable loss of indigenous biodiversity in Marlborough, and as such it is important that remaining areas are protected and that their condition is maintained and improved. This explanation also notes that ‘protection’ in this context is considered in a broad sense, and may include legal protection as well as fencing, active pest control, regulation and improved land management practices. I consider that ‘protection’ in this context is not intended to be an absolute protection, in that it does not seek to ensure that every part of Marlborough’s remaining indigenous vegetation remains un-disturbed. If this was the intention, then logically the MEP would not include any permitted clearance of indigenous vegetation. Instead, I consider that the objective seeks that in general, indigenous biodiversity is managed in such a way that its value and integrity is protected. By ensuring that the values of indigenous biodiversity are protected, this does not require that every individual plant is protected, instead it acknowledges that some removal of indigenous vegetation will occur in order to provide for the communities’ social, economic, cultural, or environmental wellbeing.

As such, I recommend that an amendment is made to the Objective which seeks that the ‘values’ of Marlborough’s remaining indigenous biodiversity are protected. By introducing the term ‘values’, I consider that this ensures that it is the underlying value of indigenous biodiversity that is to be protected, rather than the biodiversity itself. I consider that protecting the remaining indigenous biodiversity values within Marlborough is the most appropriate way of achieving the purpose of the RMA and also the direction set out in the NZCPS. Accordingly, I do not recommend that the scope of the protection within this objective is confined to the protection of areas of significant indigenous biodiversity. Instead, I consider that the overall value of indigenous biodiversity in Marlborough should be protected. I also acknowledge that the values of significant areas will be greater, and therefore the action taken within the MEP to achieve the objective in relation to significant areas will necessarily require more stringent protection methods.

In relation to EDS’s submission point, I disagree that the objective needs to include reference to ‘wetland and marine environments’ as these environments are included within the freshwater and coastal environments and are therefore already covered by the objective.

I disagree with MFIA, that the objective needs to recognise that the significant areas in the MEP may be affected by legitimate adjacent activities. I consider that the objective needs to provide a high-level goal for the management of indigenous biodiversity, and should not be watered down by including exclusions for particular activities.

I agree with Forest and Bird that the explanation associated with Objective 8.1 should be amended to better reference the terms set out in the RMA, and also provide an explanation of the link between the

indigenous biodiversity provisions and the natural character provisions within the MEP. Similarly, I agree with the request by Friends of NH and TB to remove the phrase “where opportunities arise” as I consider this is inconsistent with the goal set out in the objective.

Recommendation

I recommended that Objective 8.1 is amended as follows:

Marlborough's remaining indigenous biodiversity values³ in terrestrial, freshwater and coastal environments ~~is~~ are⁴ protected.

As there has been considerable loss of indigenous biodiversity in Marlborough, it is important that remaining areas ~~are protected~~ and ~~that their condition is maintained and improved~~ are managed so that the values of the indigenous biodiversity are protected⁵ where opportunities arise⁶. Protection in this context should be considered in a broad sense and may include legal protection as well as fencing, active pest control, regulation and improved land management practices. The inclusion of this objective ~~helps to achieve~~ gives effect to⁷ the National Policy Statement for Freshwater Management 2014 (NPSFM), where for both water quantity and quality reasons the protection of the significant values of wetlands is required. This objective also ~~helps to achieve~~ gives effect to⁷ the New Zealand Coastal Policy Statement 2010 (NZCPS) where there is specific direction to protect biological diversity in the coastal environment.

This objective also ~~helps~~ sets out the intent⁷ to protect indigenous biodiversity as an important component of Marlborough's natural heritage and gives recognition to central government's 'statement of national priorities' for protecting rare and threatened indigenous biodiversity on private land (June 2007). These priorities are:

...

~~Matters of national importance in Section 6(a) and 6(c) of the RMA require the Council to recognise and provide for the preservation of the natural character of the coastal environment, wetlands, lakes, rivers and their margins, and the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. These matters help to protect biodiversity as important components of Marlborough's natural heritage.~~

There is a relationship between this Objective and Objective 6.2 in Chapter 6 in terms of the protection of natural character under s6(a) of the RMA and Policies 11, 13 and 14 of the NZCPS within the coastal environment. This is because indigenous biodiversity is also a component determining natural character. For this reason, policies in this chapter that provide for the protection of indigenous biodiversity in the coastal environment, wetlands, rivers, lakes and their margins gives effect to both Section 6(a) and (c) of the RMA and achieves the direction set out within Policies 11, 13 and 14 of the NZCPS.⁸

Matter 3: Objective 8.2

Objective 8.2 reads:

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

³ 1201.077 Trustpower

⁴ Consequential amendment

⁵ Consequential amendment

⁶ 716.092 - Friends of NH & TB

⁷ 496.024 - Forest and Bird

⁸ 496.024 - Forest and Bird

Submissions and Assessment

There are 10 submitters that generally support the intent of Objective 8.2⁹, and seek that the objective be retained as notified. In particular, DOC suggest that maintaining or enhancing the remaining indigenous biodiversity is a function of the Council required under sections 30 and 31 of the RMA. Forest and Bird support the objective as it provides protection, in part, to the indigenous habitat for long-tailed bats and the other species within that ecosystem. KCSRA support the objective as they consider that every management and intervention opportunity should be taken to increase indigenous biodiversity of the coastal marine area of the Marlborough Sounds.

There are also a number of submissions opposing Objective 8.2, these are as follows:

Federated Farmers (425.122) seek that the objective is amended to encourage the protection of Marlborough's indigenous biodiversity through voluntary legal mechanisms. I disagree with Federated Farmers request to include 'encourage' within the objective. I consider that the objective should be an outcome or goal that is sought, and the introduction of 'encourage' would re-frame the objective as an action that is to be undertaken. I consider that the intent of this objective is to facilitate the continuation of the voluntary approach to indigenous biodiversity protection that has been a successful tool within the Marlborough District. I note that there has been an extensive programme of work undertaken in the last 10 years that has sought to encourage the extension and improvement of biodiversity in the Marlborough District. As such, I consider that the objective as drafted supports the Council's continued approach of encouraging improvement of indigenous biodiversity in the district. I also disagree with Federated Farmers that this extension or improvement needs to be via voluntary means. I consider that the objective should extend beyond encouraging restoration or improvement through voluntary means only, as there are a variety of methods that can help to foster this restoration or improvement.

Port Marlborough (433.36) request that the objective be deleted as they consider that it will be difficult to demonstrate that activities will achieve this objective. They consider that areas where restoration of biodiversity is to be undertaken should be clearly identified to avoid this objective being applied universally. As worded, and without the identification of specific areas for restoration, they suggest that the objective is not aligned with the purpose of the RMA. I disagree that areas where restoration of biodiversity is to be undertaken need to be clearly identified. I consider that the intent of this objective is to establish a goal of increasing the area/extent of indigenous biodiversity within Marlborough. I consider this is a high-level goal that is not intended to be specific, in terms of exactly where and how this will occur. I consider that this detail should be set out within the policies and methods of the MEP. As such, I consider that the direction set out within Objective 8.2 is an appropriate way to achieve the requirements set out in Sections 7 (c), (d), (f) and (g) of the RMA, as it provides direction on managing areas of indigenous biodiversity beyond those areas considered to be significant. This is also consistent with the Council's regional functions under Section 30(1)(ga) of the RMA.

Tempello Partnership (429.11) and S. and T. Wadworth (1121.9) submit that over-regulating a voluntary action will act as a disincentive, as landowners will see that their voluntary plantings become a liability. They request that these voluntarily planted areas do not become regulated and protected by onerous provisions. Friends of NH and TB (716.95) suggest that the objective should refer to improving the quality of and extent of indigenous biodiversity to appropriately recognise and provide for Section 6(c) of the RMA and give effect to Policy 11 of the NZCPS. I disagree with Tempello Partnership and S. and T. Wadworth that Objective 8.2 will over-regulate voluntary actions and act as a disincentive. I consider that Objective 8.2 sets out the goal that the quality and quantity of indigenous biodiversity is improved. How these environments are improved is then set out within the through the policies and methods within the MEP. These methods of improvement could include partnerships, support and liaison with landowners, regulation, pest management, legal protection,

⁹ Aquaculture NZ (401.89); MFA (426.93); DOC (479.70); Forest and Bird (496.25); Te Runanga O Ngati Kuia (501.29); Fish and Game (509.122); J. and J. Hellstrom (688.73); Forest and Bird (715.172); KCSRA (868.25); NZTA (1002.35)

education and the provision of information and guidelines, encouraging and supporting private landowners, to protect, restore, or re-establish areas of indigenous biodiversity.

MFIA (962.65) submit that the protection in Objective 8.2 appears to be absolute, with no recognition of existing land uses adjacent to these areas, that have, through the existence of the land use, enabled the indigenous biodiversity to remain/prosper e.g. SNA's and wetlands in plantation forests. They consider that this becomes a significant issue when operations are planned and undertaken around these areas. They request that the objective is amended to recognise that some areas, while significant, may be affected by legitimate adjacent activities. I disagree that an amendment is required to the objective to manage such a specific activity. As noted above, I consider that the intent of this objective is to establish a goal that the quality and quantity of indigenous biodiversity is improved. I consider that the goal sought within this objective needs to remain a high level, and the effects of specific activities can be considered within the policies and methods of the MEP. I do not agree that the amendment sought, within the objective, is appropriate and I do not consider that it will better achieve the purpose of the RMA.

Recommendation

I recommended that Objective 8.2 is retained as notified.

Matter 4 – Non-regulatory approach

Provisions

The policies associated with the identification of sites and areas with significant biodiversity values can be separated into five topics, each of which is explained and evaluated in the sections which follow in this report.

The first topic is related to the non-regulatory approach to indigenous biodiversity protection which promotes a voluntary partnership with landowners as the primary means for achieving the protection. This direction is set out within Policy 8.2.2 which reads as follows:

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

This is supported by Method of Implementation 8.M.3, which relates to implementing Marlborough's Significant Natural Areas Programme and 8.AER.5 which seek to increase the knowledge regarding Marlborough's indigenous biodiversity.

Submissions and Assessment

Disagree with the non-regulatory approach to SNAs

Policy 8.2.2, 8.M.3, and 8.AER.5

There are 15 submission points¹⁰ that support the voluntary partnership approach set out within this policy and Method of Implementation 8.M.3. A number of submissions acknowledge that the Council has put significant resources into the Significant Natural Areas programme over the last sixteen years, and the programme is highly regarded within the community. They seek that the policy, and the voluntary partnership approach be retained as notified. Some submitters consider that if SNA areas were to be included within the MEP, this would be a serious breach of the agreements made by MDC with landowners prior to implementation of these surveys, which would jeopardise the goodwill and co-operation existing under the present programme.

¹⁰ E. Beech (42.5 and .27); C. Bowron (88.1); I. Mitchell (364.23); M. and K. Gerard (424.33 and .34); Federated Farmers (425.128); QCSRA (504.33); J. and J. Hellstrom (688.78); E. Beech (693.6 and .28); KCSRA (868.29); MEC (1193.132); Forest and Bird (715.199); Friends of NH and TB (716.120).

Forest and Bird (715.177) is concerned that the non-regulatory approach is seen as a way to get around the requirements of the RMA. They disagree that prioritisation of voluntary over regulatory methods for remaining biodiversity on private land is justified. They suggest that regulatory methods are usually more effective at preventing loss and physical disturbance of habitat than voluntary methods, whereas voluntary methods are likely to be more effective at addressing impacts of pests and weeds. They seek amendments to the MEP to include policy direction and methods ensuring that significant indigenous areas can ultimately be identified in schedules or maps within the MEP. They have requested the following amendments:

- Include a map layer identifying "potential SNAs" using aerial photography and desk top assessment of other publicly available information to capture significant natural areas outside the Threatened Environments sites. Use this as a trigger for consent requirements for indigenous vegetation clearance rules.
- That where SNAs are confirmed through consent processes or by landowner request, the results of assessments are accurately recorded so that it can support a future specific regulatory approach that provides more certainty to land owners and that the environment will be protected in terms of Section 6.
- Include rules to protect indigenous vegetation cover including low stature vegetation, grass lands, herb lands, shrub lands as this is inadequately provided for by the Threatened Environments Sites and may not be readily identified through aerial surveys.
- Set out the approach the Council will undertake to identify SNAs in the southern Marlborough area.
- Include provisions to direct and support the identification of SNAs within the MEP in the future.

DOC (479.75) generally support the voluntary approach to the protection of significant indigenous biodiversity on private land as they consider it has been successful in the past. They do however, seek a minor amendment to the explanation of Policy 8.2.2 removing reference to the biodiversity fund which is no longer active. I agree with the suggested amendment.

EDS (698.65) seek an amendment to Policy 8.2.2 which clarifies that the protection of significant indigenous biodiversity is a matter of national importance and an environmental bottom line that the MEP must recognize and provide for. They consider that the MEP must set clear bottom lines that ensure activities are not of a scale or intensity that will compromise the ability of the environment to sustain itself. They consider that regulatory action is required. Fish and Game (509.125) consider that rules are necessary to protect biodiversity and the significant habitats of indigenous fauna as required by Section 6(c) and seek that the policy is deleted.

While I understand the various submitters' concerns in relation to the absence of SNA mapping and regulatory actions within the MEP, I disagree that the approach taken within the MEP is a way to get around the requirements of the RMA. I also disagree that SNA mapping (and rules specific to mapped areas) is required in order to give effect to the requirements of Section 6(c) of the RMA. As noted in the introduction to the report above, the Council have undertaken a voluntary process of identifying SNAs with landowners. As of July 2016, a total of 302 properties have participated and a total of 708 sites have been identified with a combined area of 45,016 hectares¹¹. The survey work has been carried out in a partnership with landowners. It is a voluntary process and about 75% of landowners approached chose to participate¹². Those surveyed by Council have received individual property reports summarising the ecological values found, including the identification and description of significant sites and management suggestions to ensure their long-term survival. Of these 708 sites, so far 88 protection projects have been instigated through the programme, including a mix of fencing, re-vegetation, weed control and wetland restoration. Depending on the funding package that is set up, the landowner contributes between 20% and 50% of the costs. The Significant Natural Areas Project, also includes a monitoring and reporting programme¹².

¹¹ Significant Natural Areas Project Newsletter, July 2016. Marlborough District Council.

¹² Summary Report on the Results of the Significant Natural Areas Project 2015 – 2016. Marlborough District Council.

Monitoring of the sites that have been the subject of protection work was initiated in 2006 and has been repeated on a bi-annual basis since that time. In the 2015/16 monitoring round a total of 26 sites were visited on 19 properties. The results show that 74% of sites are improving in condition, 20% are in stable condition and only 6% are deteriorating in some way¹². A new programme to re-visit a selection of un-managed SNA sites was initiated in the 2014/2015 year and continued in the 2015/16 year. This monitoring programme included a telephone survey with participating landowners and field visits to a selection of 44 sites in total. Results show that 11% of these un-managed sites are improving in condition, while 53% are in stable condition and 36% deteriorating in some way. Weed impacts were the most common cause of site deterioration, with feral animals and farm stock also having an impact in some cases¹².

I consider that the Significant Natural Areas Project is an efficient and effective method of achieving the aims set out in both Objective 8.1 and Objective 8.2. I note that the Significant Natural Areas Project has shown that voluntary methods have effectively ensured that areas of significant indigenous biodiversity have been protected in the district. I consider that 'protection' of significant indigenous biodiversity is very difficult to achieve through a regulatory method alone, as 'protection' of these areas cannot be achieved through mapping and regulation alone. This is because 'protection' can only be achieved through active management practices such as fencing off vulnerable areas, or actively managing pests and invasive species. These actions cannot be required through rules within the MEP. The monitoring of sites within the Significant Natural Areas Project have concluded that the areas that have deteriorated have been caused by weed impacts, feral animals and farm stock. They have not listed clearance as a result of human modification as a threat to these areas. As such, I consider that the threats to these areas will not be effectively managed through mapping and regulatory provisions in the MEP. I also note that landowner trust and cooperation are key to ensuring that protection of significant indigenous vegetation is achieved. It appears that the Council have established a level of trust with landowners since 2001, (as indicated by the submissions supporting the continuation of the voluntary partnership approach,) which has enabled effective protection, monitoring and in some cases enhancement of indigenous biodiversity. As such, I disagree that establishing a fully regulatory SNA programme through this MEP process will achieve a better outcome. Accordingly, I consider that this is accurately reflected within Policy 8.2.2 and that this is the most appropriate approach to achieve Objectives 8.1 and 8.2.

Finally, I note that voluntary protection is not the only method used within the MEP to provide protection to areas of significant indigenous vegetation in any case. I note that the MEP also includes indigenous vegetation clearance rules, and a threatened environment overlay which ensures that the protection of indigenous vegetation occurs through both voluntary and regulatory methods. As such, I consider that the package of protection methods included within the MEP are sufficient to recognise and provide for those matters in Section 6(c) of the RMA.

Overall, I consider that the voluntary approach, combined with the general indigenous vegetation clearance rules, is the most appropriate way to achieve the direction set out in Objectives 8.1 and 8.2.

Friends of NH and TB (716.100) support Policy 8.2.2 and suggest that additions are made to the explanation associated with the policy related to the management of wetlands. Similarly, J. Hickman (455.52), G. Mehlhopt (456.52) and B. Pattie (380.2) who seek that policy recognition is included within the MEP that a partnership approach will be undertaken with landowners for areas that are wetlands, together with a regulatory regime. I do not consider that the suggested amendments proposed are appropriate or accurate, as this policy expressly excludes the management of wetlands, because significant wetlands have been mapped within the MEP and there are rules that manage activities within these areas. As such, the voluntary partnership approach to the management of wetlands is not the primary means of achieving protection. However, I also note that the suite of policies (8.2.1 – 8.2.13, excluding 8.2.2) included within the MEP that provide non-regulatory support to encourage protection and restoration of wetlands, are to be implemented in conjunction with the regulatory protection included within the MEP. As such, I do not recommend any changes to the policy or explanation.

Aquaculture NZ (401.94) and MFA (426.98) seek an amendment to this policy to include '*encourage and promote the protection, restoration and re-establishment of areas of indigenous biodiversity*'. As a result of the proposed addition, they suggest that Policies 8.2.10, 8.2.11, and 8.2.12 can be deleted. They also seek an amendment to include '*resource users*', in addition to landowners. I disagree with

the suggested amendments, as I am unsure how the suggested amendments fit within the proposed policy. Furthermore, I note that this policy only relates to areas of significant indigenous biodiversity on private land, and as such, resource users are not relevant to this policy.

MDC (91.203) seek that 8.AER.5 is amended as they consider that the existing wording of the second indicator does not appropriately capture the intent of the Indicator. I consider that the amendments suggested provide additional clarity as to the intention of the indicator. As such, I agree with the suggested amendment.

Recommendation

I recommend that Policy 8.2.2 is retained as notified, and the explanation associated with policy is amended as follows:

Since 2000, the Council has undertaken a programme to identify and protect significant natural areas and indigenous biodiversity on private land in Marlborough. The Council has worked on the principle of a partnership approach, with landowners to achieve improvements in the protection of remaining significant natural areas. The rate of participation in this programme reflects the fact that most landowners want to protect unique ecosystems and species where they occur on their properties. The programme includes support through a landowner assistance programme operating alongside the field survey work. The programme is funded by the Council, ~~central government's biodiversity fund~~¹³ and landowners. This approach has allowed for property-based surveys to be carried out in cooperation with landowners.

The exception for wetlands reflects that these significant sites will be subject to a regulatory regime. This helps give effect to the NPSFM, where for both water quality and quantity purposes the significant values of wetlands are to be protected (Objective A2(b) and Objective B4). This approach also assists in recognising and providing for the preservation of natural character of wetlands as required by Section 6(a) of the RMA.

I recommend that 8.M.3 is retained as notified.

I recommend that 8.AER.5 is amended as follows:

*The number of private properties over which ecological assessments to determine if there are ecosystems, habitats or areas present with significant indigenous biodiversity value, ~~continues to increase (albeit at a low level) even though as the active SNA survey has been completed. Any increase in properties surveyed is most likely to arise through resource consent processes.~~*¹⁴

Matter 5 - Identification of sites, areas and habitats with significant indigenous biodiversity value

This matter relates to the criteria used to identify areas of significant indigenous biodiversity value. Policy 8.1.1 sets out the criteria for identifying whether wetlands, marine or terrestrial ecosystems, habitats and areas have significant indigenous biodiversity value. These criteria are then repeated and expanded in Appendix 3 Ecological Significance Criteria for terrestrial, wetland and coastal environments. Policy 8.1.1 reads as follows:

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

(a) representativeness;

¹³ 479.075 - DOC

¹⁴ 91.203 - MDC

- (b) rarity;
- (c) diversity and pattern;
- (d) distinctiveness;
- (e) size and shape;
- (f) connectivity/ecological context;
- (g) sustainability; and
- (h) adjacent catchment modifications.

For a site to be considered significant, one of the first four criteria (representativeness, rarity, diversity and pattern or distinctiveness/special ecological characteristics) must rank medium or high.

This matter also relates to the identification of sites in the coastal marine area and natural wetlands assessed as having significant indigenous biodiversity. Policy 8.1.2 acknowledges that these areas have been mapped and included within the overlay map section as 'significant wetlands', and 'ecologically significant marine sites'. Policy 8.1.2 reads as follows:

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

Finally, it will consider that submissions that relate to Policy 8.1.3, which reads as follows:

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

Submissions and Assessment

Policy 8.1.1 and Appendix 03 - Biodiversity Criteria for Significance

Notes:

The submission points and recommendations associated with the identification and management of significant wetlands has been assessed within the Significant Wetlands Section 42A Report.

The submission points and recommendations associated with Policy 8.1.1, Appendix 3 - Ecological Significance Criteria for terrestrial, wetland and coastal environments, and the mapping of ecologically significant marine sites has been assessed within the "Criteria for significant biodiversity" and "Mapping of ecologically significant marine sites" reports.

The submission points related to the rules associated with ecologically significant marine sites is covered later in this Section 42a report.

Significant indigenous biodiversity in the coastal marine area and natural wetlands

Policy 8.1.2, 8.M.4, and 8.AER.3

There are a number of submissions¹⁵ that support the intent of Policy 8.1.2, and request that it be retained as notified.

There are also a number of submission that request amendments to the policy. Forest and Bird (715.174) supports the identification of the significant wetland and marine area in the MEP. However, they suggest that further areas should be identified and added to the MEP over time. As such, they suggest that the MEP be amended to provide for further wetland and marine sites to be identified for protection. This is supported by MEC (1193.129), who seek that a process to identify and add Significant Wetlands which have been missed, after the Plan is notified, is included in the MEP. Friends of NH and TB (716.98) seek an amendment to Policy 8.1.2 to include an acknowledgement that there are significant gaps in the knowledge of the District's ecological values, particularly within the marine environment. They also seek that the explanation to the policy is amended as they consider that it does not adequately address the significance of all wetlands, in particular the opportunities for restoration.

I consider that the intent of Policy 8.1.2 is to acknowledge that significant indigenous biodiversity within the coastal marine area and natural wetlands require mapping as, given the tenure of these area, they are often not able to be protected through voluntary protection methods. I also note that the identification of additional wetlands and marine sites is currently undertaken through a process that sits outside of the MEP. Any new site that has been identified would then need to go through the Schedule 1 process of the RMA to be included within the MEP. As such, I disagree that a policy in the MEP should set out a process for including new sites within the MEP, as in my view, this would predetermine the assessment required under Section 32 for any future change to the MEP. Notwithstanding this, I note that the Landscape Chapter (Volume 1, Chapter 7) includes Policy 7.1.5, which sets out, in a broader sense, that the currently defined boundaries (relating to particular features and landscapes) will be refined in response to changes over time or more detailed assessments being undertaken. If the Hearings Panel considers that it would be appropriate to include a similar policy in relation to ESMS and significant wetlands, my recommendation would be to include an additional policy, separate to Policy 8.1.2. If such a policy is included, in my view it would be important to outline within its explanation (as with the explanation to Policy 7.1.5), that any changes to boundaries would still have to pass through the First Schedule process of the RMA.

KCSRA (868.26) seek an amendment to Policy 8.1.2 to clarify that marine sites not specifically identified by the MEP, but which nonetheless meet the criteria for ecologically significant marine sites, are to be treated under the MEP in the same way as if they had been identified as ecologically significant marine sites under Policy 8.1.1. I note that Policy 8.3.2 requires that the adverse effects of subdivision, use and development are to be avoided in areas that have been identified as significant in accordance with Policy 8.1.1. As such, I disagree that clarification is required within Policy 8.1.2 as I consider that the MEP seeks to achieve this outcome within Policy 8.3.2 and therefore the change would result in unnecessary duplication. Fish and Game (509.124) consider that all wetlands have significant biodiversity value, and therefore seek that Policy 8.1.2 is amended to ensure that all wetland areas should be specifically identified in the MEP. I disagree that all wetlands require protection in order to achieve the purpose of the RMA. As noted in the assessment above, Policy 8.3.2 requires the protection of areas that have been identified as significant in accordance with Policy 8.1.1. As such, I consider that all significant wetlands (that met the criteria set out in Policy 8.1.1) are protected. I consider that this is sufficient to achieve Objective 8.1.

There is broad support for Method of Implementation 8.M.4¹⁶, and 8.AER.3¹⁷. DOC (479.97) seek an addition to the method as follows:

¹⁵ E. Beech (42.2); I. Mitchell (364.20); DOC (479.72); J. and J. Hellstrom (688.75); E. Beech (693.3); Trustpower (1201.85).

With regard to ecologically significant marine sites, a further survey is required in some cases to confirm the boundary or value of a site. Once this occurs the Council will update the planning maps to reflect the outcomes of ongoing surveys.

I understand that the boundaries of the ESMS accurately reflect the natural environment (and acknowledging any recommended boundary amendments agreed to by the Hearings Panel). As such, I do not consider that the suggested addition is required. I acknowledge that there is a programme of scientific work that will continue to monitor these ESMS outside the MEP. If any changes to the ESMS boundaries are required in the future, they will need to be part of a plan change process to amend the mapping in the MEP. As such, I do not consider that this process should be pre-empted within this method. That being said, as noted above, if an additional policy is included in relation to the ongoing refinement of the boundaries of ESMS and natural wetlands, it might be appropriate to support it with an additional method, similar to that sought by DOC. In my view, the method would need to be amended as follows to address the matters raised in this report:

“With regard to ecologically significant marine sites, a further survey is required in some cases to confirm the boundary or value of a site. Once this occurs the Council will seek to update the planning maps to reflect the outcomes of ongoing surveys. Any boundary or other changes would need to be considered through a plan change process under the First Schedule of the RMA”.

MDC (91.78) seek an amendment to 8.AER.3 to ensure that it reflects updated information. I agree within the suggested amendment.

Recommendation

I recommend that Policy 8.1.2 and 8.M.4. are retained as notified.

I recommend that 8.AER.3 is amended as follows:

Measured against a baseline monitoring programme established for wetlands in ~~2010~~ 2016¹⁸, there is no loss in the overall area of wetlands in Marlborough.

Further identification process

Policy 8.1.3

There are 10 submitters¹⁹ that support the intent of Policy 8.1.3, and request that it be retained as notified, as they generally consider that it is important that the Council has sufficient information on the indigenous biodiversity values of any particular site when decisions are being made.

There are also a number of submission that request amendments to the proposed policy. Aquaculture NZ (401.92) and MFA (426.96) state that there are three elements to Policy 8.1.3: increasing information is intrinsic good; allowing for adaptive management; and recognising that uncertainty is inherent in biological systems and, consequently, not deferring decision making on account of uncertainty. As such, they seek the Policy 8.1.3 is re-written to recognise these elements. Federated Farmers (425.126) support the need to build a knowledge base on the state of biodiversity in terrestrial, freshwater and coastal environments. However, they seek an amendment to Policy 8.1.3 which would ensure that assessing impacts of activities and uses will determine what activities can be given permitted status. KCSRA (868.27) support the intent of the policy. However, they seek that the

¹⁶ E. Beech (42.28); J. Craighead (418.5); Fly-fish Marlborough (419.15); Windsong Orchard (420.15); J. Steggle (421.15); J. Richardson (422.15); C. Shaw (423.16); E. Beech (693.29); Forest and Bird (715.200); Friends of NH & TB (716.121).

¹⁷ J. and J. Hellstrom (688.102); Friends of NH & TB (716.132).

¹⁸ 91.078 - MDC

¹⁹ E. Beech (42.3); I. Mitchell (364.21); DOC (479.73); Forest and Bird (496.26); QCSRA (504.31); J. and J. Hellstrom (688.76); E. Beech (693.4); New Zealand Sports Fishing Council (999.1); MEC (1193.73); Trustpower (1201.86).

scope of the policy be extended to include information on the degree of change that has occurred in coastal marine indigenous flora and fauna biodiversity. Forest and Bird (715.175) support the policy, however, note that the Council must ensure that fauna information is not overlooked as a result of the surveys. CBRA (152.9) consider that the policy should be extended to include gathering knowledge on the degree of change that has occurred in coastal marine indigenous flora and fauna biodiversity.

I disagree that the intent of the policy needs to be amended to reflect the changes sought by the submitters above. I consider that the intent of the policy is to provide direction to continue to gather information, outside of the MEP framework, on the state of biodiversity in Marlborough to then enable decision makers under the MEP to assess the impact of future activities. I consider that this direction is required, in combination with other actions, to give effect to Objective 8.1, as in order to protect the value of indigenous biodiversity in the Marlborough, there needs to be information gathered on the effects of activities that may impact on biodiversity values.

EDS (698.63) submit that Policy 8.1.3 is poorly worded and its utility is unclear. They consider that it reads as an objective not a policy, as it does not identify a 'course of action'. They have suggested the policy is amended to provide a process in which significant biodiversity in terrestrial, freshwater and coastal environment areas will be mapped, and included in the MEP. I agree in part with EDS, to the extent that the purpose of the proposed policy is unclear, and it does not identify a 'course of action'. However, as noted in the assessment above, I disagree that a policy in the MEP should set out a specific process of including new areas of significant indigenous biodiversity. I note that any additions to the MEP in the future are required to go through a plan change process, and the Section 32 process within the RMA requires that any changes to the MEP must be determined as the most efficient and effective way to achieve its objectives. Therefore, in my view, setting out the process for inclusion now, without a full understanding of the costs and benefits, would pre-determine the assessment required under Section 32 for any future changes. As such, I recommend that the policy is re-worded to provide a course of action that will help to achieve the intent of Objective 8.1, without pre-empting the Council's future plan change process.

Recommendation

Amend Policy 8.1.3 as follows:

Continue to gather ~~Having adequate~~²⁰ information on the state of biodiversity in terrestrial, freshwater and coastal environments in Marlborough to enable decision makers to assess the impact on biodiversity values from various activities and uses.

Matter 6 – Indigenous biodiversity protection and enhancement through non-regulatory means

Provisions

Policies 8.2.1 to 8.2.13 (excluding Policy 8.2.2) are directed at protecting and enhancing indigenous biodiversity in Marlborough in freshwater, terrestrial and coastal environments. These policies provide a wide range of options to assist in this protection and enhancement, reflecting the Council's experience in managing indigenous biodiversity.

The submissions within this section have been grouped into four broad categories:

- Location of policies within the MEP;
- Non-regulatory methods of indigenous biodiversity protection;
- Council's priority areas for non-regulatory protection;
- Other indigenous biodiversity protection.

²⁰ 698.063 - EDS

Location of policies within the MEP

EDS (698.64) suggests that Policies 8.2.1 – 8.2.13 do not identify specific actions that must be taken but rather "encourage" or "promote" protection. The seek that these policies be located after the more directive provisions. I consider that there is no priority given in terms of the order of the policies. Given that there is no practical reason to change the order of the policies, I disagree that the policy order should be amended.

Recommendation

That the policy order is retained as notified.

Non-regulatory methods of indigenous biodiversity protection

Policies 8.2.1, 8.2.8, 8.2.10 and 8.2.12 provide direction within the MEP that a variety of means will be used to protect and enhance indigenous biodiversity in Marlborough including: monitoring of ecosystems, promoting the importance of protection, and encouraging efforts to protect, restore or re-establish indigenous biodiversity.

This section considers the submissions related to the following four policies:

Policy 8.2.1 – A variety of means will be used to assist in the protection and enhancement of areas and habitats with indigenous biodiversity value, including partnerships, support and liaison with landowners, regulation, pest management, legal protection, education and the provision of information and guidelines.

Policy 8.2.8 – Where monitoring of ecosystems, habitats and areas with significant indigenous biodiversity value shows that there is a loss of or deterioration in condition of these sites, then the Marlborough District Council will review the approach to protection.

Policy 8.2.10 – Promote to the general public and landowners the importance of protecting and maintaining indigenous biodiversity because of its intrinsic, conservation, social, economic, scientific, cultural, heritage and educational worth and for its contribution to natural character.

Policy 8.2.12 – Encourage and support private landowners, community groups and others in their efforts to protect, restore or re-establish areas of indigenous biodiversity

Methods of implementation

There are also a range of methods set out in the MEP that identify how the above policy direction will be implemented. These include: 8.M.5 Monitoring; 8.M.6 Support; 8.M.7 Information; 8.M.10 Works; 8.M.11 Partnership/Liaison; and 8.M.12 Acquisition of land.

Anticipated environmental result

8.AER.4 - Widespread community involvement in looking after Marlborough's indigenous biodiversity.

Submissions and Assessment

Policy 8.2.1, and 8.M.11

There are 11 submitters²¹ that support Policy 8.2.1 and seek that it be retained as notified. There is also broad support for Methods of implementation: 8.M.5 Monitoring²²; 8.M.6 Support²³; 8.M.7 Information²⁴; 8.M.8 Guidelines²⁵; 8.M.10 Works²⁶; 8.M.11 Partnership/Liaison²⁷; 8.M.12 Acquisition of land²⁸; and 8.AER.4²⁹.

CBRA (152.9) and the KCSRA (868.28) seek that the scope of the policy be extended to include 'a determination of the acceptable ecological carrying capacity of regulated activities in the coastal marine area such as MFA'. I note that provisions related to the management of marine farms is not included within the MEP, and a subsequent plan change to the MEP managing marine farms is anticipated in the future. As such I disagree with the suggested amendment as provisions relating to the management of MFA are better considered holistically as part of the future plan change.

Trustpower (1201.78) generally supports Policy 8.2.1, however, they seek that it is amended to refer to areas of 'significant' indigenous biodiversity values and to include 'maintenance' within the policy. I agree in part with Trustpower. I consider that the inclusion of the 'maintenance' within the policy better reflects the intent of Section 7(f) of the RMA. I disagree with suggested inclusion of 'significant' within this policy. I consider that this policy helps to achieve the direction set out in Objective 8.2, which relates to increasing the areas and extent of all Marlborough's indigenous biodiversity. By limiting the policy to just areas of significant indigenous biodiversity, this narrows its scope, which is not the intent of this policy, nor would it better assist in achieving the objective. I consider the Policy 8.3.2 provides the direction on the management of areas of significant indigenous biodiversity, and as such the proposed addition is not required.

Aquaculture NZ (401.93) and MFA (426.97) seek that Policy 8.2.1 should be amended to refer to 'resource users', not simply landowners. I agree with the suggested amendments. I consider that Policy 8.2.1 includes the marine environment and therefore the amendment is appropriate.

Marlborough Chamber of Commerce (961.17 and .18) supports the intent of Policies 8.2.1 and 8.2.2. However, they consider that the emphasis of the chapter is on "a desire to restore to historical appearance and structure" and that the chapter lacks consideration of natural changes that occur over time which can affect future land use. They seek that more consideration is had to the impact of innovative technology and growth on current land use where the desire by others is to be restored to historical conditions. I consider that these policies provide direction on the variety of voluntary protection methods available to land owners to protect, maintain and enhance areas and habitats with indigenous biodiversity value. This does not necessarily require the re-instatement of the historical appearance and structure of indigenous biodiversity. Instead, I consider that they provide the direction that indigenous biodiversity in any form is to be protected, maintained and enhanced. As the environment naturally changes over time via a range of land use practices (including new technology), the desire to protect, maintain and enhance areas and habitats with indigenous biodiversity value

²¹ E. Beech (42.4); I. Mitchell (364.22); Federated Farmers (425.127); Tempello Partnership (429.12); DOC (479.74); Forest and Bird (496.27); QCSRA (504.32); E. Beech (693.5); Forest and Bird (715.176); Friends of NH & TB (716.99); S. and T. Wadworth (1121.10).

²² E. Beech (42.29); East Bay Conservation Society (100.17); E. Beech (693.30); Forest and Bird (715.201); Friends of NH & TB (716.122).

²³ E. Beech (42.30); M. and K. Gerard (424.35); J. Hickman (455.28); G. Meholhopt (456.28); J. and J. Hellstrom (688.97); E. Beech (693.31); Forest and Bird (715.202); Friends of NH & TB (716.123).

²⁴ E. Beech (42.31); J. and J. Hellstrom (688.98); E. Beech (693.32); Forest and Bird (715.203); Friends of NH & TB (716.124); MEC (1193.70).

²⁵ E. Beech (42.32); J. and J. Hellstrom (688.99); E. Beech (693.33); Forest and Bird (715.204); Friends of NH & TB (716.125); MEC (1193.71).

²⁶ E. Beech (42.34); E. Beech (693.35); Forest and Bird (715.206); Friends of NH & TB (716.127).

²⁷ E. Beech (42.35); E. Beech (693.36); Forest and Bird (715.207); Friends of NH & TB (716.128).

²⁸ E. Beech (42.36); E. Beech (693.37); Forest and Bird (715.208); Friends of NH & TB (716.129).

²⁹ J. and J. Hellstrom (688.103); Friends of NH & TB (716.133).

remains an appropriate method of achieving the intent of Objective 8.2. Accordingly, I do not consider that the suggested amendment is required.

Federated Farmers (425.125) have suggested that an additional policy be added to the plan which states that:

'Voluntary actions that maintain or enhance indigenous biodiversity shall be recognised and encouraged.'

In relation to Federated Farmers suggested policy, I consider that the intent of the policy is similar to that set out within Policy 8.2.1 and also Policy 8.2.12. As such, I do not consider that the additional policy is required to achieve Objective 8.2.

Te Runanga o Toa Rangatira (166.42) state that there are no rules that stem from the Tangata Whenua chapter, and there is no indication of how the Tangata Whenua policies in the MEP will be met. They seek that additions are made to 8.M.11 to highlight the Iwi's partnership with the Council, and seek a description of this relationship, or reference to the Tangata Whenua chapter. I agree that Council's partnership with Iwi should be included within 8.M.11, if the partnership does, or is intended in future to assist in implementing this chapter of the MEP. However, I note that no specific additions have been suggested by the submitter, and I am not in a position to articulate the Iwi – Council partnership in regard to indigenous biodiversity management. As such, I would support an addition to 8.M.11 that reflects this partnership, subject to specific wording. I also consider that if such an addition is made, it might also be appropriate to amend Policy 8.2.1 to refer to "*landowners, resource users and tangata whenua iwi*".

Recommendation

I recommend that Policy 8.2.1 is amended as follows:

A variety of means will be used to assist in the protection, maintenance³⁰ and enhancement of areas and habitats with indigenous biodiversity value, including partnerships, support and liaison with landowners, resource users,³¹ and tangata whenua iwi³², regulation, pest management, legal protection, education and the provision of information and guidelines.

I recommend that 8.M.11 is amended to include reference to the Iwi – Council partnership³³ (noting that I have not recommended specific wording for this).

Policy 8.2.8

This policy is supported by six submitters³⁴, who wish to see this policy retained as notified. There are also a number of submitters who suggest that this policy provides no additional value, and seek that it be removed. These include: Aquaculture NZ (401.100) and MFA (426.107) who seek that the policy is deleted as they consider that this policy states the obvious, and that the Council has a statutory duty to review the MEP. They consider that this policy does not add any value. Deletion is supported by Federated Farmers (425.134).

I agree with those submitters who seek that the policy be deleted. I note that Section 35 of the RMA requires that every local authority must monitor the state of the environment and the efficiency and effectiveness of the policies, rules and methods in their plans. As such, I consider that this policy provides no greater guidance as to how the monitoring of significant biodiversity will be undertaken, nor does it provide timeframes as to when this will be undertaken.

³⁰ 1201.078 - TrustPower

³¹ 401.093 and 426.097 - Aquaculture NZ and MFA

³² 166.42 – Te Runanga o Toa Rangatira

³³ 166.42 – Te Runanga o Toa Rangatira

³⁴ E. Beech (42.11); I. Mitchell (364.29); DOC (479.81); J. and J. Hellstrom (688.84); E. Beech (693.12); Forest and Bird (715.183).

Recommendation

I recommend that Policy 8.2.8 is deleted³⁵.

Policies 8.2.10 and 8.2.12, 8.M.5, 8.M.6, 8.M.7, 8.M.10, 8.M.12, and 8.AER.4

There is broad support for Policy 8.2.10 and Policy 8.2.12, with 22 submission points³⁶ supporting the intent of the policies.

Aquaculture NZ (401.102 and .104) and MFA (426.99 and .101) consider that Policy 8.2.10 and 8.2.12 can be incorporated into Policy 8.2.2 and Policies 8.2.10 and 8.2.12 can be deleted. I disagree that this amendment is required. I consider that the two policies provide direction on separate issues and combining the two policies would not be an appropriate method of achieving Objectives 8.1 and 8.2.

Fishing Industry (710.15) opposes Policy 8.2.12 as they consider that it doesn't recognise the important role of the Fisheries Act in protecting indigenous biodiversity and therefore fails to achieve integrated management. They seek that amendments are made to the policy and explanation to ensure that industry groups and government agencies are also included within the policy. I agree that this policy should include reference to industry and government agencies as they have a role to play in the integrated management of indigenous biodiversity within the district, and this amendment reflects that.

KCSRA (868.32) support Policy 8.2.12. However, they seek that the direction within the policy should extend beyond encouraging and supporting private landowners, to facilitating or funding professional advocates and experts to represent the interests of residents and wider public stakeholder groups in Marlborough Sounds planning and public resource consent matters of significance. I do not consider that the suggested addition is appropriate within the MEP. I consider that this is a matter that sits outside the implementation of the MEP, and it is therefore inappropriate to commit the Council to such expenditure.

MDC (91.163) seek an addition to 8.M.10 which notes that the Council will undertake planting of riparian margins and also 'other land' with indigenous species on land owned or administered by the Council where appropriate. I consider this amendment is appropriate as it provides greater clarity as to how the Council will achieve the outcome sought in Objective 8.2.

Recommendation

I recommend that the Policy 8.2.10 is retained as notified.

I recommend that the Policy 8.2.12 is amended as follows:

Encourage and support private landowners, community and industry³⁷ groups, central government agencies³⁸ and others in their efforts to protect, restore or re-establish areas of indigenous biodiversity.

I recommend that: *8.M.5 Monitoring; 8.M.6 Support; 8.M.7 Information; 8.M.12 Acquisition of land; and 8.AER.4* are retained as notified.

I recommend that the Policy 8.M.10 is amended as follows:

³⁵ 401.093 - Aquaculture NZ; 426.097 – MFA; 425.134 - Federated Farmers

³⁶ E. Beech (42.13 and .15); C. Bowron (88.2); I. Mitchell (364.31 and .33); Federated Farmers (425.136 and .138); DOC (479.83 and .85); Forest and Bird (496.33 and .35); J. and J. Hellstrom (688.86 and .88); E. Beech (693.14 and .16); Forest and Bird (715.185 and .187); Friends of NH and TB (716.107 and .109); CBRA (152.7); J. Hickman (455.27); G. Mehlhopt (456.27); QCSRA (504.35).

³⁷ 710.015 - Fishing Industry

³⁸ 710.015 - Fishing Industry

The Council will undertake planting of riparian margins, and other land,³⁹ with indigenous species on land owned or administered by the Council where appropriate.

Council's priority areas for non-regulatory protection.

This section considers the submissions related to the following seven policies (8.2.3, 8.2.4, 8.2.5, 8.2.6, 8.2.7, 8.2.11, and 8.2.13):

Policy 8.2.3 – Priority will be given to the protection, maintenance and restoration of habitats, ecosystems and areas that have significant indigenous biodiversity values, particularly those that are legally protected.

Policy 8.2.4 – Priority will be given to the re-establishment of indigenous biodiversity in Marlborough's lowland environments.

Policy 8.2.5 – Encourage the legal protection of sites with significant indigenous biodiversity value through covenanting.

Policy 8.2.6 – Where areas of significant indigenous biodiversity value are known to exist in riparian margins of rivers, lakes or in the margins of a significant wetland, consideration will be given to acquiring or setting aside these areas to help protect their values

Policy 8.2.7 – A strategic approach to the containment/eradication of undesirable animals and plants that impact on indigenous biodiversity values will be developed and maintained.

Policy 8.2.11 – Promote corridors of indigenous vegetation along waterbodies to allow the establishment of native ecosystems and to provide wildlife habitat and linkages to other fragmented bush or wetland remnants.

Policy 8.2.12 – Encourage and support private landowners, community groups and others in their efforts to protect, restore or re-establish areas of indigenous biodiversity.

Policy 8.2.13 – When re-establishment or restoration of indigenous vegetation and habitat is undertaken, preference should be given to the use of native species of local genetic stock.

Methods of implementation

There are also a range of methods set out in the MEP that identify how the above policy direction will be implemented. These include: 8.M.9 Regional Pest Management Plan for Marlborough; 8.M.10 Works; 8.M.11 Partnership/Liaison; and 8.M.12 Acquisition of land.

Submissions and Assessment

Policy 8.2.3

This policy is supported by eight submitters⁴⁰, who wish to see this policy retained as notified.

DOC (479.76), and Forest and Bird (715.178) suggest that Policy 8.2.3 confuses the regulatory protection of significant indigenous biodiversity and the voluntary approach to protection. They seek that the intent of the policy is clarified to ensure that the policy relates to prioritising funding assistance for management and protection works for significant indigenous biodiversity that is legally protected. This is supported by Fish and Game (509.126), who seek that the policy be amended to provide clarity around how protection, maintenance and restoration will be achieved. Federated Farmers (425.130) seek that the policy is amended to specify that the priority is referring to allocation of Council resources for partnership programmes, rather than regulation. I agree that the intent of this

³⁹ 91.163 - MDC

⁴⁰ E. Beech (42.6); I. Mitchell (364.24); Forest and Bird (496.28); J. and J. Hellstrom (688.79); E. Beech (693.7).

policy needs to be clarified. The explanation to Policy 8.2.3 clarifies that the intent of the policy is to provide direction on how Council resources and Council's future policy programmes are to be allocated to support the protection of significant areas of indigenous biodiversity. As such, I agree that the policy should be amended to clarify that the policy relates to how Council funding and partnership resources will be prioritised.

Aquaculture NZ (401.95) and MFA (426.102) seek that Policy 8.2.3 be deleted or amended to expressly limit this policy to the terrestrial environment, as they consider that this policy should only relate to the voluntary (non-mapping) approach to significant sites on land. Given that the explanation of this policy describes the protection of terrestrial biodiversity, I consider that this policy should be amended to clarify that it only relates to the terrestrial environment. They also seek that a new policy is added to the MEP which reads as follows:

Work with marine resource users and develop partnerships to protect, maintain, and restore significant marine habitats

In relation to significant marine habitats, I note that Policy 8.3.7 provides direction on how significant marine sites are to be managed within the MEP in a regulatory context. I consider that the regulatory approach to the protection of significant marine sites (discussed in detail later in this report) achieves the direction set out in Objectives 8.1 and 8.2, and as such I do not consider that a non-regulatory policy is required. However, I also acknowledge that the MEP does not contain any policy direction that specifically guides a non-regulatory management approach to the protection and restoration of significant marine habitats. As such, if the Hearing Panel considers that a non-regulatory management approach will help to achieve the direction set out in Objective 8.1 and 8.2, I would support the introduction of the above policy. For completeness I also note that an additional method (4.M.12) has been recommended in the Section 42A report for Topic: 3 - Natural and Physical Resources, that relates to collaboration and liaison with agencies in relation to the management of resources within the Marlborough Sounds area. While the policy sought by Aquaculture NZ and MFA is more narrowly focussed, the recommended method may go some way to addressing the matter raised.

Friends of NH and TB (716.101) seek that 'king shag' is added to the last paragraph of the explanation. Given that the king shag is nationally endangered, I agree with the suggested amendment.

There are two submitters who seek that the scope of the policy be extended. CBRA (152.8) seek that other areas of indigenous biodiversity are protected from significant adverse effects. Nelson Forests Limited (990.210) seek that Policy 8.2.3 be amended to give priority to the protection of habitats that are at threat from surrounding land uses. I disagree with both these submissions. I consider that the intent of the policy is to indicate that Council's funding will prioritise the protection of areas of significant indigenous biodiversity. As such, I do not agree that an amendment to the policy is required.

Policy 8.2.4

There are 6 submitters⁴¹ who support the intent of Policy 8.2.4, and seek that it be retained as notified.

There are also a number of submitters that seek amendments to this policy. Federated Farmers (425.131) seek that Policy 8.2.4 focus on the Council funding high quality biodiversity to ensure the cost-effectiveness of Council and private investment. They also consider that this policy should not be imposed on an unwilling landowner. M. and K. Gerard (424.36) suggest that areas that are planted to increase indigenous biodiversity should not become regulated and protected by onerous provisions. I disagree with these submitters as I consider the amendments that they seek do not relate to the intent of the policy. I consider that the Council's funding priority is set out within Policy 8.2.3. Further, the

⁴¹ E Beech (716.101); I Mitchell (364.25); DOC (479.77); J and J Hellstron (688.80); E Beech (693.8); TRoNT (1189.77)

intent of this policy is not to add further layers of regulation, but instead to prioritise the enhancement of Marlborough's lowland environments which have been extremely depleted.

N. Hall (984.3) seeks an addition to Policy 8.2.4 to require that when shelterbelts are removed, they are encouraged to be replaced with indigenous planting. In my view extending the policy direction to encourage planting of native species when exotic plants are removed goes beyond what is necessary to achieve Objective 8.2 and would be potentially onerous. In particular I note that new plantings of indigenous vegetation (when replacing exotics) can be facilitated through the voluntary partnership approach, education and guidelines and in my view, this is more appropriate.

Fish and Game (509.127) seek an amendment to the policy to ensure that all biodiversity, not just indigenous biodiversity, is protected in Marlborough's lowland environments. Friends of NH and TB (716.102) seek that the policy is amended to relate to all threatened environments, including coastal and marine environments. Forest and Bird (715.179) suggested that this policy could conflict with Policy 8.2.3. They seek amendments to the policy to include the term 'enhancement' as they consider it provides a better link to Section 7(f) of the RMA. Trustpower (1201.79) seek that additions are made to the policy which recognise that the re-establishment of indigenous biodiversity would largely occur on privately owned land, and as such the policy should 'encourage' this re-establishment. Friends of NH and TB (716.102) seek that the policy is amended to direct that priority will be given to Marlborough's most threatened environments including lowland and marine habitats.

I agree in part with Trustpower and Forest and Bird. I agree that the addition of 'enhancement' better reflects the direction set out in Section 7(f) of the RMA, and will also achieve the direction set out in Objective 8.2 which seeks the restoration or improvement of indigenous biodiversity in Marlborough. I also agree that this policy is not intended to be a directive policy that requires re-establishment and enhancement of indigenous biodiversity in the lowland environment, as the majority of this lowland environment is held in private ownership. As such, I agree that this policy, supported by the suite of non-regulatory policies and methods, seeks to encourage the re-establishment and enhancement of these areas. I also agree with Friends of NH and TB that the policy could be reframed to prioritise the protection of Marlborough's most threatened environments including both lowland and marine habitats. I consider that these additions reflect the intent set out in Objective 8.2 to restore or improve the condition of threatened environments that have been degraded. I disagree with Fish and Game that all biodiversity should be protected in Marlborough's lowland environments. I note that both Objectives 8.1 and 8.2 relate to the protection and improvement of indigenous biodiversity. As such, I do not do not recommend that the scope of the policy is extended to include non-indigenous biodiversity.

Recommendation

I recommended that Policy 8.2.3 is amended as follows:

Priority for Council funding and partnership resources⁴² will be given to the protection, maintenance and restoration of habitats, ecosystems and areas that have significant terrestrial indigenous biodiversity values, particularly those that are legally protected.

I recommend that the explanation to Policy 8.2.3 is amended as follows:

.....

In terms of Priority 4 habitats, in Marlborough bird species such as the king shag⁴³, New Zealand falcon, weka and rifleman and plant species such as pīngao, Muehlenbeckia astonii and native broom species are either acutely or chronically threatened.

I recommended that Policy 8.2.4 is amended as follows:

⁴² 425.129 - Federated Farmers

⁴³ 716.101 - Friends of NH and TB

Priority will be given to encouraging⁴⁴ the re-establishment and enhancement⁴⁵ of indigenous biodiversity in Marlborough's lowland most threatened⁴⁶ environments including lowland and marine habitats.⁴⁷

Policies 8.2.5, 8.2.6, 8.2.11 and 8.2.13

There are 11 submitters⁴⁸ who support the intent of Policies 8.2.5, 8.2.6, 8.2.11 and 8.2.13 and seek that they are retained as notified. There are also a number of submitters that have sought amendments to these policies.

MFA (426.105) and Aquaculture NZ (401.98) seek that Policy 8.2.5 be deleted or amended to expressly limit the policy to the terrestrial environment. As covenants can only be established on private land, this policy is only relevant to areas landward of MHWS. As such, I do not consider that any amendments are required. Federated Farmers (425.131) seek that Policy 8.2.5 is amended to include reference to the 'voluntary' protection of sites with significant indigenous biodiversity value. I do not consider that this amendment is required. I note that any covenant encouraged through this policy would be volunteered by a landowner, and this is explained in the explanation below the policy.

Forest and Bird (715.180) consider that the voluntary measures should be encouraged alongside regulatory measures. They seek that an additional policy is included within the MEP which encourages the voluntary assessment of significant indigenous biodiversity on private land and inclusion of a schedule (or map) into the MEP through a future plan change. I disagree that a process needs to be included within the MEP which allows additional areas of significant indigenous biodiversity on private land to be protected. I note that the QEII Covenants system provides an established method of assessing, mapping, and protecting indigenous biodiversity on private property. I also note that the Significant Natural Areas Project has been operating outside of the formal RMA process since 2000, and it has protected 708 sites since its creation. As such, I consider that both the Significant Natural Areas Project and the QEII Covenant process are effective methods of protecting indigenous biodiversity on private property. As such, I do not consider that an additional regulatory process requiring mapping and protecting significant indigenous biodiversity on private land is required within the MEP.

Federated Farmers (425.132) seek that Policy 8.2.6 is delete or combined with Policy 9.1.1 as they consider that the acquisition of esplanade reserves and strips for the purpose of protecting biodiversity is a topic that is covered in the Public Access chapter. I disagree that this policy should be combined with Policy 9.1.1. The explanation to the policy clarifies that the intent of the policy is to provide a signal that where areas of significant indigenous biodiversity value occur in riparian margins, these areas are a higher priority for protection. It also notes that the Council may also wish to negotiate with landowners outside of the formal subdivision processes if the values are significant enough to warrant protection. This priority is not included within Policy 9.1.1, and therefore I consider it important that Policy 8.2.6 be retained, as one of the methods for achieving the objectives in this chapter.

There are a group of submitters⁴⁹ that seek that the scope of Policy 8.2.11 is widened. Fish and Game (509.130) consider that any vegetation can assist with the establishment of native ecosystems, not only indigenous vegetation. They seek an amendment to promote all vegetated corridors including indigenous vegetation. Friends of NH and TB (716.108) seek that the policy relate to all corridors of

⁴⁴ 1201.079 - Trustpower

⁴⁵ 715.179 - Forest and Bird

⁴⁶ 716.102 - Friends of NH and TB

⁴⁷ 716.102 - Friends of NH and TB

⁴⁸ E Beech (42.8, 42.9, 42.14 and 42.16); I Mitchell (364.26, 364.27, 364.32 and 364.34); DOC (479.78, 479.79, 479.84 and 479.86); Forest and Bird (496.29, 496.30, 496.34 and 496.36); J and J Hellstrom (688.81, 688.82, 688.87 and 688.89); E Beech (693.9, 693.10, 693.15 and 693.17); Friends of NH and TB (716.103, 716.104 and 716.110); Te Runanga o Ngati Kuia (501.31, 501.33); Fish and Game (509.128); Pernod Ricard Winemakers New Zealand Limited (1039.78); TronT (1189.80)

⁴⁹ W and R Parsons (150.4); Federated Farmers (425.137); MFA (426.100); Fish and Game (509.130); Friends of NH and TB (716.108)

indigenous vegetation. Federated Farmers (425.137) seek that the policy be amended to refer to the enhancement of Council-owned esplanade corridors. W. and R. Parsons (150.4) seek that the trees in the lower Wairau Valley delta which form a wildlife corridor between the North and South of the valley be given some form of protection from industrial development. They consider that if any trees are removed, a similar area of indigenous trees need to be planted as replacement in the same zone, for the beautification of the area and to attract birdlife.

I disagree that widening the scope of the policy to include all non-indigenous vegetation is required. I note that this policy seeks to achieve the direction set out in Objective 8.2, which relates to increasing the area/extent of Marlborough's indigenous biodiversity and restoration or improvement in the condition of areas that have been degraded. As such, promoting non-indigenous vegetation does not relate to achieving this objective. In relation to the submissions that seek that the policy relates to all corridors of indigenous vegetation or relates to a specific area of vegetation, I consider that these concerns are managed through Policy 8.2.9, which provide a general direction to maintain, enhance or restore ecosystems, habitats and areas of indigenous biodiversity even where these are not identified as significant. I consider that the specific geographic nature of the policy, relating to corridors of indigenous vegetation along waterbodies only, ensures that it will be given more weight when activities near waterbodies are being considered and that this is appropriate.

TRoNT (1189.81) seek that Policy 8.2.13 be amended to encourage the re-establishment of native species when exotic plants are removed. It is my view that the policy is intentionally more narrowly focussed, in that it directs that local native species are to be preferred when re-establishing or restoring indigenous vegetation, because, as set out in the explanation, local species are well adapted and have a better chance of survival. Essentially the policy is aimed at improving the success of re-establishment and restoration of existing indigenous vegetation and habitat. In my view extending the policy direction to encourage planting of native species when exotic plants are removed goes beyond this intention and while it is a method that could be used to achieve Objective 8.2, my view is that it not necessary. In particular I note that new plantings of indigenous vegetation (when replacing exotics) can be facilitated through other means, as is already identified in methods 8.M.8 (relating to the use of guidelines); 8.M.10 (relating to the Council planting riparian margins with indigenous species) and 8.M.11 (relating to various partnerships that will assist in protecting and improving indigenous biodiversity).

Recommendation

I recommend that Policies 8.2.5, 8.2.6, 8.2.11 and 8.2.13 be retained as notified.

Policies 8.2.7

There are a number of submitters⁵⁰ who support the intent of Policy 8.2.7, and seek that it be retained as notified. There are also a number of submitters that have sought amendments to this policy.

Te Runanga o Toa Rangatira (166.20) seek that pest management plans should include recognition of cultural values and that iwi should have input into the pest management plan. Aquaculture NZ (401.99) and MFA (426.106) seek an amendment to ensure that the strategic approach is developed in partnership with MPI and affected industries and communities. EDS (698.67) consider that the word '*maintained*' in this context is unclear. They suggest that the policy should specify that the '*strategic approach*' that is developed must actually be implemented and that it will be subject to periodic review to ensure it is up to date and fit for purpose.

I note that the Council has a Regional Pest Management Plan (RPMP) that has been prepared by the Council under the Biosecurity Act 1993. I have been advised that the current RPMP has been reviewed and the outcome of that review is close to being reported to the Council, with it anticipated that a new RPMP will be publicly notified for submissions. As part of this review, it is likely that the

⁵⁰ E Beech (42.10); I Mitchell (364.28); Federated Farmers (425.133); DOC (479.80); Forest and Bird (496.31); J and J Hellstrom (688.83); E Beech (693.11); Friends of NH and TB (716.105), Kiwirail Holdings Limited (873.21); TroNT (1189.78)

Council will establish a Biosecurity Strategy, under which will sit the RPMP alongside other specific pest management projects. I understand that the role of the RPMP will be quite limited, as its purpose is the management of specific invasive organisms at more of the preventative or early establishment end of the invasion curve. The immediate threat to indigenous biodiversity is more from a suite of invasive species well established and not addressed by mechanisms like the RPMP.

As such, I consider that the Biosecurity Strategy and its supporting documents, including, but not limited to the RPMP, are the primary documents for managing the district's approach to pest management. I consider that this policy is therefore supplementary to the direction set out in these documents. It is my view that it is not appropriate for the policy within the MEP to direct the process for reviewing or implementing the RPMP or how the wider strategic approach is undertaken. I note, in any case, that Method 8.M.11, which relates to partnership and liaison, specifically includes discussion regarding pest management and in my view this reference is more appropriate than the change to the policy direction sought through the submissions of Te Runanga o Toa Rangatira, Aquaculture NZ and MFA. As set out further below, I also recommend that Method 8.M.9, which relates to the RPMP, is deleted and replaced with a more up-to-date statement regarding the Council's wider approach to pest management. I agree with EDS to amend the policy to refer to implementation rather than maintenance of the strategy as I consider this is more appropriate and I have also recommended a minor amendment to replace "*containment/eradication*" with "*management*" as this more accurately reflects the wider approach being taken by the Council.

Forest and Bird (715.182) have suggested that further non-regulatory methods are required to provide for a wider commitment to pest control. As noted above, I consider that the Regional Pest Management Strategy is the primary document for managing the district's approach to pest management. As such, I disagree that additional non-regulatory methods are required within the MEP.

BMCRRRA (1190.20) suggest an additional method that requires the 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 also seek (1190.2) that where there is wilding pine spread that is obviously from a plantation area, the control of them is the responsibility of the forestry owner, with all wilding pine control met by an industry levy on logs harvested. In my view the additional method is not required as it is not entirely clear to me how it relates to the directions set out in this chapter of the MEP. I note that it is beyond the scope of the RMA to amend the MEP to introduce a levy on logs harvested, or to provide rates rebates or funding for wilding control. In my view, these matters are best dealt with outside the MEP.

Several submitters⁵¹ support the intent of 8.M.9, and seek that it be retained as notified. M. Chapman (348.14) has requested that 8.M.9 be removed. While the reasons for the removal are not clear, it is my view, for the reasons set out above, that the current wording of the method is essentially out of date. Therefore, I recommend that the method is deleted and replaced with a more up-to-date statement (refer below).

Recommendation

I recommended that the Policy 8.2.7 is amended as follows:

A strategic approach to the ~~containment/eradication~~ management of undesirable animals and plants that impact on indigenous biodiversity values will be developed and implemented⁵² and ~~maintained~~.

I recommend that 8.M.9 is amended as follows:

Method 8.M.9 Regional Pest Management ~~Plan for Marlborough~~

⁵¹ E Beech (42.33); E Beech (693.34); Forest and Bird (715.205); Friends of NH and TB (716.126); MEC (1193.72)

⁵² 698.067 - EDS

The Regional Pest Management Plan for Marlborough (prepared under the Biosecurity Act 1993) classifies a range of plant and animal species as pests because they cause or have the potential to cause significant adverse effects on Marlborough's economy and/or environment. Individual pests are placed in one of three categories. The management regime, which includes rules for each pest, applies mostly to terrestrial environments but does include aquatic plant and animal pests. The plan also lists plant and animal species that pose potential threats to ecological values in Marlborough. These species do not have a specific regime for control because they do not pass the required cost benefit tests set out in the Biosecurity Act. However, control of these pests will likely be based on a 'site led' approach, targeted to sites with significant ecological value where the reduction of a range of pests would be effective in protecting those values.

The Council will consider the development of strategies to guide the management of invasive species threatening indigenous biodiversity in Marlborough. Such strategies can guide the use of a combination of regulatory and non-regulatory mechanisms. They will also recognise the role of Council under other statutes such as the Biosecurity Act 1993 to manage new and emerging threats, and other initiatives to manage the immediate threats from established species. An underlying principle will be the recognition of the important role that landowners play in this regard.⁵³

Policy 8.2.9

This section considers the submissions on Policy 8.2.9, which provides direction on the Council's intention to maintain, enhance or restore ecosystems, habitats and areas of indigenous biodiversity that are not considered significant. This policy is as follows:

Policy 8.2.9 – Maintain, enhance or restore ecosystems, habitats and areas of indigenous biodiversity even where these are not identified as significant in terms of the criteria in Policy 8.1.1, but are important for:

- (a) the continued functioning of ecological processes;*
- (b) providing connections within or corridors between habitats of indigenous flora and fauna;*
- (c) cultural purposes;*
- (d) providing buffers or filters between land uses and wetlands, lakes or rivers and the coastal marine area;*
- (e) botanical, wildlife, fishery and amenity values;*
- (f) biological and genetic diversity; and*
- (g) water quality, levels and flows.*

Submissions and Assessment

There are a number of submitters⁵⁴ who support Policy 8.2.9, and seek that it be retained as notified. There are also a number of submitters that support the intent of the policy, but seek amendments to it. Te Runanga O Ngati Kuia (501.32) seek a minor amendment to the criteria within the policy to include 'including kaitiaki'. TRoNT (1189.79) seek that the criteria in the policy is expanded to include some description of what cultural uses may entail. Fish and Game (509.129) seek an amendment to the policy to ensure that the biodiversity value of all freshwater species is recognised. Forest and Bird (715.184) suggest that the wording could be clarified to reference the criteria in Policy 8.1.1, and also seek that 'habitat of threatened or at-risk species' be added to the criteria.

⁵³ 348.14 - M. Chapman

⁵⁴ E Beech (42.12); I Mitchell (364.30); DOC (479.82); Forest and Bird (496.32); QCSRA (504.34); J and J Hellstrom (688.85); E Beech (693.13); Friends of NH and TB (716.106); KCSRA (868.31); New Zealand Sports Fishing Council (999.2)

There are also a number of submissions that opposed the policy, and seek that it be deleted or amended, as they consider that the policy directs strict controls for non-significant indigenous vegetation and that this is not appropriate.

Aquaculture NZ (401.101) and MFA (426.108) seek that the policy is deleted as they consider that this issue is addressed in Policy 8.3.2(b). MFIA (962.69) seek that the policy be deleted as they consider it is too broad. Federated Farmers (425.135), S. and T. Wadworth (1121.11), and Tempello Partnership (429.13) seek that this policy is deleted, as they consider that only indigenous biodiversity found to be significant should be protected. They also suggest that the direction in this policy is inconsistent with the MEP's permitted activities, which enable some loss of biodiversity in order to allow people and communities to provide for their wellbeing. NZ Forest Products (995.14) consider that Policy 8.2.9 should be amended so that it is not directive and instead uses wording similar to Policy 8.2.5 - by seeking to encourage the positive outcomes identified.

Port Marlborough (433.37) consider that the policy, as worded, requires a similar level of protection to all ecosystems as that provided for significant ecosystems. They consider this level of protection unnecessary. They seek that '*Maintain, enhance or restore*' is replaced with '*Appropriately manage*' as they consider it is a more balanced approach to managing such ecosystems. Similarly, Trustpower (1201.80) seek that '*Maintain, enhance or restore*' is replaced with '*Encourage the maintenance or voluntary enhancement*'. Fonterra (1251.29) also seek that the policy be deleted or amended to clarify how "*are important for*" would be determined. They also seek that part (g) be removed as they consider that it is provided for in part (d).

I agree with the above submitters who seek that this policy is deleted. I consider that Policy 8.3.3 provides the direction within the MEP as to how areas that have not been considered 'significant' in relation to Policy 8.1.1 shall be managed. I agree with Port Marlborough, Trustpower, and Fonterra that maintaining, enhancing or restoring areas of indigenous biodiversity not identified as significant, is a strong policy direction that is not reflected in the provisions within the MEP. In order to implement this policy, and ensure that all indigenous biodiversity that provides important amenity or wildlife value is maintained, enhanced or restored, a restrictive rule framework would be required. This would result in increased consenting costs as the permitted activity status for any clearance of indigenous vegetation would need to be deleted to achieve this direction. Accordingly, I do not consider that this policy is an efficient method of achieving Objective 8.2. Instead, I consider that both Objectives 8.1 and 8.2 can be more efficiently achieved by allowing the clearance of some indigenous vegetation, as discussed in the following section.

Recommendation

I recommend that Policy 8.2.9 is deleted.⁵⁵

Matter 7 – Managing effects of subdivision, use and development on indigenous biodiversity

Provisions

Policies 8.3.1 to 8.3.9 are aimed at managing the effects of subdivision, use and development on indigenous biodiversity. This matter has been split into four sections.

The first section considers the submissions that relate to the terrestrial indigenous biodiversity management methods that apply throughout the majority of the Marlborough District. In these areas, Section 6(c) of the RMA requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

⁵⁵ 401.101 - Aquaculture NZ; 425.135 – Federated Farmers; 426.108 - MFA; 429.13 – Tempello Partnership; 962.69 - MFIA; 1121.11 - S & T Wadworth; 1251.29 - Fonterra.

The second section considers the submissions that relate to the management of indigenous biodiversity within the coastal environment. The landward extent of the coastal environment is mapped in the MEP, and it contains the coastal marine area and a coastal significance area, which generally includes land up to the first coastal ridge. Within this area the relevant objectives and policies of the NZCPS, including the indigenous biodiversity policy (Policy 11), must be given effect to.

The third section considers the submissions that relate to the management of sea bed disturbance in ecologically significant marine sites (ESMS). The MEP identifies 129 ESMS within the coastal marine area. Within these sites, there is a policy and rule framework which prohibits fishing activities which use techniques that disturb the seabed.

The final section considers the submissions that relate to: improving the management of drainage channel maintenance activities; the adverse to be avoided or otherwise remedied or mitigated within areas of significant indigenous biodiversity; the water levels required to protect the natural function of waterbodies; and the use of biodiversity offsets.

Management of indigenous biodiversity throughout the Marlborough District

Policies 8.3.2, 8.3.3, 8.3.5, and indigenous vegetation clearance rules.

Although the primary method for protecting areas of significant indigenous vegetation within the Marlborough District is through the voluntary programme discussed above, the following policies and methods seek to provide a backstop measure, that controls activities that involve the removal of indigenous vegetation. The following section assesses the policies and methods that seek to manage the effects of subdivision, use and development on areas of indigenous biodiversity throughout the majority of the Marlborough District.

These policies are as follows:

Policy 8.3.2 – Where subdivision, use or development requires resource consent, the adverse effects on areas, habitats or ecosystems with indigenous biodiversity value shall be:

- (a) avoided where it is a significant site in the context of Policy 8.1.1; and*
- (b) avoided, remedied or mitigated where indigenous biodiversity values have not been assessed as being significant in terms of Policy 8.1.1.*

Policy 8.3.3 – Control vegetation clearance activities to retain ecosystems, habitats and areas with indigenous biodiversity value

Policy 8.3.5 – In the context of Policy 8.3.1 and Policy 8.3.2, adverse effects to be avoided or otherwise remedied or mitigated may include:

- (a) fragmentation of or a reduction in the size and extent of indigenous ecosystems and habitats;*
- (b) fragmentation or disruption of connections or buffer zones between and around ecosystems or habitats;*
- (c) changes that result in increased threats from pests (both plant and animal) on indigenous biodiversity and ecosystems;*
- (d) the loss of a rare or threatened species or its habitat;*
- (e) loss or degradation of wetlands, dune systems or coastal forests;*
- (f) loss of mauri or taonga species;*
- (g) impacts on habitats important as breeding, nursery or feeding areas, including for birds;*
- (h) impacts on habitats for fish spawning or the obstruction of the migration of fish species;*
- (i) impacts on any marine mammal sanctuary, marine mammal migration route or breeding, feeding or haul out area;*
- (j) a reduction in the abundance or natural diversity of indigenous vegetation and habitats of indigenous fauna;*
- (k) loss of ecosystem services;*
- (l) effects that contribute to a cumulative loss or degradation of habitats and ecosystems;*
- (m) loss of or damage to ecological mosaics, sequences, processes or integrity;*

- (n) effects on the functioning of estuaries, coastal wetlands and their margins;
- (o) downstream effects on significant wetlands, rivers, streams and lakes from hydrological changes higher up the catchment;
- (p) natural flows altered to such an extent that it affects the life supporting capacity of waterbodies;
- (q) a modification of the viability or value of indigenous vegetation and habitats of indigenous fauna as a result of the use or development of other land, freshwater or coastal resources;
- (r) a reduction in the value of the historical, cultural and spiritual association with significant indigenous biodiversity held by Marlborough's tangata whenua iwi;
- (s) a reduction in the value of the historical, cultural and spiritual association with significant indigenous biodiversity held by the wider community; and
- (t) the destruction of or significant reduction in educational, scientific, amenity, historical, cultural, landscape or natural character values.

These policies are implemented through a number of rules that are repeated within the Rural Environment, Coastal Environment, Coastal Living, Port, Open Space 1/2/3/4, and Lake Grassmere Salt Works Zones. These rules include standards which allow a certain level of indigenous biodiversity clearance as a permitted activity, with clearance not meeting the permitted standards requiring a resource consent as a discretionary activity. These rules and standards are set out below. The urban zones within the MEP such as the: Business, Airport, Industrial, and Urban Residential zones, do not contain rules managing indigenous biodiversity clearance.

x.1 Permitted Activities

Indigenous vegetation clearance.

x.2 Standards that apply to specific permitted activities

x.1.x - Indigenous vegetation clearance.

x.3.x.1 - Indigenous vegetation clearance must comply with Standards x.3.x.1 to x.3.x.11 (inclusive).

x.3.x.2. - The clearance of indigenous vegetation in the following circumstances is exempt from Standards x.3.x.3 to x.3.x.6 (inclusive):

- (a) indigenous vegetation under or within 50m of commercial forest, woodlot forest or shelter belt;
- (b) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;
- (c) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;
- (d) where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track or farm track;
- (e) where the clearance is on a Threatened Environments – Indigenous Vegetation Site and the clearance is within the curtilage of a dwelling.

x.3.x.3. - Clearance of indigenous vegetation must not occur:

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

x.3.x.5. - Clearance of indigenous forest must not exceed 1,000m² per Computer Register in any 5 year period.

x.3.x.6. - Clearance of indigenous vegetation, per Computer Register, must not exceed:

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

Threatened Environments Overlay (TEO)

The TEO is a map included within Volume 4 of the MEP. This map layer identifies the areas of the Marlborough District that have 20 percent or less remaining in indigenous cover. It has used the Land Cover Database to identify these areas. The rules associated with the TEO do not permit any indigenous vegetation clearance within the overlay. As such, all clearance is considered a discretionary activity.

Submissions and Assessment

Policy 8.3.2

There are six submitters⁵⁶ who support Policy 8.3.2, and seek that it be retained as notified.

There are a number of submitters who oppose the policy and seek that it be amended or deleted, as they consider that the policy extends beyond the requirements of relevant national policy statements and the RMA.

Aquaculture NZ (401.106) and MFA (426.110) oppose Policy 8.3.2, and seek that it be deleted. They consider that Section 6(c) of the RMA requires that Council recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. They consider that this policy goes beyond the requirements of the RMA in seeking to avoid adverse effects on significant sites, and avoid, remedy or mitigate effects where indigenous biodiversity values have not been assessed as being significant. They have recommended the approach taken in the Regional Policy Statement for Northland. MFA has included within their submission, an alternative policy which adopts the approaches taken in the Regional Policy Statement for Northland and the proposed Bay of Plenty Regional Coastal Environment Plan. This policy is as follows:

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

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

This position is supported by Port Marlborough (433.39). They also consider that Policy 8.3.2 should not apply to coastal waters as Policy 8.3.1 applies to these areas. Finally, they consider that the policy should refer to 'significant' adverse effects. Federated Farmers (425.140) seek that the policy is deleted. NZ Forest Products (995.14) consider that the policy fails to make appropriate provision for development and infrastructure that has a locational need to be in a particular location.

B. Pattie (380.3), G. Mehlhopt (456.53) and J. Hickman (455.53) seek that amendments are made to Policy 8.3.2, which would ensure that only significant adverse effects are to be avoided. They

⁵⁶ E. Beech (42.18); I. Mitchell (364.36); DOC (479.88); E. Beech (693.19); Friends of NH and TB (716.112); NZTA (1002.37)

consider that the proposed wording would mean that avoidance would be required, even in circumstances where remediation and mitigation may be the most appropriate management option. They seek that the policy is amended to ensure that only significant adverse effects are being avoided. Totaranui Limited (233.20) seek that remediation and mitigation of effects should also be included in this Policy 8.3.2 to bring it into line with the RMA. CBRA (152.5) seek that Policy 8.3.2 be amended to ensure that significant adverse effects are avoided on all areas of indigenous biodiversity.

There are also a number of submitters that have suggested that Policy 8.3.2 should be strengthened. These include:

BMCRRA (1190.8) seek that the Policy 8.3.2 is amended to take a stronger approach to preventing and mitigating sedimentation caused by forestry in the Sounds. Forest and Bird (715.190) consider that Policy 8.3.2 only applies when consent is needed. They consider that it is not consistent with achieving Section 6(c) of the RMA as it will not ensure protection, nor will it achieve the requirement to avoid, remedy or mitigate adverse effects set out in Section 17 of the RMA. Forest and Bird also seek that a new policy is included that provides guidance for the avoidance of effects where activities are permitted.

I consider that the intent of this policy relates to how applications for subdivision, use, and development should be managed within the resource consent framework. As such, the direction within this policy will only be relevant when considering resource consent applications. It does not seek to provide direction on permitted activity standards, relating to the clearance of indigenous vegetation, as this direction is instead included within Policy 8.3.3. As such, I consider that any changes to the policy need to be considered in this context.

In relation to the suggestions that the policy position is too restrictive, I note that it is not only Section 6(c) of the RMA that is relevant, but also Objective 8.1 of the MEP, which seeks broadly that the value of Marlborough's indigenous vegetation is protected, and the Council's regional functions under Section 30(1)(ga) of the RMA relating to the maintenance of indigenous biological diversity more broadly. In my view, and as reflected in the MEP's framework, how this protection is to be achieved in areas identified as 'significant' will require a greater level of management and intervention than those areas that are not identified as significant. When considering the most efficient and effective way of achieving the Objectives of the MEP, and taking into account Section 6(c), I agree with the above submitters that not all adverse effects are required to be avoided in areas identified as significant, to ensure the protection of indigenous biodiversity values. As such, I agree that part (a) of the policy should be amended to direct avoidance of significant adverse effects and avoidance, remediation or mitigation of all other adverse effects. I consider that this is an efficient and effective method of achieving the protection sought by Objective 8.1, while also allowing the flexibility to remedy or mitigate non-significant effects in circumstances where this is the most appropriate management option.

When considering the management of areas of indigenous biodiversity values that are not significant, I agree that avoiding, remedying and mitigating the adverse effects of activities in areas that are not considered to contain significant indigenous biodiversity is more than what is required to achieve the outcomes sought by Objective 8.1 and 8.2. Instead, I consider that the effects of activities on indigenous biodiversity should be managed to ensure that the value of biodiversity is retained. As such, I recommend that part (b) is amended in this manner. In my opinion, these changes address the underlying issues raised by these submitters, albeit that they may not go as far as some submitters might like.

MFIA (962.70) consider that Policy 8.3.2 is not practical. They note that there are some SNAs in gullies with small tongues surrounded by plantation forest. In these situation, they consider that it is not possible to always avoid damage. They seek that the policy is reworded so that it only applies to specific, identified sites. Nelson Forests Limited (990.211) seek that Policy 8.3.2 be deleted or rewritten as they consider the policy does not provide guidance as to how "avoid" is to be applied. I do not recommend that the changes sought by these submitters are made. I consider that this policy provides direction as to how areas of indigenous vegetation should be managed within the resource consent process. I consider that the policy (including suggested amendments) provides decision makers with direction as to how adverse effects on areas of indigenous vegetation are to be

managed, based on the significance of the area. As such, I disagree that selected sites should be excluded from the policy.

Transpower (1198.19) opposes Policy 8.3.2 as they consider that the policy fails to provide for the operation, maintenance, development and upgrade of the National Grid, in a manner that is consistent with Policies 2 and 5 of the NPSET. They consider that part (a) does not have any provision for remediation or mitigation for sites that hold significant indigenous biodiversity values. They consider that it is unreasonable to seek that there will be no adverse effects allowed within a significant site, and recognition needs to be given to the fact that some infrastructure has locational or technical constraints which may mean it has to be situated in an area of significant indigenous biodiversity. I agree in part with the changes sought.

I acknowledge that Policy 2 of the NPSET provides direction that the Council must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network, and Policy 5 requires that decision-makers must enable the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets. However, I also note that Policy 8 of the NPSET requires that, in rural environments, planning and development of the transmission system should seek to avoid adverse effects on areas of high natural character and areas of high recreation value. As such, I consider that the enabling functions of the NPSET must be balanced against the direction within Section 6(c) and the direction within Policy 8 of the NPSET.

In my view, the best way to achieve this balance is to include an additional policy specific to management of the adverse effects on indigenous biodiversity from the construction, maintenance, or upgrade of the National Grid. I consider that the MEP needs to acknowledge that in some circumstances these adverse effects may be appropriate if there are no other practical alternatives. I consider that the inclusion of an additional policy, and the suggested amendments to Policy 8.3.2 will allow a processing officer the ability to consider the merits of a proposal on a case by case basis, weighing up the requirement to avoid, remedy, or mitigate any adverse effects, with the direction to enable the construction, maintenance, or upgrade of National Grid.

KiwiRail (873.23) seek that a new policy is included within the MEP which requires that when activities associated with regionally significant infrastructure are proposed within an area with significant indigenous biodiversity values, any adverse effects on the values of that area shall be remedied or mitigated, in order to retain the overall qualities and integrity of the area, habitat or ecosystem. I firstly note that the changes I have recommended to Policy 8.3.2 go some way to addressing this submission point, in that the policy now provides for the remediation or mitigation of non-significant adverse effects. In terms of whether the type of approach I recommend be taken to the National Grid is extended to regionally significant infrastructure, I firstly note that such infrastructure is not subject to the equivalent of the NPSET. Having considered the direction within the MEP in relation to regionally significant infrastructure (in Chapter 4 of Volume 1), I consider that the outcomes sought in relation to infrastructure can still be achieved alongside the direction in Policy 8.3.2. I accept that the policy does impose some constraints on this, but on balance, I consider this is acceptable.

Recommendation

I recommend that Policy 8.3.2 is amended as follows:

Where subdivision, use or development requires resource consent, the adverse effects on areas, habitats or ecosystems with indigenous biodiversity value shall be:

- (a) avoided where effects are significant, and otherwise avoided, remedied or mitigated, in areas considered⁵⁷ ~~it is a significant site~~ in the context of Policy 8.1.1; and

⁵⁷ 433.039 - Port Marlborough

- (b) managed to ensure that avoided, remedied or mitigated where⁵⁸ indigenous biodiversity values are retained in areas that⁵⁹ have not been assessed as being significant in terms of Policy 8.1.1.

I recommend that the following policy is added to the MEP:

Provide for proposals relating to the construction, maintenance, or upgrade of National Grid infrastructure, that will adversely affect the values and attributes associated with the areas identified in Policies 8.3.1 and 8.3.2, provided the proposal can demonstrate that:

- (a) There are no practical alternative locations: and
(b) The avoidance of effects required within Policies 8.3.1 and 8.3.2 is not possible: and
(c) The adverse effects that cannot be avoided are remedied or mitigated to the extent practical.⁶⁰

Policy 8.3.3

Submissions and Assessment

There are eight submitters⁶¹ who support Policy 8.3.3, and seek that it be retained as notified.

There are also four submitters who seek amendments to the policy. Totaranui Limited (233.19) consider that the policy is constrained to the consideration of avoiding effects. They seek that the provision for remediation and mitigation of effects should also be included in the policy. Federated Farmers (425.141) consider that the policy should be an enabling policy, as they consider that many clearance activities are necessary for the daily functioning of farms, such as clearance for fences and tracks, and maintaining pasture. They would also like to ensure that ‘Council does not confuse vegetation clearance activities through a widespread limit with the restriction of all clearance of indigenous vegetation (as has been mapped for Threatened Environments). There is no basis in the policies for the mapping of indigenous vegetation with rules which restrict all clearance activities unless resource consent is granted.’ In my view, the changes sought by submitters are not appropriate. In relation to Totaranui Limited, I consider that as proposed, the control of vegetation clearance does include provision for remedying and mitigating effects. In relation to Federated Farmers suggestion that the policy should be enabling vegetation clearance, I disagree that this is appropriate. I note that Objective 8.1 seeks that Marlborough’s remaining indigenous biodiversity values are to be protected. I consider that re-wording Policy 8.3.3 to enable vegetation clearance does not promote the protection of indigenous biodiversity.

QCSRA (504.36) seek that Policy 8.3.3 does not include plantation forestry unless this is for indigenous trees. I note that the current wording of the policy refers to “*vegetation clearance*” rather than “*indigenous vegetation clearance*”, but it is clear from the explanation and resultant rules that the policy is intended to be confined to indigenous vegetation clearance. I therefore recommend that the policy is amended to refer to “*indigenous vegetation clearance*”, as in my view, controlling clearance of non-indigenous vegetation is not necessary to achieve Objectives 8.1 & 8.2. This will ensure that the policy does not apply to plantation forestry, as sought by QCSRA.

EDS (698.69) seek that the policy is extended to apply to “*land disturbance, drainage and subdivision*” as well as vegetation clearance. They consider that uncontrolled land disturbance and subdivision can also have significant adverse effects on biodiversity. They note that earthworks, if not properly controlled, can result in sediment runoff which smothers freshwater or marine habitat. Also, they note that the flow on effects of subdivision are more extensive and higher intensity development, which

⁵⁸ 401.106 - Aquaculture NZ

⁵⁹ 401.106 - Aquaculture NZ

⁶⁰ 1198.020 - Transpower

⁶¹ E. Beech (42.19); I. Mitchell (364.37); DOC (479.89); J. and J. Hellstrom (688.92); E. Beech (693.20); Forest and Bird (715.191); Friends of NH and TB (716.113); NZTA (1002.38)

results in fragmentation of the landscape, which in turn compromises ecological corridors. They seek that these land based activities are included within the policy to protect biodiversity. In my view the change sought is not necessary. Firstly, I note that the activities identified have more direct effects which are managed elsewhere within the MEP, with the effects on biodiversity being consequential effects resulting if the direct effects are not managed appropriately. For example, earthworks can result in sedimentation, a matter addressed through the MEP's more focussed earthwork provisions. In my view, the potential effects of sedimentation on biodiversity are already adequately managed through the controls places on managing sedimentation effects. Similarly, the MEP includes specific controls on subdivision that are intended to manage the effects of extensive and higher intensity development, including matters such as landscape fragmentation. In my view, this is more appropriate than the change sought by the submitters. Secondly, I note that where the identified activities require consent, and where there are potential effects on biodiversity values, Policy 8.3.2 already provides direction on managing the effects of the activities identified (i.e. they are subdivision, land use or development activities). Where such activities require consent under the MEP, for example earthworks, the direction in Policy 8.3.2 would apply. Similarly, I note that Policy 8.3.1 provides direction on the management of subdivision, use or development within the coastal environment.

Recommendation

Policy 8.3.3 is amended as follows:

Control indigenous⁶² vegetation clearance activities to retain ecosystems, habitats and areas with indigenous biodiversity value.

Policy 8.3.5

Submissions and Assessment

There are eight submitters⁶³ who support Policy 8.3.5, and seek that it be retained as notified. DOC (479.90) support the proposed policy as they consider that the list of adverse effects that can be caused or exacerbated by development activities is comprehensive. They seek a minor change to clause (d) to improve the accuracy of that clause.

There are also a number of submitters that seek amendments to the policy.

CBRA (152.4) and the New Zealand Fish Passage Advisory Group (9947.3) seek that additional matters are added to the policy related to the effects on the natural quality of the water column, and broader recognition of fish passages. QCSRA (504.37) seek that dredging should be discontinued as a technique during the life of this plan to enable monitoring of the effects.

Aquaculture NZ (401.107) and MFA (426.111) seek that the policy is deleted and replaced with a far shorter list containing more targeted effects, which would be of assistance to ecologists. MFA has included within their submission, two alternative policies which adopt the approaches taken in the Regional Policy Statement for Northland and the proposed Bay of Plenty Regional Coastal Environment Plan. These policies are as follows:

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

- (a) Recognise that a minor or transitory effect may not be an adverse effect;*
- (b) Recognise that many areas contain ongoing use and development that:*
 - i. Were present when the area was identified as high or outstanding or have subsequently been lawfully established*

⁶² 504.36 – QCSRA.

⁶³ E. Beech (42.20); I. Mitchell (364.38); DOC (479.90); E. Beech (693.21); Forest and Bird (715.192); Friends of NH and TB (716.114); KiwiRail (873.22); TRoNT (1189.82)

- ii. *May be dynamic, diverse or seasonal;*
- (c) *Recognise that where the effects are or may be irreversible, then they are likely to be more than minor;*
- (d) *Recognise that there may be more than minor cumulative effects from minor or transitory effects;*
- (e) *Have regard to any restoration and enhancement of the areas and species listed in Policies 8.3.1 and 8.3.2; and*
- (f) *Have regard to any technical or operational requirements.*

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

The idea that this policy should be simplified, is supported by Federated Farmers (425.143), MFIA (962.71), and Port Marlborough (433.40) who consider that the policy is very complex, some matters are very vague, and other matters overlap.

Nelson Forests (990.212) consider that the matters proposed by this policy are more suited to methods or matters for control or discretion for a resource consent application. They seek that the policy is re-written as a policy and these matters are included as assessment criteria or matters for control or discretion.

Fish and Game (509.133) seek that the policy provides *'a stronger hierarchy whereby significant adverse effects are avoided altogether and that mitigation and remediation is only considered where avoidance of other effects is not possible.'*

KCSRA (868.35) and the CBRA (152.4) note that there is no policy which requires that the comprehensive cumulative effects of activities are considered. They consider that the requirements of NZCPS Policy 7 are not met by Policy 8.3.5. They suggest that a new policy be included within the MEP as follows:

In assessing cumulative effects of activities on the marine ecosystem consideration shall be given to:

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

They refer to a report by NIWA which signals the existence of potentially serious cumulative ecological water column effects from existing mussel farming activities in Clova Bay, Beatrix Bay, parts of Crail Bay and parts of the Kenepuru Sound.

I agree with those submitters that suggest that this policy is more suited to assessment matters or matters of discretion for a resource consent application. Given that the rules within the MEP associated with indigenous biodiversity (excluding Rule 16.7.5) only contain permitted activities and fully discretionary activities with no assessment matters, I consider that the matters listed in the policy provide useful guidance as to the effects that should be considered when assessing an application. I note that Policy 8.3.5 does not include any direction as to how the list of matters should be used in the context of Policies 8.3.1 and 8.3.2. As such, I consider that the policy should be amended to provide direction that when considering whether there are any adverse effects in relation to Policies 8.3.1, and 8.3.2, decision makers shall have regard to any matters listed within the policy that are relevant to the application. I consider this ensures that the matters listed within the policy are retained as a guide to assist the implementation of Policies 8.3.1 and 8.3.2.

In relation to those submitters who seek that the policy should be simplified as the policy is very complex, some matters are vague, and other matters overlap, I agree that the list of matters could likely be rationalised. However, given that the none of the submitters have provided details as to

which matters they seek to be removed or amended, I have not recommended any amendments to the matters listed within the policy. However, if evidence was to be provided at the hearing which set out the specific amendments to the policy which removed duplication, I would potentially support these amendments. In relation to DOC's submission, I agree with the suggested amendment.

In relation to the alternative policies suggested KCSRA, CBRA, Aquaculture NZ and MFA, I consider that the determination of effects is to be undertaken on an application by application basis. As such, I do not consider that the additional policies would assist in achieving Objective 8.1. Furthermore, I note that a subsequent plan change to the MEP in the future will manage the effects of marine farming. As such, I do not consider an amendment related to assessing the cumulative effects of marine farms, prior to this plan change process, is appropriate.

Recommendation

Policy 8.3.5 is amended as follows:

*In the context of Policy 8.3.1 and Policy 8.3.2, ~~adverse effects to be avoided or otherwise remedied or mitigated may include~~, when considering whether there are any adverse effects, have regard to the following.*⁶⁴

- (a) fragmentation of or a reduction in the size and extent of indigenous ecosystems and habitats;
- (b) fragmentation or disruption of connections or buffer zones between and around ecosystems or habitats;
- (c) changes that result in increased threats from pests (both plant and animal) on indigenous biodiversity and ecosystems;
- (d) the loss of a rare or threatened or at risk species or its habitat their habitats and species which are rare within the region or ecological district.⁶⁵
- (e) loss or degradation of wetlands, dune systems or coastal forests;
- (f) loss of mauri or taonga species;
- (g) impacts on habitats important as breeding, nursery or feeding areas, including for birds;
- (h) impacts on habitats for fish spawning or the obstruction of the migration of fish species;
- (i) impacts on any marine mammal sanctuary, marine mammal migration route or breeding, feeding or haul out area;
- (j) a reduction in the abundance or natural diversity of indigenous vegetation and habitats of indigenous fauna;
- (k) loss of ecosystem services;
- (l) effects that contribute to a cumulative loss or degradation of habitats and ecosystems;
- (m) loss of or damage to ecological mosaics, sequences, processes or integrity;
- (n) effects on the functioning of estuaries, coastal wetlands and their margins;
- (o) downstream effects on significant wetlands, rivers, streams and lakes from hydrological changes higher up the catchment;
- (p) natural flows altered to such an extent that it affects the life supporting capacity of waterbodies;
- (q) a modification of the viability or value of indigenous vegetation and habitats of indigenous fauna as a result of the use or development of other land, freshwater or coastal resources;
- (r) a reduction in the value of the historical, cultural and spiritual association with significant indigenous biodiversity held by Marlborough's tangata whenua iwi;
- (s) a reduction in the value of the historical, cultural and spiritual association with significant indigenous biodiversity held by the wider community; and
- (t) the destruction of or significant reduction in educational, scientific, amenity, historical, cultural, landscape or natural character values.

⁶⁴ 990.212 - Nelson Forests Limited

⁶⁵ 479.091 - DOC

Indigenous vegetation clearance rules and standards

In the following section I assess the rules and standards contained within the MEP relating to indigenous vegetation clearance. The structure of the MEP is such that the Zone-based chapters of the MEP include the indigenous vegetation rules and standards applicable to that zone, rather than these rules sitting in a separate chapter. As the majority of the rules and standards are repeated across multiple zones, the assessment that follows is undertaken by rule or standard, and the rules referenced by using an “x” where this part of the rule reference relates to the zone chapter and zone rule number. This allows for the standards to be assessed once, and referred to in a generic way. For example, “Standard x.3.x.3” relates to Standards 3.3.11.3; 4.3.10.3; 7.3.7.3; 13.3.20.3; 17.3.2.3; 18.3.2.3; 19.3.3.3; 20.3.5.3 and 22.3.8.3.

Submissions and Assessment

Rule x.1.xx - Permitted Activity

There are a number of submitters who support Rule x.1.xx - Permitted Activity and seek that it be retained throughout each of the separate zones of the MEP as notified. MEC seek that the activity status be changed from permitted to controlled, and the standards attached to permitted activities be more rigorous. I consider that the permitted activity standards ensure clearance of indigenous vegetation is only undertaken in specific situations at a scale that is considered appropriate. I also consider that requiring a resource consent for all indigenous vegetation clearance is an inefficient method of achieving Objectives 8.1 and 8.2, as this would result in additional consenting costs with little environmental benefit. As such, I consider a permitted activity rule, subject to standards, is appropriate.

Standard x.3.x.1 - Indigenous vegetation clearance must comply with specific standards

There are large number of submitters that support the protection of indigenous vegetation and ecosystems, and seek that indigenous vegetation clearance is prevented in Marlborough’s threatened environments.

Beef and Lamb (459.54, .17) seek a minor correction to the Rural environment standard that clarifies that indigenous vegetation clearance must comply with Standards 3.3.12.1 to 3.3.4.12.11. I agree with the correction. They also consider that the standards attempt to control the different aspects of vegetation clearance rather than focusing on the environmental effects of the activity. They seek that the permitted activity standards 3.3.12.1 to 3.3.12.11 be simplified. They also suggest that a method should be included in the MEP that provides for and recognises the value of adopting Farm Environment Plans as an alternate to prescriptive activity based rules. I note that the non-indigenous vegetation clearance rules and standards are being assessed in the Rural Environment Section 42a report. As such, I consider that any amendment to these standards will be considered within this report.

Forest and Bird (715.384) consider that the standards need to be strengthened to prevent indigenous vegetation clearance in Marlborough’s threatened environments and protect significant biological diversity. This is sported by K. McGinty and A. Carter (26.3), who suggest that the rules and standards in the MEP provide so many reasons for people to be allowed to clear indigenous vegetation. They seek that the provisions in the MEP be strengthened to prevent the clearance of indigenous vegetation. These submitters have also suggested amendments to specific provisions within the MEP. As such, their specific concerns have been considered in the relevant assessment below.

Standard x.3.x.2 – Exemptions to the indigenous biodiversity clearance standards

This standard provides an exemption to those activities specified within it, from otherwise complying with the permitted activity standards for the clearance of indigenous vegetation. By way of background, I have been advised that these exemptions are based on those contained within the

WARMP, which in turn were agreed through mediation on the appeals on the indigenous vegetation clearance rules in that plan. In relation to the exemptions to the indigenous biodiversity clearance standards, there were a number of submitter who submitted on this standard in all zones. These included:

DOC (479.197) oppose the clearance of indigenous vegetation as a permitted activity within 50 metres of a commercial or woodlot forest or shelterbelt. They consider that the standard potentially allows for large areas of indigenous vegetation clearance without any consideration of the significance of the area to be cleared. They seek an amendment to reduce the buffer distance or, only allow the clearance in areas that have been previously cleared. This is supported by C. Shaw (423.24) and T. Stein (1179.22) who seek that the 50m buffer is reduced. I agree in part with these submissions, and consider that the clearance of indigenous vegetation within 50 metres of a commercial or woodlot forest or shelterbelt as a permitted activity could allow for large areas of indigenous vegetation to be removed as of right. I also note that the NESPF released in 2017 includes permitted activity rules that allow for the clearance of indigenous vegetation in specific situations. As the NESPF regulations come into force on 1 May 2018, I recommend that the MEP is amended to remove reference to clearance of indigenous vegetation related to plantation forestry to avoid duplication once the NESPF regulations come into force. This leaves the clearance of indigenous vegetation within 50 metres of a woodlot forest or shelterbelt. I consider that the 50 metre setback from a woodlot forest or shelterbelt is excessive and does not achieve the direction set out in Objective 8.1, as it would potentially allow for large areas of indigenous vegetation to be removed as a permitted activity. As such, I consider that this exemption is amended to allow for the clearance of indigenous vegetation within 50 metres of a woodlot forest or shelterbelt where this has been previously cleared in the last 20 years, which is consistent with Standard x.3.x.2 (b). This would allow for the maintenance of woodlot forest or shelterbelts, without permitting the clearance of areas of significant indigenous vegetation.

C. Shaw and T. Stein seek that the exemptions set out in Standard x.3.x.2 are not applied within the Threatened Environments overlay or within 20m of an ESMS. They consider that there is so little indigenous vegetation remaining within these threatened environments that any further loss should require a consent. I consider that the exemptions set out in Standard x.3.x.2 relate to specific activities that will only allow the clearance of small areas of indigenous vegetation, in areas that have likely been previously cleared. I consider that how the protection of indigenous biodiversity set out within Objective 8.1 is achieved needs to be considered alongside the aims set out in the infrastructure and rural objectives (Objectives 4.2 and 14.1). These objectives seek that Marlborough's significant infrastructure operates efficiently and effectively, and that rural environments are maintained as a resource for primary production activities, enabling these activities to continue contributing to economic wellbeing. As such, when considering the requirement to achieve all the Objectives of the MEP, I do not recommend that the changes sought by these submitters are made.

Forest and Bird (715.385) oppose exemptions (b) and (c) which relate to the clearance of indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock and matagouri. They consider that these exemptions would allow for the clearance of significant sites and riparian vegetation. They also seek that limits are placed on the clearance associated with Standard (d) and (e). I disagree, as I consider that it is unlikely that areas of indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock and matagouri would be considered significant if they have been cleared within the last 20 years (or 50 years in the case of matagouri). I also note that while these standards provide a regulatory 'back stop' to the clearance of indigenous vegetation, the primary management tool used in the Marlborough to manage indigenous vegetation is the voluntary approach which allows Council to work with landowners to protect this vegetation.

P. Rene (1023.10) seeks that the years of regrowth associated with the exclusion (b) should be increased from 20 years to 50 years. G. Cooper (743.1) seeks that the years of regrowth associated with the exclusion (b) should be increased from 20 years to 30 years. M. Chapman (348.31) seeks that (a) and (b) are removed as he considers that there should be no age limitations on the control of regrowth on private land. As the above submitters do not provide additional evidence as to why 30 or 50 years is more appropriate than the 20 years proposed within the MEP, I recommend that the 20-year threshold is retained.

There are a number of submitters that seek further exclusions to the exemptions to the indigenous biodiversity clearance standards. These include:

Marlborough Lines Limited (232.32) seek an exclusion to allow for 'vegetation clearance when undertaking maintenance of existing infrastructure by an electricity network utility operator'. M. and K. Gerard (424.158) seek an exclusion to allow for the clearance of indigenous vegetation to maintain fire-breaks, fence lines, and for restoration purposes within managed native restoration planting areas. V. Ayson (453.2) seeks an exclusion to allow for clearance associated with the maintenance of a cycle and/or walking track. Okiwi Bay Limited (458.5) and Karaka Projects Limited (502.6) seek an exclusion to allow for the clearance associated with the curtilage of and access way to an existing or consented dwelling. J. and J. Hellstrom (688.190) consider that the restoration of lost shellfish beds in Pelorus Sound should be a permitted activity. Transpower (1198.87) seek an exclusion to allow for clearance associated with the operation, maintenance, upgrade and development of the National Grid. D. Miller (244.1) considers that cutting tracks for purposes of pest monitoring and control is an integral part of preserving coastal indigenous forest, and seeks that an additional exemption is added in the coastal environment that allows the clearance of indigenous vegetation for the purpose of pest management.

Federated Farmers (425.650) seek a number of additional exclusions relating to:

- avoiding danger to human life or existing buildings / structures,
- avoiding risks to the safe and efficient operation of existing network utility operations and existing electricity generation activities,
- management of fire risk,
- stream / river crossing formation and maintenance,
- formation and maintenance of farm drains,
- to give effect to a Sustainable Forest Management Plan or Permit as approved under the Forests Act 1949 prior to 16 September 2010,
- construction and maintenance of fences,
- maintaining existing tracks,
- gathering of plants in accordance with Maori customs/values,
- installing a bait station network,
- undertaking plant pest management activities.

In relation to the suggested exemptions listed above, I agree that there are some instances where the clearance of indigenous vegetation should be exempt from the indigenous vegetation clearance standards within the MEP. When considering these exemptions, I have considered whether including the exemption would still achieve the objective, and also whether these activities would be consistent with the direction within Policy 8.3.3, which requires that the value of indigenous biodiversity is not being compromised.

I consider that the following exemptions generally allow for clearance in situations where the clearance relates to the maintenance of an existing activity and is not likely to be significant, or where on balance, an exemption is required to balance other considerations, such as the management of fire risk and the national importance of the National Grid. As such, I agree with the following exemptions:

- (d) *where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track, or farm track, fence line, cycling track or walking track;*
- (e) *where the clearance is on a Threatened Environments – Indigenous Vegetation Site and the clearance is within the curtilage of a dwelling.*
- (f) *where the clearance is associated with operation, maintenance, upgrade and development of the National Grid.*
- (g) *where the clearance is associated with the maintenance of existing network utility operations and existing electricity generation activities.*
- (h) *where the clearance is associated with the maintenance of fire breaks.*

In relation to all of the other suggested exemptions, I note that the MEP includes an indigenous vegetation clearance standard that allows that clearance of small areas of indigenous vegetation as a permitted activity. As such, I consider a number of the suggested exemptions may already fall within the permitted threshold. Where these activities do not fit within the permitted threshold, without further information on the extent the exemption would affect the indigenous biodiversity values of the Marlborough District, I consider that it is difficult to fully assess the exemptions requested. As such, I do not recommend that they are incorporated into the MEP.

Finally, PF Olsen Ltd (149.32) seek that where a permitted activity standard cannot be met, an intermediate restricted discretionary activity step should be included. I note that the submitter has not included any suggestions as to which activities should be considered as a restricted discretionary activity, nor is there any suggestion as to what matters they would expect the Council's discretion would be restricted to. Accordingly, I do not recommend that the changes sought by this submitter are made.

Threatened Environments Overlay (TEO)

Clearance of indigenous vegetation within a 'Threatened Environments – Indigenous Vegetation Site' overlay (TEO) is not permitted within the MEP. Any clearance of indigenous vegetation in these areas requires consent as a discretionary activity. These rules are contained within the Rural/Coastal Environment/Coastal Living/Port/Open Space 1/Open Space 2/ Open Space 3/ Open Space 4/Lake Grassmere Saltworks zones. Appendix 4 includes an overlay map identifying threatened environments.

I note that the TEO has been taken from the Ministry of the Environment report titled '*Protecting our Places - Information about the Statement of National Priorities for Protecting Rare and Threatened Biodiversity on Private Land*'. It lists four national priorities in the protection of indigenous biodiversity (as described in the explanation to Objective 1). National Priority One seeks to protect indigenous vegetation associated with land environments, (defined by Land Environments of New Zealand at Level IV), that have 20% or less remaining in indigenous cover. It uses Land Environments of New Zealand (LENZ), the Land Cover Database (LCDB) and a national database of land protection status to identify what type of vegetation occurs in each land environment and the broad pattern of protection. These are the areas included within the TEO in the MEP. As such, the TEO seek to protect the areas within Marlborough which have the least remaining indigenous biodiversity cover.

There are a range of submitters that seek that the TEO be removed or amended to exclude areas that do not require protection, such as urban areas, the Coastal Living Zone, working rural areas and forestry areas. These submitters include: Sharon Parkes (339.15), Talley's Group Limited (374.10), Okiwi Bay Limited (458.5), M. and R. Hippolite (488.2), Karaka Project Limited (502.6), the Oil Companies (1004.100), NZ Forest Products (995.23), A. Harvey (388.6), Raeburn Property Partnership (861.16), E. and A. Ryan (347.8), M. Chapman (448.31), and Dominion Salt Limited (355.12).

Other submitters suggest that the proposed rules are too onerous as the removal of one diseased indigenous tree within a threatened environment would require a consent. Federated Farmers (425.534) and M. Chapman (348.30) also seek that the TEO should be removed from the MEP, as it includes highly productive and modified lower valley floors and the plains. W. Lissaman (255.26) suggests that there is a lack of clarity as to what is indigenous vegetation, stating that grasses and woody vegetation are both indigenous and undesirable in some instances, while noxious weeds could be indigenous.

DOC (479.198) supports the protection of indigenous vegetation within the TEO as they consider that within these areas there is very little indigenous vegetation remaining. Port Marlborough (433.34) note that the TEO is not mentioned within the Chapter 8 of the MEP. They consider this results in the implementation of the overlay areas being confusing.

In relation to the group of submitters who seek the TEO be removed completely, I acknowledge that the TEO mapping is a blunt method of protection, as it will protect all indigenous vegetation within the overlay areas, regardless of the quality or value of the vegetation. For example, any new indigenous vegetation that is planted within the TEO will be protected, even indigenous vegetation that is planted

by a landowner within a domestic garden, or as part of a planting programme would require a resource consent to be removed. I consider that this is a very inefficient method of protecting indigenous biodiversity. I note that Objective 8.1 requires that the value of indigenous biodiversity is protected, and I consider that this method extends beyond this and seeks to protect all indigenous biodiversity regardless of its values.

If the TEO (and associated rule) was to be removed, I note that there are other management methods within the MEP that would provide protection to these environments. Standard x.3.x.3(b) protects indigenous vegetation within 20m of an ESMS, Standard x.3.x.4 protect specific indigenous vegetation within the coastal environment, and the voluntary management methods set out within the policies and methods seek to maintain and enhance areas of biodiversity through: education, funding, QE II covenants, and the Significant Natural Areas Project. While these management methods are more targeted in the protection of high value indigenous biodiversity, I acknowledge that these management methods are not as effective at protecting all areas of indigenous biodiversity as the TEO and related rule framework would be.

Conversely, I acknowledge that the areas identified within the TEO represent the areas of the district that are the most modified, and as such, any area of indigenous biodiversity remaining within this environment may rank highly within the significance criteria set out in Appendix 3. Furthermore, I note that Objective 8.2 seeks that the area and extent of indigenous biodiversity is to be increased, and areas that have been degraded are to be restored. When considering the direction set out within Objective 8.2, the management method proposed with the MEP does appear to effectively achieve the objective.

When weighing up both positions I can see merit in both options. However, I would tentatively recommend that the TEO be removed from the MEP as I consider that the environmental benefits gained through restricting the removal of all indigenous vegetation within these areas, would be outweighed by the potential resource consent cost that may be associated with implementing this rule. However, if the Hearing Panel do consider that retaining the TEO is the most appropriate method of achieving Objectives 8.1 and 8.2, I consider that the following amendments should be made to the overlay.

In relation to the group of submitters who seek that the TEO be amended to remove working rural areas and forestry areas, if the Hearing Panel decides to retain the TEO, I would not recommend that this amendment be made. I note that the Council and the community has avoided introducing significant natural area mapping as a method for protecting terrestrial indigenous biodiversity (excluding wetland areas), in favour of a voluntary approach. I consider that if the TEO was to be amended to specifically map the areas within the TEO that contain indigenous vegetation this would create a pseudo-SNA framework within these areas. Instead, I would recommend that additions are made to Standard x.3.x.3(a), which ensure that the clearance of indigenous vegetation within the curtilage of a dwelling is exempt.

In relation to Okiwi Bay Limited submission that the TEO should be removed from the Coastal Living Zone, I consider that the Coastal Living Zone has similar characteristics to that of urban areas, with small lot sizes and a highly modified residential character. Furthermore, I note that Standard x.3.x.3(b) protects indigenous vegetation within 20m of an ESMS, and Standard x.3.x.4 protects specific indigenous vegetation within the coastal environment. As such, I consider that the indigenous vegetation in these environments will be adequately protected, and therefore the TEO standard can be removed from the Coastal Living Zone rules.

In relation to the group of submitters who seek the TEO be removed from the urban industrial zones, I note that the rules associated with the layer only apply within the Rural/Coastal Environment/Coastal Living/Port/Open Space 1/Open Space 2/ Open Space 3/ Open Space 4/Lake Grassmere Saltworks zones. As such, I consider the if the Hearing Panel decide to retain the TEO, I would recommend that the layer is amended to exclude any zones to which it does not relate. I consider that this will avoid confusion for plan users. Finally, I would recommend that an addition is made to the explanation associated with Policy 8.3.3 and also within the methods of implementation, that acknowledges that the TEO is one of the methods that is used within the MEP to achieve direction set out within Policy 8.3.3.

Standard x.3.x.3(a) - Clearance of indigenous vegetation

Forest and Bird (715.379) state that the rules and standards within the MEP do not cover all areas that are “significant” under the criteria in Policy 8.1.1. They seek protection of all areas that are considered significant. They consider that the clearance of any indigenous vegetation meeting significance criteria should be a non-complying activity. This is supported by DOC (479.190) who state that this permitted activity standard will potentially allow for the clearance of indigenous vegetation deemed significant when assessed against the criteria contained within Appendix 3. They seek that an additional clause is added to x.3.x.3 that requires that clearance of indigenous vegetation must not occur in areas identified as significant. Rarangi District Residents Association (1089.13) seeks that vineyards within a TEO should be required to plant a percentage (potentially 2%) of each new vineyard development in natives.

I disagree with Forest and Bird and DOC’s submissions. I acknowledge that the MEP is required to ‘protect’ areas of significant indigenous vegetation and significant habitats of indigenous fauna in accordance with Section 6(c) of the RMA, and Objective 8.1 sets the goal of protecting the values indigenous biodiversity. I also note that the MEP is required achieve this protection in the most efficient and effective manner. 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.

Standards x.3.x.5 and x.3.x.6 - Clearance of indigenous forest

In relation to Standards x.3.x.5 and x.3.x.6, there are a number of submissions that seek that the limits on indigenous vegetation clearance should be tightened. H. Ballinger (351.23) does not believe any indigenous forest in south Marlborough should be able to be cleared as a permitted activity. This is supported by MEC (1193.134, .136, .138), P. Hunnisett (1016.4), C. Shaw (423.21, .22) and T. Stein (1179.23, .26), who consider that because there is so little indigenous forest taller than 6 metres remaining, that all clearance of this forest should require a consent. Forest and Bird (715.388) consider that the standards will not maintain indigenous biodiversity as required under Sections 30 and 31 of the RMA. They consider that permitted clearance of indigenous forest should only be allowed for clearly defined reasons, and Standard s x.3.x.5 and x.3.x.6 should be deleted. They also consider that the standards would be unenforceable due to the difficulty in knowing whether indigenous vegetation is more or less than 20 (or 50) years old. These concerns are supported by J. and J. Hellstrom (688.58), who consider that any area of original native forest, particularly lowland forest in the Marlborough Sounds and in South Marlborough should not be able to be cleared as a permitted activity.

MPI (973.7) notes that Standards x.3.x.5 and x.3.x.6 in the Rural Environment Zone constitutes a major tightening of restrictions on vegetation clearance as a permitted activity when compared to the current provisions. MPI have suggested a number of changes to Standards x.3.x.5 and x.3.x.6 in the Rural Zone. MPI seeks changes to the MEP that recognizes sustainable indigenous forest management as an activity distinct from vegetation clearance resulting in total forest removal. They seek clarity on the interpretation of the vegetation clearance area standard as it pertains to the harvesting of single trees and/or groups of trees from intact indigenous forest. They consider that this will assist landowners in more accurately identifying what forest management activities, including indigenous timber harvesting under approvals issued pursuant to Part 3A of the Forests Act 1949, require a discretionary resource consent. They consider that the MEP does not provide clear guidance. MPI seeks a review of Standard 3.3.11.5 related to indigenous forest clearance over 6

metres in height within the Marlborough Sounds area. They note that by Council's own admission (Policy 8.3.2), the Marlborough Sounds area does not have the extent of habitat loss evidenced in southern Marlborough. Finally, they seek that sustainable indigenous forest management should be permitted on forests that lie outside those areas recognised as Significant Natural Areas.

Federated Farmers (425.534) consider that the clearance limits do not take into account the amount of indigenous vegetation that is protected by the farm business. They also consider that the clearance limit does not take an overall farm approach of balancing protection of vegetation with clearing of vegetation for business viability. Federated Farmers submit that the vegetation clearance limits as proposed are much too small for a large property, and submit that a percentage per hectare approach could be beneficial, rather than a set limit that applies to a property of any size. This is supported, in the Rural Zone, by Tempello Partnership (429.1), who consider that 1 ha or 2ha per five years clearance restriction is far too restrictive for their farm of 4800ha, as their ability to develop land is restricted to only 0.02% of the property. They consider the standard does not take an overall farm approach of balancing protection of vegetation with clearing of vegetation for business viability. They also seek that the standard is based on a percentage of the property such as '*maximum 5% of land area over five years or 2% of existing indigenous cover*'. M. Chapman (348.30) considers that Standard 3.3.11.5 is vague, as there is no definition of 'forest' and seeks that is deleted.

J. Rudd (246.1) considers that the MEP limitations are unreasonable, impractical, and a serious imposition on his property rights, which must be upheld. He considers that there should be no limit to the clearance of indigenous vegetation up to the point where 20% of cover remains per computer register and then at reaching 20%, the standard should revert to 10,000m² clearance in any 12-month period. Mt Zion Charitable Trust (515.24) consider that there should be no limit on the clearance of scrub from reverted farmland. G. Cooper (743.3) considers that 10,000m² of indigenous vegetation clearance is not a big area for 1 year, let alone 5 years. He seeks that Standard 3.3.11.6 is amended to allow 10,000m² of indigenous vegetation clearance each year.

When considering the above submission points, I note that Objective 8.1 of the MEP seeks to protect indigenous biodiversity value. This is supported by Policy 8.3.2 which requires that adverse effects are avoided, remedy or mitigated in areas with significant indigenous vegetation, and Policy 8.3.3 requires that vegetation clearance is controlled to retain ecosystems, habitats and areas with indigenous biodiversity value. I also note that this direction can be achieved through a combination of the regulatory framework, and through the voluntary partnership approach. As such, I consider that Standards x.3.x.5 and x.3.x. combine with the non-regulatory protection methods needed to create a framework that ensures this direction is achieved.

In relation to the submitters that seek that the limits on indigenous vegetation clearance should be tightened, I note that Policy 8.3.3 does not restrict the clearance of some indigenous vegetation provided the ecosystems and habitats with indigenous biodiversity value are retained. The question then becomes, how much indigenous vegetation can be cleared while still retaining the biodiversity value of the ecosystem or habitat? This is not a question that can be easily answered. I consider that the provisions with the MEP have attempted to answer this question by allowing a staged clearance approach which allows 1000m² of indigenous forest per property every 5 year, with greater allowance for indigenous vegetation clearance within areas with a smaller average canopy height. While these limits do allow for the clearance of some indigenous biodiversity, I consider that they are suitably restrictive to ensure that the value of the indigenous biodiversity is retained. I also understand that the limits included within the MEP have resulted from the plan review process, and have involved input from the Council's two contract terrestrial ecologists (who are used for the Significant Natural Area programme) and the Council's Significant Natural Area Manager at that point in time. I understand that the review process included assessing the impact of the proposed standards and that this included scenario testing to establish the effect on known SNA sites as a ground truthing exercise. As such, I consider that these limits appear generally appropriate.

In relation to MPI's suggestion that the proposed standards disqualify, as permitted activities, most if not all indigenous timber harvesting from sustainable forest management activities, I consider that the permitted activity standards represent a threshold for which the effects of those activities are considered appropriate in all circumstances, without the need for consideration through a consent process. For any activities that involve the clearance of a greater area than the permitted threshold, a resource consent can be applied for as a discretionary activity. As part of this consent process, the

methods of indigenous timber harvesting will be assessed on their merits. I do not agree that amendments to the permitted activity standards are required to recognize sustainable indigenous forest management as an activity distinct from vegetation clearance, nor do I consider that amendments are required to the interpretation of the vegetation clearance area. I consider that the clearance of single trees and/or groups of trees from intact indigenous forest still represents the clearance of indigenous vegetation, and for the purposes of the permitted activity standard, if this clearance breaches the permitted areas threshold, then a resource consent should be required.

In relation to the submission points that seek an amendment to the vegetation clearance limits from a fixed area, to a percentage of the total farm area to allow for an overall farm approach to the management of indigenous biodiversity, I acknowledge that the fixed area restrictions of 1,000m², 2,000m², and 20,000m² are blunt tools that do not consider the site-specific differences between proposed clearance activities. I also acknowledge that large land holdings may often be able to clear larger areas of indigenous vegetation while still retaining the biodiversity value of the ecosystem when compared to smaller land holdings, where the same amount of indigenous vegetation clearance may result in a significant impact on the biodiversity value of the ecosystem. However, I consider that permitting the clearance of 2 – 5% of a property's total land area will create an extremely large permitted clearance area that may compromise its biodiversity value. For example, Tempello Partnership note that their farm is 4800 hectares, as such even an area representing 2% of the total land area would allow the clearance of 96 hectares as a permitted activity. While this example is on the very high end of the scale, I consider that a percent of total land area alone would not achieve the direction set out within Policy 8.3.3, nor the aim sought in Objective 8.1.

Another option to provide some acknowledgement that larger land holdings may have a greater ability to absorb a larger area of clearance of indigenous vegetation while still retaining the biodiversity value of the ecosystem could involve a combination of maximum area and a percentage of the total land areas. For example: *'Clearance of indigenous forest must not exceed 2% of the total site area up to a maximum of 4,00010,000m² per Computer Register in any 5 year period'*. This would allow all the larger land holdings to clear a larger area of indigenous vegetation, and conversely restrict smaller land holdings to a much smaller permitted threshold. Overall, I do not have a preference as to which method is a more appropriate way to achieve the objectives. However, I consider that whichever method is chosen by the Hearing Panel, it is important that the maximum area of indigenous vegetation clearance permitted in the MEP needs to be an area that will ensure that the biodiversity value of the ecosystem or habitat is retained.

In relation to Forest and Bird's concerns that the standards would be unenforceable, due to the difficulty in knowing whether indigenous vegetation is more or less than 20 (or 50) years old, I consider that using aerial photography and the height of the vegetation, approximate age of vegetation can be determined. Furthermore, I consider that the intent of these standards is to provide a threshold in which the clearance of some indigenous vegetation that has a limited biodiversity value can be permitted, to avoid a number of costly consents for the minor clearance of indigenous vegetation. The age of vegetation is a common layman's test as to whether it is appropriate to clear or not. As such, I do not agree that the standards are unenforceable.

In relation to the submitters that seek that there should be no limit, or a very large limit to the clearance of indigenous vegetation on private property, I consider that if large areas of indigenous vegetation are able to be removed as a permitted activity, this does not align with Policy 8.3.3 and will not achieve the goal set out within the Objectives 8.1 and 8.2 which relates to protecting indigenous biodiversity, and increasing the area and extent of indigenous biodiversity. As such, I do not recommend that the changes sought by these submitters are made.

8.M.2 - District Rules

EDS (698.72) seeks that *'subdivision'* is added to the 8.M.2, and the Marlborough District Council seeks that the following sentence is added to 8.M.2 *'This includes clearance of indigenous vegetation in areas that have 20 percent or less remaining indigenous cover, as identified in the Threatened Environments Overlay Maps.'*

Given that I have tentatively recommended that the TEO be removed from the MEP, I do not consider that the amendment suggested by MDC is required. However, if the Hearing Panel agree to retain the

TEO, I consider that the suggested amendment provides additional detail as to how the district rules will be implemented.

Recommendation

Amend the standards for permitted activities for indigenous vegetation clearance as follows:

x.1 Permitted Activities

Indigenous vegetation clearance.

x.2 Standards that apply to specific permitted activities

x.1.x - Indigenous vegetation clearance.

x.3.x.1 - Indigenous vegetation clearance must comply with Standards x.3.x.1 to x.3.x.11 (inclusive).

x.3.x.2. - The clearance of indigenous vegetation in the following circumstances is exempt from Standards x.3.x.3 to x.3.x.6 (inclusive):

- (a) indigenous vegetation under or within 50m of ~~commercial forest~~⁶⁶, woodlot forest or shelter belt which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years;⁶⁷*
- (b) indigenous vegetation dominated by manuka, kanuka, tauhinu, bracken fern and silver tussock, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 20 years in age;*
- (c) indigenous vegetation dominated by matagouri, and which has grown naturally from previously cleared land (i.e. regrowth) and where the regrowth is less than 50 years in age;*
- (d) where the clearance is associated with the maintenance of an existing road, forestry road, harvesting track, or farm track, fence line, cycling track or walking track;⁶⁸*
- (e) where the clearance is on a Threatened Environments – Indigenous Vegetation Site and the clearance is within the curtilage of a dwelling;*
- (f) where the clearance is associated with operation and maintenance of the: National Grid, existing network utility operations, and existing electricity generation activities;⁶⁹*
- (g) where the clearance is associated with the maintenance of fire breaks.⁷⁰*

x.3.10.3. - Clearance of indigenous vegetation must not occur:

- ~~(a) on a Threatened Environments – Indigenous Vegetation Site;~~⁷¹*
- (b) on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site.*

x.3.10.5. - Clearance of indigenous forest must not exceed 1,000m² per Computer Register in any 5 year period.

x.3.10.6. - Clearance of indigenous vegetation, per Computer Register, must not exceed:

⁶⁶ 423.026 – Chris Shaw

⁶⁷ 423.026 – Chris Shaw

⁶⁸ 88.007 - Chris Bowron

⁶⁹ 1198.087 - Transpower

⁷⁰ 424.158 – M. & K. Gerard; 425.531 - Federated Farmers

⁷¹ 374.10 - Talley's

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

Management of the indigenous biodiversity in the coastal environment landward of Means high water springs

The following section assesses the policies and methods that seek to manage the effects of development within areas of indigenous biodiversity within the coastal environment (landward of mean high-water springs). The landward extent of the coastal environment is mapped in the MEP. There are nine zones that are located either fully or partially within the coastal environment, these are the: Rural Environment Zone, Coastal Environment Zone, Coastal Living Zone, Port Zone, Open Space 1/2/3/4 Zones, and Lake Grassmere Saltworks Zone.

I consider that the approach taken to protect the value of indigenous biodiversity is different within the coastal environment, when compared to the rest of the Marlborough District. This is because greater restrictions are required to ensure that the value of indigenous biodiversity is protected. This increased sense of value within the coastal environment is reflected in the direction in the NZCPS, which includes particular requirements relating to indigenous vegetation. Given the direction set out within the NZCPS, the MEP includes a policy that provides specific direction on the management of indigenous biodiversity in the coastal environment. This policy reads as follows:

Policy 8.3.1 – Manage the effects of subdivision, use or development in the coastal environment by:

- (a) *avoiding adverse effects where the areas, habitats or ecosystems are those set out in Policy 11(a) of the New Zealand Coastal Policy Statement 2010;*
- (b) *avoiding adverse effects where the areas, habitats or ecosystems are mapped as significant wetlands or ecologically significant marine sites in the Marlborough Environment Plan; or*
- (c) *avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects where the areas, habitats or ecosystems are those set out in Policy 11(b) of the New Zealand Coastal Policy Statement 2010 or are not identified as significant in terms of Policy 8.1.1 of the Marlborough Environment Plan.*

The zones that are located either fully or partially within the coastal environment contain the standard indigenous vegetation clearance standards that have been considered above, and also one additional standard that manages indigenous vegetation within the coastal environment. This standard is as follows:

x.2 Standards that apply to specific permitted activities

x.3.x.4 - Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:

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

Submissions and Assessment

Policy 8.3.1

There are a number of submitters who support Policy 8.3.1, and seek that it be retained as notified. This includes DOC (479.87), who consider that policy is consistent with and gives effect to Policy 11 of the NZCPS.

There are a number of submitters who oppose Policy 8.3.1 and seek that it be amended or deleted, as they consider that the policy extends beyond the requirements of relevant national policy statements and the RMA.

Aquaculture NZ (401.105) and MFA (426.109) oppose Policy 8.3.1 as they consider that the policy fails to distinguish between regionally significant and nationally significant sites. In addition, they consider that the MEP does not adopt the cascading approach to protection in Policy 11 of the NZCPS. They also note that the MEP modifies the Davidson 2011 significance criteria and leaves it open to a layperson to determine significance. They seek that Policy 8.3.1 be deleted and replaced with a policy that better reflects the intent of the NZCPS. They have recommended the approach taken in the Regional Policy Statement for Northland. MFA has included within their submission, two alternative policies which adopt the approaches taken in the Regional Policy Statement for Northland and the proposed Bay of Plenty Regional Coastal Environment Plan. These policies are as follows:

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

- (a) Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
- (b) Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 3; and*
- (c) Areas set aside for full or partial protection of indigenous biodiversity under other legislation.*

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

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

This position is supported by Port Marlborough (433.38), King Family Trust (514.9), Marlborough Oysters Limited (964.9), Wainui Green 2015 Limited (926.19), Canantor Mussels (726.9), J. Jessep (809.9), and B. Skeggs (574.9), who suggest that it is very important that the MEP clearly and consistently identifies where values are significant, what those values are, and what adverse effects are to be avoided. They consider that a cascading approach to manage effects on indigenous biodiversity should be adopted. Furthermore, Federated Farmers (425.151) suggest that Policy 8.3.1 requires a higher level of protection than is required under the NZCPS Policy 11. They consider that the policy should reflect the wording of this NZCPS policy. They have included a number of amendments to the policy within their submission, that would reduce the protection associated with the areas identified as 'significant wetlands' or 'ecologically significant marine sites'.

I agree in part with the above submission points. I agree that the last sentence included within Policy 8.3.1(c), which requires: '*avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects where the areas, habitats or ecosystems.... not identified as significant in terms of Policy 8.1.1 of the Marlborough Environment Plan*', extends beyond the requirements of Policy 11

of the NZCPS, and creates an unnecessarily high test for areas of the coastal environment that have not been identified as significant. As such, I recommend that this is removed from the policy.

In relation to the suggestions that the proposed policy does not distinguish between regionally significant and nationally significant sites, I note that this matter has been covered within the Section 42A report on Criteria for Significant Biodiversity.

In relation to the suggestions that the proposed policy does not adopt the cascading approach to protection in Policy 11 of the NZCPS, I disagree. I consider that Policy 11(a) of the NZCPS requires that the adverse effects of activities are to be avoided in specific ecosystems within the coastal environment. I consider that this direction is given effect to within part (a) and part (b) of the Policy 8.3.1. I note that there will be considerable overlap between the sites that are identified in part (a) and part (b) of Policy 8.3.1, however I consider the level of protection provided to these sites is consistent with the direction provided within the NZCPS.

Policy 11(b) of the NZCPS requires that the significant adverse effects of activities are to be avoided, and other adverse effects are to be avoided remedied or mitigated, in specific ecosystems within the coastal environment. While noting the removal of the last sentence discussed above, I consider that this direction is given effect to within part (c) of the Policy 8.3.1. As such, I consider that the cascading approach set out within the NZCPS is provided for.

In relation to the alternative policies suggested by MFA, I consider that the suggested policies provide a very similar framework to that set out in the MEP, excluding the deletion discussed above. I note that the suggested policies have avoided including cross references to the NZCPS and instead seek to paraphrase the NZCPS. I consider that either of these two options give effect to the NZCPS. However, the cross references in the MEP ensure that the direction in the NZCPS is provided for in its entirety, whereas, the paraphrased version suggested by the submitter loses the details of the policy through its simplification. As such, I recommend that the cross references to the NZCPS are retained.

Transpower (1198.19) opposes Policy 8.3.1, as they consider that the policy fails to provide for the operation, maintenance, development and upgrade of the National Grid, in a manner that is consistent with Policies 2 and 5 of the NPSET. They also consider that the proposed policy is inconsistent with the approach to indigenous vegetation clearance established by Regulations 30 to 32 of the NESETA whereby the most stringent activity status for indigenous vegetation clearance in relation to the National Grid is restricted discretionary activity status. They seek an amendment that recognises that there will be times when it will be necessary for Transpower to have an adverse effect on indigenous biodiversity, primarily due to the need to clear indigenous vegetation. They seek that an additional clause is added to Policy 8.3.1 recognising there will be situations where the operation, maintenance, development and upgrade of the National Grid will result in unavoidable adverse effects.

As discussed in my assessment of Policy 8.3.2 above, I agree in part with Transpower. I acknowledge that Policy 2 of the NPSET provides direction that the Council must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network. Also, Policy 6.1.a. of the NZCPS requires that councils recognise that the provision of infrastructure and the supply and transport of energy including the generation and transmission of electricity, are activities important to the social, economic and cultural well-being of people and communities.

I consider that this enabling direction must be balanced by the requirement in Policy 11 of the NZCPS to avoid adverse effects on specific habitats, and avoid significant adverse effects and avoid, remedy or mitigate other adverse effects within areas of predominantly indigenous vegetation. There is also direction in Policy 8 of the NPSET that requires that in rural environments, planning and development of the transmission system should seek to avoid adverse effects on areas of high natural character (amongst other things).

As such, I consider that the MEP must ensure that adverse effects within habitats listed in Policy 11 of the NZCPS must be avoided in the first instance, and if there are no other alternatives, then careful consideration must be had to the merits of adversely affecting the indigenous vegetation within the coastal environment. As discussed in my assessment of Policy 8.3.2, I consider that an additional policy should be added to Chapter 8 which acknowledges that the construction, maintenance, or

upgrade of the electricity transmission network may create adverse effects, and directs how such effects are to be managed.

Forest and Bird (715.190) seek that the explanation associated with Policy 8.3.1 is amended to make it clear that Policy 11(b) on the NZCPS applies regardless of whether the area is also significant under Policy 8.1.1. They also seek that the relationship between Policy 8.3.1(c) and Policy 8.3.2 is clarified. I disagree that any additional explanation associated with Policy 8.3.1 is required. I consider that Policy 8.3.1 relates to the coastal environment, and achieves the direction within the NZCPS. Policies 8.1.1 and 8.3.2 then relate to the identification and management of biodiversity throughout the District, including the coastal environment. I consider that this direction is clear within MEP.

Note:

There are a number of submitters that seek amendments to the standards within the both the coastal environment and also in areas outside the coastal environment. As such, those submissions that have been considered in the section above have not been reassessed in this section. However, those submitters that sought specific changes to provisions within the coastal environment are considered below.

Indigenous vegetation clearance standards in the coastal environment

Standard x.3.x.1 - Indigenous vegetation clearance must comply with specific standards

Forest and Bird (715.379) consider that the indigenous vegetation clearance standards in the coastal environment need to be strengthened to prevent indigenous vegetation clearance in Marlborough's threatened environments and protect significant biological diversity. They note that in the coastal environment the standards should ensure compliance with the NZCPS. They consider that indigenous vegetation standards in the MEP will not ensure that Policy 11 requirements are achieved. They seek that the clearance of any indigenous vegetation or modification of habitat that meets Policy 11 criteria should be a non-complying activity. The specific changes that the submitter seeks to the permitted activity standard are set out below. With regards to the activity status, I note that the MEP does not include non-complying activities and this matter is addressed in the Topic 1: General Section 42A report.

QCWP oppose some of the indigenous vegetation clearance standards as they consider that they will unnecessarily cause: *'great injustice, catastrophic economic hardship and distress for our community and its descendants, significant harm to indigenous biodiversity and the environment on our land and surrounding marine environment, significant harm to indigenous biodiversity and the environment elsewhere in Marlborough, a significant failure to meet the stated objectives of the rules.'* No suggested amendments were requested within their submission and therefore I am unable to make any recommendation in relation to their submission.

Standard x.3.x.3 - Clearance of indigenous vegetation

In relation to Standard x.3.x.3 within the coastal environment, Forest and Bird (715.386) state that this permitted activity standard will potentially allow for the clearance of indigenous vegetation deemed significant when assessed against the criteria contained within Appendix 3. I accept that within the coastal environment there is a clear requirement to avoid adverse effects on those habitats and species listed in Policy 11(a) in the NZCPS. While I acknowledge that the voluntary approach to indigenous biodiversity protection will be the primary means of avoiding the adverse effects in these areas, I also consider that within the coastal environment, there is an added requirement to show that in these areas adverse effects are avoided, as opposed to the requirement to 'protect' these areas in Section 6(c) of the RMA. That being said, I note that Standard x.3.x.4 provides the regulatory management framework that restricts removal of a variety of habitats/species within the coastal environment. My understanding is that the habitats/species listed are those, within the Marlborough District, to which Policy 11 of the NZCPS applies. An exception to this has been identified by Peter Hamill (MDC Team Leader – Land and Water), which is that because of the definition of coastal flaxlands in clause (d), (which revolves around *Phormium cookianum*), (c) and (d) effectively cover the same vegetation. Mr Hamill has suggested that there are flax species other than *Phormium cookianum* in the coastal environment that should be protected and has recommended a change to

address this. I recommend that this amendment be made. Beyond this, the submitter may wish to identify if they consider that there is other indigenous vegetation in the Marlborough context to which Policy 11 of the NZCPS applies that is not covered by Standard x.3.x.4.

Forest and Bird (715.386) seek greater landward setbacks from ESMS, but have not provided an alternative setback distance. Given that no greater setback distance has been suggested, I do not consider there is suitable evidence to recommend that an amendment is made. K. McGinty and A. Carter (26.3) request that the proposed standard be strengthened to restrict all clearing of native flora within 20 metres of the high-water line of all waterways, be they streams or rivers. I do not agree that this amendment is required, as I consider that the suggested amendment would be a very inefficient method of achieving protection of indigenous biodiversity.

In relation to the standards associated with the Port Zone and the Open Space 3 Zone, Port Marlborough (433.125, .190) seek that the 20m setback for the clearance of indigenous vegetation is removed. In the Port Zone they consider that there is a considerable amount of self-seeding vegetation that occurs within the zone and consent should not be required for its removal. I consider that there are a number of ESMS which should be excluded from the proposed 20m indigenous biodiversity clearance setback standard, as the ecological significance of the site is not impacted by the removal of indigenous biodiversity landward of mean highwater springs. These sites include the ESMS that seek to protect Whale and Dolphin habitats, (Sites 2.17, 7.15, and 8.1). If these specific sites are exempted from the standard, I consider that this will achieve the relief sought by Port Marlborough. I consider that removing these sites from the standard will result in Standard x.3.x.3(b) becoming much more targeted to areas that require protection, as the majority of the remaining ESMS are confined to specific features within the coastal marine area.

In relation to the Coastal Environment Zone, Coastal Living Zone and Open Space 3 Zone, Te Atiawa o Te Waka-a-Maui (1186.118) consider that indigenous vegetation clearance should not be permitted without adequate consideration of the potential adverse effects on cultural resources, values or sites. They seek that the permitted standards ensure that vegetation clearance on or adjacent to cultural sites/areas are not permitted. I note that Policy 11(b)(iv) requires the protection of habitats of indigenous species in the coastal environment that are important for traditional or cultural purposes. As such, if further information can be provided as to which cultural sites/areas require additional protection above the protection that is provided within the MEP, I could support this addition.

Standard x.3.x.4 - Clearance of indigenous vegetation within specific habitats/species of the coastal environment

In relation to Standard x.3.x.4, Federated Farmers (425.540) considers the proposed standard goes beyond the scope of Policy 11 of the NZCPS. They note that it is not clear whether these species include grazing of these grasses by stock that may be in the coastal environment. Federated Farmers considers that these provisions should not capture these grasses if they are grazed by stock. I do not agree. I consider that Standard x.3.x.4 seeks to give effect to the direction set out within both Policy 11(a) of the NZCPS, and also Policy 8.3.1. I understand that the list of coastal species included within Standard x.3.x.4 is consistent with the ecosystems included within Policy 11(a), except for the changes I have recommended earlier. As such, I consider Standard x.3.x.4 is required to protect these coastal habitats. Furthermore, I consider that any clearance of indigenous vegetation listed in the standard, regardless of whether it is cleared through grazing or through human modification, would be captured by the standard.

Okiwi Bay Limited (458.6), Hura Pakake Family Trust (498.4), and Karaka Projects Limited (502.7) note that the coastal environment contains all of the Marlborough Sounds. Therefore, within any part of the Marlborough Sounds, clearance of these species is a discretionary activity, regardless of the amount being cleared. They seek that the clearance of 0.2 hectares in any 1-year period of coastal broadleaf scrub and shrub/and is cleared is allowed as a permitted activity, as is included within the MSRMP. As noted above, I consider that the list of coastal species included within Standard x.3.x.4 seeks to protect the ecosystems included within Policy 11(a), and as such all adverse effects on these species are required to be avoided. I consider that the clearance of 0.2 hectares in any 1 year period would create an adverse effect, and as such this amendment would not give effect to the NZCPS or implement the direction set out in Policy 8.3.1.

In relation to the Port Zone, Port Marlborough (433.123) notes that the 'coastal environment' is defined as being all water areas and all landward areas to the ridge of the landform adjoining the water. They consider that this will likely apply to all land within the Port Zones. Port Marlborough notes that a considerable amount of self-seeding vegetation occurs within the Port Zone. Therefore, Port Marlborough considers that the Port Zone should be excluded from the requirement to comply with Standard 13.3.20.4. In relation to Port Marlborough's submission, I consider the species listed within Standard 13.3.20.4 are consistent with the species listed in Policy 11(a) and as such require adverse effects to be avoided on these. As such, I do not agree that this standard should be removed from the Port Zone.

Forest and Bird (715.400) considers that the standard does not cover all areas that are important as habitat and protected under Policy 11 NZCPS. They request that the list is amended to cover all areas protected by Policy 11 of the NZCPS. As noted in the assessment above, the submitter may wish to more specifically identify those habitats/species that they believe are missing from the standard.

Standards x.3.x.5 and x.3.x.6 - Clearance of indigenous forest

As set out earlier, H. Ballinger (351.23) (and other submitters) do not believe any indigenous forest in south Marlborough should be able to be cleared as a permitted activity, and Forest and Bird (715.414) consider that permitted clearance of indigenous forest should only be allowed for clearly defined reasons, and Standards x.3.x.5 and x.3.x.6 do not ensure the protection of significant biological diversity. While I have addressed these submissions earlier in relation to areas outside the coastal environment, I consider that they should be assessed again in relation to areas within the coastal environment, because the policy framework that the rules and standards within the coastal environment are to implement is different. Friends of NH and TB (716.190) consider that 4.3.10.5 (which applies to the Coastal Environment Zone) does not appropriately address the adverse effects of indigenous forest clearance on sites of all sizes. They seek that an addition is made to Standard 4.3.10.5 as follows:

'Clearance of indigenous forest must not exceed 1,000m² per Computer Register, or 15 per cent of the title area, whichever is the lesser, in any 5 year period'

Pitapisces Limited (1245.5) consider that Standards x.3.x.5 and x.3.x.6 are unnecessarily restrictive, and they do not enable existing rural activities to continue within the Coastal Environment Zone.

When considering the above submission points, I note that Objective 8.1 of the MEP seeks to protect indigenous biodiversity. Within the coastal environment this objective is supported by Policy 8.3.1 which requires that adverse effects are avoided in areas, habitats or ecosystems that are listed in Policy 11(a) of the NZCPS or are listed in the MEP as significant wetlands or ESMS. Furthermore, significant adverse effects are to be avoided, and all other effects are to be avoided, remedied or mitigated in areas, habitats or ecosystems listed Policy 11(b) of the NZCPS.

These policies provide a clear direction that within the coastal environment there is a greater requirement to protect indigenous vegetation. As such, I consider that there needs to be a separate set of indigenous vegetation clearance standards for areas within the coastal environment that provide the regulatory framework to achieve the direction within these policies. Currently, Standards x.3.x.5 and x.3.x.6 do not differentiate between the clearance of indigenous vegetation within the coastal environment and the clearance of indigenous vegetation in all other areas within Marlborough. As such, I agree in part with H. Ballinger, MEC, P. Hunnisett, C. Shaw and T. Stein, that the clearance of areas of predominantly indigenous vegetation within the coastal environment should be managed to ensure that significant adverse effect are avoided, and other adverse effects are avoided remedy of mitigated, in accordance with Policy 11(b) of the NZCPS. I consider that the clearance of between 1000m² and 10,000m² within the coastal environment would constitute a significant adverse effect, that should be avoided. As such, I recommend that for areas within the coastal environment, Standards x.3.x.5 and x.3.x.6 should be tightened. In response to Pitapisces Limited I also note that the exemptions provided in Standard x.3.x.2 enable rural activities to continue, for example, through allowing for maintenance of farm tracks.

As a tentative starting point, my recommendation is that the permitted levels of removal provided for in the coastal environment are halved. In coming to this recommendation, I acknowledge that Standards x.3.x.4 also restrict the clearance of coastal vegetation in a number of additional habitats or

of a number of species, and this may reduce the need to include a stricter general vegetation clearance standard. However, my preliminary view is that the current permitted levels within the coastal environment are likely to be too high.

Recommendation

That Policy 8.3.1 is amended as follows:

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

- (a) *avoiding adverse effects where the areas, habitats or ecosystems are those set out in Policy 11(a) of the New Zealand Coastal Policy Statement 2010;*
- (b) *avoiding adverse effects where the areas, habitats or ecosystems are mapped as significant wetlands or ecologically significant marine sites in the Marlborough Environment Plan; or*
- (c) *avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects where the areas, habitats or ecosystems are those set out in Policy 11(b) of the New Zealand Coastal Policy Statement 2010 ~~or are not identified as significant in terms of Policy 8.1.1 on the Marlborough Environment Plan.~~⁷²*

That Standard x.3.x.3 is amended as follows:

x.3.x.3 Clearance of indigenous vegetation must not occur:

- ~~(a) on a Threatened Environments – Indigenous Vegetation Site;~~⁷³
- (b) *on land above mean high water springs that is within 20m of an Ecologically Significant Marine Site, but excluding Sites 2.17, 7.15, and 7.15.*⁷⁴

That Standards x.3.x.4 are amended as follows:

x.3.x.4 Clearance of indigenous vegetation within the coastal environment must not include the following habitats/species:

- (a) *duneland vegetation;*
- (b) *coastal grassland;*
- (c) *coastal flaxlands;*
- (d) *coastal vegetation dominated by (making up >50% of the canopy cover) wharariki/coastal flax (Phormium sp ~~speckianum~~)⁷⁵;*
- (e) *coastal broadleaved shrubland;*
- (f) *coastal small-leaved shrubland;*
- (g) *coastal salt turf;*
- (h) *coastal speargrass herbfield*

That Standards x.3.x.5 are amended as follows:

⁷² 433.038 - Port Marlborough

⁷³ 374.10 - Talley's

⁷⁴ 433.125, .190 - Port Marlborough

⁷⁵ 496.83 - Forest and Bird

x.3.x.5 - Clearance of indigenous forest must not exceed 1,000m² per Computer Register in any 5 year period.

x.3.x.5(a) - Clearance of indigenous forest within the coastal environment must not exceed ~~4,050~~4,050m² per Computer Register in any 5 year period.⁷⁶

That Standards x.3.x.6 are amended as follows:

4.3.10.6. - Clearance of indigenous vegetation, per Computer Register, must not exceed:

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

4.3.10.6(a) - Clearance of indigenous vegetation within the coastal environment, per Computer Register, must not exceed:

- (c) ~~21,000~~21,000m² in any 5 year period where the average canopy height is between 3m and 6m;
- (d) ~~405,000~~405,000m² in any 5 year period where the average canopy height is below 3m, except for the following species where clearance in any 5 year period must not exceed:
 - vii. ~~500~~500m² of indigenous sub-alpine vegetation;
 - viii. ~~405~~405m² of tall tussock of the genus *Chinochloa*⁷⁷

Matter 8 – Sea bed disturbance in ecologically significant marine sites

The MEP identifies 129 ESMS within the Coastal Marine Area (CMA). Within these sites, Policy 8.3.7 applies, which states:

Within an identified ecologically significant marine site fishing activities using techniques that disturb the seabed must be avoided.

This is implemented through Rule 16.7.5 which prohibits fishing activities which use techniques that disturb the seabed. This policy and rule package seek to give effect to the requirements of Section 6(c) of the RMA and Policy 11 of the NZCPS. The rule excludes two ESMS: the Croiselles Harbour Entrance (No. 1.2) and the Tennyson Inlet (No. 3.9).

AER.1 states that:

An increase in the number and extent of ecosystems, habitats and areas with indigenous biodiversity value that are formally protected or covenanted (where practicable).

Policy 8.3.7, Rule 16.7.5, and 8.AER.1

There are a number of submitters⁷⁸ who support Policy 8.3.7, Rule 16.7.5, and 8.AER.1 and seek that they be retained as notified. This includes East Bay Conservation Society (100.3) who requests that

⁷⁶ 351.23 - H. Ballinger; 1193.134, .136, .138 - MEC, 1016.4 - P. Hunnisett; 423.21 - C. Shaw; 715.389 - Forest and Bird; 1179.26 - T. Stein

⁷⁷ 351.23 - H. Ballinger; 1193.134, .136, .138 - MEC, 1016.4 - P. Hunnisett; 423.21 - C. Shaw; 715.389 - Forest and Bird; 1179.26 - T. Stein

all ESMS receive as much protection as possible including limiting fishing techniques which damage the benthic environment such as dredging.

There are a number of submitters who support the intent of the policy, but seek amendments to the policy to provide more stringent controls. This includes M. and K. Gerard (424.37) who seek that the policy is extended to include all bottom disturbance fishing activities in the Marlborough Sounds marine environment with the exception of a controlled recreational scallop dredging area. Also, the QCSRA (504.39) seek that dredging should be discontinued as a technique during the life of this plan to enable monitoring of the effects of dredging. EDS (698.70) strongly support the prohibited activity approach. They consider that the adverse effects of fishing activities which disturb the sea bed are extensive and well known. They seek a prohibited activity status for all activities which disturb the seabed. This position is supported by the KCSRA (868.37). DOC (479.93) seek an amendment to broaden the scope of the policy, to require that any activity that disturbs the seabed must be avoided.

Sea Shepherd New Zealand (1146.49), the Pinder Family Trust (578.49), and Guardians of the Sounds (752.49) consider that large scale, comprehensive, 'Marine Protected Areas' should be incorporated into the MEP. They consider that this is a potential and realistic solution to ensure protection and restoration of marine biodiversity in the Marlborough Sounds. They note that such protected areas are already in place around the world, such as the Great Barrier Reef Marine Park. They consider that the unique Marlborough Sounds deserves to be the first marine and coastal area to be afforded the same level of protection and management as the multi zoned, spatially managed Great Barrier Reef Marine Park. They seek that by 2020 a robust and substantial Marine Protected Areas/Marine Park, including at least all of Queen Charlotte Sound and Tory Channel, is established.

I disagree that the scope of the policy and rule should be widened to prohibit all bottom disturbance fishing activities across the whole of the Marlborough Sounds marine environment. I note that Objective 8.1 seeks that Marlborough's remaining indigenous biodiversity values are protected. The technical reporting has identified selected sites that contain significant biodiversity values that warrant protection from bottom disturbance fishing activities. There has been no technical reporting that has recommended that the whole of the Marlborough Sounds marine environment requires protection. As such, I consider that protecting the whole of the Marlborough Sounds marine environment would not be an efficient method of achieving Objective 8.1. Furthermore, I consider the environmental gains achieved through prohibiting all bottom disturbance fishing activities across the whole of the Marlborough Sounds would be outweighed by the economic loss associated with the prohibition.

In relation to DOC and EDS's suggestions that the policy should avoid all activities that disturb the seabed, I agree in part with this suggestion. I have included a full discussion of the types of activities which I consider should be prohibited in the assessment of Rule 16.7.5 below.

Not within the Council's jurisdiction under the RMA

There are a number of submitters who consider that the controls within Policy 8.3.7 and Rule 16.7.5 fall outside the Council's jurisdiction under the RMA. Fishing Industry (710.16) have provided a lengthy submission, outlining their opposition to Policy 8.3.7 and Rule 16.7.5. They consider that the proposed provisions impose controls on fisheries resources for Fisheries Act purposes in a manner that contravenes Section 30(2) of the RMA. They also consider that Policy 8.3.7 and Rule 16.7.5 do not align with the principle of *generalia specialibus non derogant* (the provisions of a general statute must yield to those of a special one). They consider that the RMA is the general statute and the Fishery Act is the more specific Act that should take precedence. They reference the *Challenger Scallop Enhancement Co Ltd v Marlborough District Council [1998] NZRMA 342* case, quoting 'the Fisheries Act 1996 would over-ride the RMA if the provisions were found to be inconsistent and not reasonably reconcilable.' This is supported by Legacy Fishing Limited (906.1), Burkhart Fisheries

⁷⁸ E Beech (42.23); I Mitchell (364.41); Te Runanga o Ngati Kuia (501.35); J and J Hellstrom (688.94, 688.100); E Beech (693.24); EDS (698.70); Forest and Bird (715.195); Friends of NH and TB (716.130) Tui Nature Reserve (179.7); R Edward and L Hill (378.2); J Craighead (418.19); Fly-fish Marlborough (419.2); Windsong Orchard (420.1); J Steggle (421.1) J Richrdson (422.1); C Shaw (423.1); Port Gore Group (468.1); DOC (479.245); K Marchant (493.1); P Hunnisett (1016.5); Cape Campbell Farm (1051.2); S Browning (1109.1); BMCRRRA (1190.33)

Limited and Lanfar Holdings Limited (610.1) and PauaMAC 7 (1038.1) who consider that the Council does not have the jurisdiction to manage fishing activities for Fisheries Act purposes.

I disagree that the Council does not have the jurisdiction under the RMA to include Policy 8.3.7 and Rule 16.7.5 within the MEP. The *Motiti Rohe Moana Trust v Bay of Plenty Regional Council* case has clarified in the High Court that fishing and fisheries resources are controlled under the Fisheries Act to provide for the sustainable utilisation of those resources, but that the Fisheries Act does not purport to address, let alone control, all the effects of fishing on the wider environment (including people and communities). The Court considered that while the sustainable utilisation of fisheries resources now and in the future is a Fisheries Act matter, regional councils remain tasked with the management of the effects or externalities of fishing on the wider environment as defined by the RMA⁷⁹. I consider that the policy and rule package does not attempt to restrict fishing activities in order to manage the sustainability of the fishing resource. Instead, I consider that the package seeks to manage the adverse effects of certain activities, to achieve the protection of indigenous biodiversity as set out in Objective 8.1 of the MEP. I consider that this protection is necessary in order to achieve the direction set out in Policy 11 of the NZCPS and also the purpose of the RMA. As such, I consider that the Council does have a function under the RMA to manage bed disturbance activities within the ESMS.

This position is supported by a legal opinion provided by John Maassen - Council's legal counsel for the *Motiti Rohe Moana Trust v Bay of Plenty Regional Council* case which states that:

In my opinion a rule, like Rule 16.7.5, aimed at maintaining habitat marine ecosystem integrity (including by avoiding disturbance of the seabed from fishing) that has the aim of maintaining biodiversity is valid by reason of:

- (a) Section 30(1)(g) that stands outside the ambit of section 30(2).
- (b) Section 30(1)(d)(v) that stands outside the ambit of section 30(2).
- (c) Section 30(2) does not apply in any event as the habitat is protected and hence the first part of clause section 30(2) does not apply.⁸⁰

Rule 16.7.5 focuses on habitat protection which is aligned with NZCPS 2010, Policy 11. That consideration of habitat and integrity of habitat functioning is a significant point of difference from the Fisheries Act 1996 which is largely concerned with the sustainability of quota and fisheries species. The Resource Management Act's emphasis is on maintaining ecosystem function in a more ecologically sound and holistic manner i.e. indigenous fauna sustainability is intrinsically connected to habitat protection.

The Motiti Rohe Moana Trust line of decisions⁸¹ are cases that are persuasive that the authority exists to make Rule 16.7.5 in reliance upon RMA section 30(1)(g). They are cases addressing the effect of s 30(2) in the abstract and that do not specifically address the rule MDC proposes. I have also supported the rule based on RMA section 30(1)(d)(v) and on the basis, that section 30(2) does not apply because the rule is aimed at protecting the seabed not fisheries' resources.

Impact on Treaty Rights

Fishing Industry (710.18) note that Rule 16.7.5 applies to all types of fishing, including customary non-commercial fishing. They consider that the rule overrides (and extinguishes, in the areas in question,) customary non-commercial and commercial fishing rights protected under the Maori Fisheries Settlement. They consider that this is likely to be incompatible with the obligations of RMA Section 8 (Treaty of Waitangi), and also contravene the principle of *generalia specialibus non derogant*. Council's legal counsel - John Maassen has responded to this submission point. He states that:

⁷⁹ *Motiti Rohe Moana Trust v Bay of Plenty Regional Council* [2016] NZEnvC 240

⁸⁰ In this respect the rule is to protect habitat not controlling the taking allocation or enhancement of fisheries resource as the first clause of s 30(2) requires.

⁸¹ *The Trustees of the Motiti Rohe Moana Trust v. Bay of Plenty Regional Council* [2016] NZEN v C 240 and *Attorney-General v. the Trustees of the Motiti Rohe Moana Trust* [2017] NZHC 1429 and *Attorney-General v. the Trustees of the Motiti Rohe Moana Trust* [2017] NZHC 1886.

An important distinction is the distinction between Maori commercial fishing interests arising from Treaty claims and Maori customary fishing interests⁸² that do not involve the scale and technologies of modern commercial fishing. The former is addressed in Maori Fisheries Act 2004. Customary fishing interests are dealt with in Part 9 of the Fisheries Act and the Marine and Coastal Area (Takutai Moana) Act 2011 and recognised as specific customary activities in the RMA. RMA s 6(e) and s 66(2A) only apply to the customary activities.

Subject to some modification to accommodate customary fishing of a particular type, if it exists, in my opinion Rule 16.7.5 does not require any amendment. Any modification to the rule to accommodate customary fishing would need to be justified by evidence of customary use. In that regard I refer you to the specific directions for decision making in section 66(2A). Presently there is no evidence, to my knowledge, justifying the change to Rule 16.7.5. If there is evidence of customary usage (or simply as a precaution) then it is wise to add to the end of Rule 16.7.5 the following sentence:

“This Rule does not apply to customary fishing recognised under Part 9 of the Fisheries Act or pursuant to any customary title recognised under Marine and Coastal Area (Takutai Moana) Act 2011.”

The engine room for the justification for Rule 16.7.5 lies in ecological science. If there is adequate ecological evidence that the protection of the identified habitat is necessary to give effect to the directive policy in NZCPS Policy 11 then that evidence provides a sufficient answer to all potential issues except the jurisdictional one already addressed. It provides an answer for example to:

- (a) The point regarding Maori interests generally in commercial fishing as maintenance of marine biodiversity is consistent with Te Ao Maori⁸³.*
- (b) Criticisms that there is a potential conflict between the outcomes sought by the MEP and the Fisheries Act. In particular bearing in mind that the Fisheries Act 1996 section 9(b) states as an environmental principle “biological diversity of the aquatic and environment should be maintained”. Thus, the MEP does no more than underscore the achievement of an environmental principle of the Fisheries Act 1996.*

Given that no submitter has raised a conflict between Rule 16.7.5 and a customary fishing right, I do not consider that any amendment to the rule is required.

Related to this, TRoNT (1189.76) seek that a new policy is added to the MEP related to customary harvest. The proposed policy is as follows:

In protecting and enhancing indigenous biodiversity, enable customary harvesting including within areas identified with outstanding landscape value, or significant ecological value.

Explanation

Customary harvesting is essential in enabling Ngai Tahu [and other Tangata Whenua Iwi] to exercise kaitiakitanga and to provide for their relationship with their culture, lands, water and other taonga. Cultural harvest may be for different reasons, including but not limited to, medicinal uses, ceremonial, uses, weaving or for consumption. Where particular resources are only available on private land, access agreements or case by case permissions from the landowner are essential before entry onto the property is allowed.’

In my view, there are a number of issues with the proposed wording and intent of the policy. Firstly, it is unclear how the protection and enhancement of biodiversity relates to the enabling of customary harvesting, unless the policy is only intended to enable such harvesting where the harvesting is for the purpose of protecting and enhancing such biodiversity. Secondly, the policy refers to activities within outstanding landscape value areas, which is not a matter addressed within this chapter of the MEP. Further, it is unclear what the reference to areas of “significant ecological value” relates to. I

⁸² Including tauranga ika and mahinga mataitai

⁸³ Meaning in this context the Maori view of resource management.

also note, for completeness, that consideration of permitted activity rules for customary harvesting have been considered in the Section 42A Report for Topic 2: Marlborough's Tangata Whenua Iwi.

Lack of justification for a prohibited activity

Regardless of whether Policy 8.3.7 and Rule 16.7.5 are considered to be within the Council's jurisdiction under the RMA, Fishing Industry (710.18) consider that the prohibited activity status for fishing activities that use a technique that disturbs the seabed is not justified within the supporting documents. They also consider that fishing activities have been singled out unfairly as they consider that there are other activities which could be expected to have more serious adverse effects on benthic indigenous biodiversity - for example reclamation, dredging, dumping, seabed occupation, and sediment discharges which are not prohibited. They also consider that the Section 32 Report has not adequately justified the use of a prohibited activity status, nor has it identified other reasonably practicable options for achieving the objectives. Burkhart Fisheries Limited and Lanfar Holdings Limited (610.2) and PauaMAC 7 (1038.2) agree that the prohibited activity status cannot be justified on the basis of the adverse effects of fishing within the identified areas. They suggest that the Council should liaise with the Ministry for Primary Industries and Fisheries stakeholders to identify appropriate mechanisms to protect the sites from fishing-related impacts.

Following a review of relevant Section 32 report, and the technical reporting associated with the identification of ESMS within Chapter 8 of the MEP, I agree that the Section 32 report provides limited reference to technical information that justifies the need for acting. However, I note that an extensive programme of monitoring and technical reporting has been undertaken which highlights the destruction of these habitats over time. As such, the following section provides an overview of the technical reporting that has been undertaken to justify the need for a prohibited activity status within the MEP.

In 2011, MDC and DOC produced a report titled, '*Ecologically Significant Marine Sites in Marlborough*'. The report was written by a group of expert authors⁸⁴, who developed a set of criteria to assess the relative biological importance of each site. Sites that received a medium or high score were termed "significant". A total of 129 individual sites that support rare or special features within the marine environment, were recognized and described during this process. This set of criteria is set out in Appendix 3 of the MEP. The Council also established a programme of regularly reviewing the sites that were identified within the 2011 publication.

In the summer of 2014-2015 the same expert panel described above reassessed 15 sites and 6 sub-survey sites in eastern Marlborough Sounds. The findings of this reassessment were included in a report titled '*Reassessment of selected significant marine sites (2014-2015) and evaluation of protection requirements for significant sites with benthic values*'. This report recommended a number of changes to the significant sites:

- three sites be removed from the list of significant sites due to the loss or significant degradation of biological values (Hitaua Bay Estuary, Port Gore (central) horse mussel bed and Ship Cove),
- the offshore site located north of Motuara Island be removed and replaced with a small area located around a rocky reef structure.
- adjustments to the boundaries of most of the remaining significant sites.

Based on the removal of the three sites and a number of boundary adjustments, a total of 1544 ha was removed and 113.8 ha added as significant sites. The overall change between that recorded in 2011 and 2015 was a loss of 1430.8 ha. This report also commented on the need to protect these remaining sites from physical damage, for example:

⁸⁴ The authors of the report were: Rob Davidson (Davidson Environmental Limited), Clinton Duffy (Department of Conservation), Peter Gaze (Department of Conservation), Andrew Baxter (Department of Conservation), Sam Du Fresne (DuFresne Ecology Ltd), Shannel Courtney (Department of Conservation), and Peter Hamill (Marlborough District Council). A summary of their qualifications and experience is listed within the report.

Loss and degradation of marine biological values around New Zealand and internationally has been linked to anthropogenic activities (Lauder 1987, Stead 1991, Cranfield et al. 1999, Cranfield et al. 2003, Morrison et al. 2009, Davidson et al. 2011, MacDiarmid et al. 2012, Paul 2012, Morrison et al. 2014, 2014a, Handley 2015). In particular, direct physical disturbance has been assessed as one of the main causes of damage to marine benthic biological values (MacDiarmid et al., 2012). It is likely that without protection or strong management Marlborough's significant marine sites will continue to be lost or degraded. Davidson and Richards (2015) highlighted the decline of biological attributes at a number of the significant sites identified by Davidson et al. (2011). In some cases the loss of benthic biological values resulted in the removal of part of or the entire significant site.

Significant sites that support benthic biological values are vulnerable to physical damage from activities such as dredging, trawling and anchoring. An assessment of each significant site's sensitivity to physical disturbance provides a guide to the type and level of protection required.⁸⁵

In order to protect the most at risk marine sites, the report listed the sites that support benthic biological values, and assessed their habitat sensitivity, wave exposure, and disturbance level. From this assessment, suggested protection categories were recommended for managing these sites.

The second survey was conducted in the summer of 2015-2016, and the findings of that survey were summarised in the report titled '*Significant marine site survey and monitoring programme: Summary report 2015-2016*' dated July 2016. This report re-assessed 15 sites and subsites in the Croisilles Harbour and D'Urville Island areas. Overall, the area occupied by significant sites in the Croisilles - D'Urville area declined by 214.6 hectares between that reported in Davidson et al. (2011) and the 2015-16 survey. However, unlike the previous survey conducted by Davidson and Richards (2015), the change is attributed solely to more detailed information compared to previous data.

This report also provided an assessment of vulnerability of each of the reviewed sites, and noted that:

The largest sources of anthropogenic impacts in the marine environment come from outside the marine zone (MacDiarmid et al., 2012). Climate change, ocean acidification and catchment inputs cannot be stopped overnight and long term strategies are needed to reduce these effects.

MacDiarmid et al. (2012) ranked catchment effects such as the introduction of sediment as an important issue leading to serious impacts in the marine environment. The authors also ranked direct physical disturbance of the seafloor from activities such as the use of bottom towed fishing gear as an important anthropogenic effect.⁸⁶

A third survey report titled '*Peer review of selected significant marine sites surveyed in 2015-2016*' dated February 2017, was a peer review of the sites surveyed in the summer of 2016 (the second report), and assessed the sensitivity of sites to a range of anthropogenic threats including physical disturbance. Overall, the peer review panel accepted all but one boundary modification proposed by the second report.

Based on the findings of the four technical reports referenced above, I consider that they provide sufficient information to determine that all of the ESMS that have been identified in the MEP are vulnerable, and without some method of protection, the current trend in the reduction of significant marine sites will continue. This trend was particularly evident in the overall change recorded between 2011 and 2015, which saw a dramatic loss in the significant marine sites surveyed (a loss of 1430.8 ha). I also note that a common theme within these reports is the conclusion that direct physical disturbance has been assessed as one of the main causes of damage to marine benthic biological

⁸⁵ Davidson et al., (2015). *Reassessment of selected significant marine sites (2014-2015) and evaluation of protection requirements for significant sites with benthic values*, Section 6.1, p. 12.

⁸⁶ Davidson et al., (2016). *Significant marine site survey and monitoring programme: Summary report 2015-2016* Section 5.4.1, p52.

values, and in particular, dredging and trawling. As such, I consider that these activities require strong restrictions in order to achieve the direction set out in Objective 8.1.

Disagree with Prohibited activity rule and seek integrated management approach

There are 35 submitters who support the rule as proposed⁸⁷.

Fishing Industry (710.18), PauaMAC 7 (1038.2), and Legacy Fishing Limited (906.2) suggest that a more effective way of achieving integrated management in relation to the protection of the identified ESMS would be for the Council to control the activities over which it has jurisdiction so as to avoid adverse effects on ESMS. Where fishing is threatening the biodiversity values of an ESMS, they suggest that the Council liaise with MPI and fisheries stakeholder groups to identify appropriate mechanisms, which may be regulatory or voluntary, to protect ESMS from fishing-related impacts. MPI supports this approach, and have offered to work with MDC to develop an integrated approach to biodiversity protection, to protect areas from the impacts of fishing under the Fisheries Act. MPI (973.2) also note that they already have various projects underway (including within the Marlborough Sounds) looking at fishing activities that adversely impact the benthos.

MPI (973.2) also considers that the Section 32 Report of the MEP does not adequately analyse impacts of Rule 16.7.5 on the commercial, recreational, and customary fishing sector. It seeks that the MDC conduct additional Section 32 analysis on proposed Rule 16.7.5. Pending the outcome of this additional analysis, MPI seeks that either: Rule 16.7.5 and associated policies does not proceed; or a new policy is included which ensures that within 5 years of the MEP becoming operative, a review of the effectiveness of the Regional Coastal Plan component of the MEP is undertaken.

MFA (426.231) seek that a new policy is included within the MEP as follows:

Work with marine resource users and develop partnerships to protect, maintain and restore significant marine habitats.

I understand that the Council has consulted with MPI and stakeholder groups on potential management methods since the first ESMS report was published in 2011. The Council has held meetings and workshops discussing the degradation of the ESMS within the Marlborough Sounds, and to date there has been no additional protection or integrated management approach suggested. As such, while not included within the Section 32 assessment, I consider that Council have considered a range of other alternative management methods, however as they were not considered to be reasonable practical, they were not included within the Section 32 assessment. Furthermore, I note that no submitter has included within their submission an alternative management method that will provide protection to the specific ESMS identified within the MEP so as to achieve Objective 8.1. In the absence of any assurance and evidence from MPI that there is a suitable management method within the Fisheries Act that can provide the protection required by Section 6(c) the RMA and Policy 11 of the NZCPS to these ESMS, I do not recommend that Rule 16.7.5 be removed from the MEP in favour of an integrated management approach.

I would also note that within the Chapter 4 - Use of Natural Physical Resources s42a report, an additional method has been recommended which states:

There are a number of Crown and other agencies with statutory responsibilities that influence the management of the natural and physical resources within the Marlborough Sounds. The Council will take steps to encourage discussions with these agencies to facilitate a discourse

⁸⁷ Tui Nature Reserve (179.7); R Edward and L Hill (378.2); J Craighead (418.19); Fly-fish Marlborough (419.2); Windsong Orchard (420.1); J Steggle (421.1); J Richardson (422.1); C Shaw (423.1); Port Gore Group (468.1); DOC (479.245); K Marchant (493.1); Cape Campbell Farm (1051.2); S Browning (1109.1); BMCRRRA (1190.33); A Doole (524.1); A Parr (529.1); A Millen (532.1); C McBRide (594.1); C McLean (598.1); C Soderberg (599.1); D Mc Bride (662.1); F Chayter (701.1); J Rossell (827.1); J Tillman (833.1); K Raeburn (861.1); K Walshe (865.1); M Dewar (915.1); P Hunnisett (1016.5); silverwood Partnership (1049.1); R Heta (1066.1); T Stein (1179.1); The Sunshine Trst (1194.1); V Frei (1209.1); W Oliver (1228.1); W Tillman (1230.1)

on the respective management roles of each party and how they could be better integrated to achieve Objective 4.3.

As such, I consider that there is an acknowledgement within the MEP that the Council wishes to encourage discussions with Crown agencies to better achieve integrated management.

Prohibited activity status

When considering whether the proposed prohibited activity status is the most appropriate way to achieve Objective 8.1, I consider that Policy 11 of the NZCPS provides specific direction on the protection of indigenous biological diversity in the coastal environment. Policy 11(a) requires that adverse effects of activities are to be avoided on those areas with particularly high indigenous biological values⁸⁸. Policy 11(b) requires that significant adverse effects are to be avoided, and other adverse effects are to be avoided remedied or mitigated on those areas which contain specific indigenous biological values⁸⁹. Based on the information provided within the technical reports summarised above, I consider that the ESMS identified contain values that would meet the criteria set out in Policy 11(a) of the NZCPS. As such, I consider that the NZCPS provides clear direction that activities that will result in adverse effects on those environments should be avoided. In the *Environmental Defence Society Inc v New Zealand King Salmon Company Limited* case, it was determined that the term 'avoid' means - 'not allow' or 'prevent the occurrence of'. As such, in this context I consider that in order to give effect to both Objective 8.1 and Policy 11 of the NZCPS, the MEP is required to 'not allow' or 'prevent the occurrence of' activities that will have adverse effects on these environments.

Accordingly, I consider that the prohibited activity status for fishing activities that uses a technique that disturbs the seabed has been adequately justified within the technical reporting summarised above, as they have shown that the physical disturbance of benthic habitats causes significant damage to marine biological values.

Clarification of 'Fishing activity that uses a technique that disturbs the seabed'

Fishing Industry (710.18), and Legacy Fishing Limited (906.2) have also questioned which fishing activities fall into the category of *'techniques that disturb the seabed'*. They consider that bottom trawling and dredging would be captured by this rule, however they question whether other fishing methods which entail the placement of gear on the seafloor such as potting (for rock lobster or cod) or bottom-set nets or lines would be captured by this rule. Legacy Fishing Limited (906.2) seek that greater clarity be provided as to what constitutes 'seabed disturbance'. If the rocky outcrops listed in the 129 ESMS are intended to be protected from all trawling and dredging, Legacy Fishing Limited (906.2) seek that these sites be kept open to potting, long lining, drop lining or set netting fishing methods as these methods do not have an adverse bottom impact effect, nor do they adversely affect biodiversity values. This is supported by E. Jorgensen (404.53) who considers that Rule 16.7.5 as worded is too generic. He considers that the protection methods need to be applied on a site by site basis and address specific activities that present risk to those sites (rather than just fishing activities), as recommended by the expert panel. Marlborough Recreational Fishers Association (965.1) seek that the term *'Fishing activity'* within Rule 16.7.5. is removed and replaced with *'Dredging, trawling or anchoring, or any other destructive fishing method'*. There are also a number of submitter who seek that anchoring should be prohibited within ESMS. These submitters include: Don Miller (241.1), Guardians of the Sounds (752.49), Eric Jorgensen (404.53), Pinder Family Trust (578.49), Matthew David Oliver (921.1), Millen Associates Limited (972.1) and Forest and Bird (715.422). Fishing Industry (710.18) also consider that fishing activities appear to have been singled out within the rule, however activities such as: reclamation, dredging, dumping, seabed occupation, and sediment discharges have not been listed as prohibited activities.

I agree in part with Fishing Industry and Legacy Fishing Limited that Rule 16.7.5 is not sufficiently descriptive as to the types of activities that are prohibited by the rule. As noted above, the technical reports recommend that dredging and bottom trawling activities are the two key bed disturbance

⁸⁸ Policy 11a. includes a list of criteria to which the policy relates.

⁸⁹ Policy 11b. includes a list of criteria to which the policy relates.

threats to the ESMS that require management. They have not recommended that other fishing methods which entail the placement of gear on the seafloor such as: potting (for rock lobster or cod), bottom-set nets or lines be restricted. I also agree in part with the Fishing Industry, that the rule should not be limited to fishing activities that disturb the seabed, and I consider that any activity that is proven to disturb the seabed within a ESMS, in every instance, should be prohibited within a ESMS.

In terms of providing certainty to the prohibited activity rule, I consider that there are three options. The first option is that the activity based rule included within the MEP is retained, but more detail could be added as to the activities that are captured by the rule. When considering which specific activities should be included within the activity based rule, I note that technical reports referenced above have established that: dredging, bottom trawling, and anchoring are the three activities have a detrimental effect on the ESMS. To my knowledge there are no other activities that have been shown, through technical reporting, to have a detrimental effect on the ESMS. Given that a prohibited activity status is a very onerous activity status, I consider that there must be clear evidence that a potential activity will have a detrimental effect on the a ESMS in order to warrant a prohibited activity status. As such, I consider that only activities that warrant the prohibited activity status are; dredging, bottom trawling, and anchoring. I consider that this amendment will provide more certainty as to the activities that are prohibited within these areas. In addition, this activity based rule would ensure that only the activities that pose a threat to the specific ESMS are prohibited. The limitation of the activity based approach is that there may be other bed disturbing activities that have not been identified yet, that could have an adverse effect on the ESMS, but the rule would not capture them, despite the effect being the same.

I also note that the rules within the Chapter 16 – Coastal Maine Zone will ensure that activities such as reclamation, dumping, seabed occupation, and sediment discharges will be managed within the MEP. However, I note that these activities will likely require a resource consent as a discretionary activity. I consider that this is appropriate separation between activity statuses, as within a fully discretionary consent framework, the effects of the activity can be considered on a case by case basis.

The second option would be to amend the rule, to establish an effects-based rule which would prohibit all activities that are considered to have a particular effect on the ESMS. Rule 16.7.5 currently prohibits fishing activities that ‘disturb’ the seabed. I note that the Oxford Living Dictionary defines ‘disturb’ as: *‘interfere with the normal arrangement or functioning of’*. Fishing Industry suggests that ‘disturb’ may not be a sufficiently descriptive as to the types of activities that are prohibited by the rule. They note that: potting, long lining, drop lining or set netting fishing methods may disturb the seabed, without having any lasting adverse effects. The Marlborough Recreational Fishers Association (965.1) have suggested ‘destructive’ activities should be prohibited. ‘Destructive’ is defined in the Oxford Living Dictionary as: *‘causing great and irreparable damage’*.

I note that Section 12(1) of the RMA sets out restrictions on the use to the coastal marine area. Part (c) states that no person may:

disturb any foreshore or seabed (including by excavating, drilling, or tunnelling) in a manner that has or is likely to have an adverse effect on the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal).

Part (e) states that no person may:

destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on plants or animals.

Given that ‘disturb’ is referenced within both parts (c) and (e) of the Section 12(1) of the RMA, I consider that it is an appropriate effects-based measure to ensure that the values of the ESMS are protected. As such, if the Hearing Panel consider that an effects-based rule is the most appropriate method of achieving Objective 8.1. I would recommend that the panel retain ‘disturb’ as the effects-based measure within the rule.

The third option is a combination of the first two options, in that the rule could list the activities that are prohibited, and also include a statement that ensures that any other activity that 'disturb' the seabed are also prohibited. This option provides the certainty that activities which are known to detrimentally effect the values of the ESMS are prohibited, while also accounting for any additional activities that have not been identified yet. However, as discussed in option two, any effects based measure included within the rule will contain an element of uncertainty as a judgement on the type of effect is required.

While I acknowledge that each of the options have pro and cons, I consider that all options could efficiently, and effectively achieve the protection and improvement of the ESMS required by Objectives 8.1 and 8.2. However, on balance I consider that the activity-based option will establish the most robust rule framework, ensuring that there is a sufficient level of certainty within the prohibited activity rule. As such, I recommend that Rule 16.7.5 and Policy 8.3.7 are amended to prohibit the specific activities that are considered to disturb the seabed within a ESMS, based on the vulnerability of the ESMS (discussed in the next section).

Vulnerability of ESMS

As described in the assessment above, the report titled '*Reassessment of selected significant marine sites (2014-2015) and evaluation of protection requirements for significant sites with benthic values*', included an assessment of the vulnerability of the ESMS to physical disturbance. Of the 129 sites originally identified, only 81 sites are considered potentially vulnerable to bed disturbance activities. As such, I consider 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 leaves the 81 sites that have had their vulnerability to bed disturbance activities assessed. This assessment established five protection categories:

Protection Category	Description of significant site vulnerability to benthic physical damage	Number of site
A (all gear)	Sites intolerant of most forms (including anchoring and all forms of dredging and trawling).	11
B (Anchoring OK)	Sites generally intolerant of benthic physical disturbance, but can tolerate occasional anchoring (resilience often due to the nature of the substrata and hydrodynamic regimes).	60
C (light gear and anchoring OK)	Sites that cannot tolerate heavy benthic physical disturbance, but can tolerate disturbance from light (< 25 kg) gear.	2
D (fully protected)	Sites with benthic habitats legally protected from physical disturbance.	1
E (recovery possible)	Sites not presently considered significant after reassessment, but benthic habitats may recover if impacts reduced.	3
To be confirmed	These sites had insufficient information to enable a reliable assessment at the time of writing the report.	4

I consider that this assessment of vulnerability should be incorporated into the management framework of the MEP, to ensure the Rule 16.7.5 is the most efficient and effective method of achieve the protection sought within Objective 8.1.

I note that the one site listed in Category D is ESMS 7.5 - Long Island Marine Reserve already contains protection under the Marine Reserves Act 1971. As such, I consider that it can be removed from Rule 16.7.5 as bed disturbance activities are already prohibited within this site. In relation to the two sites that listed in Protection Category C (No. 1.2 Croiselles Harbour Entrance and No. 3.9 Tennyson Inlet), I note that they have been exempt from Rule 16.7.5 in any case. In relation to the three sites listed in Protection Category E, as these sites do not contain values that are considered significant in terms of the criteria set out in Policy 8.1.1 and Appendix 3 of the MEP, I consider it is appropriate to remove these site from Rule 16.7.5. This leaves the 71 ESMS that are listed in Protection Categories A and B. Given the vulnerability assessment included within '*Reassessment of selected significant marine sites (2014-2015) and evaluation of protection requirements for significant sites with benthic values*', I consider that two protection categories should be established within a table included within the MEP, and Rule 16.7.5 should be split into protection categories:

Protection Category A – prohibit all activities that disturb the seabed.

Protection Category B – prohibit all activities, except anchoring, that disturb the seabed.

This reduces the number of ESMS protected by Rule 16.7.5 from 129 sites to 71 sites. I consider that these amendments ensure that Rule 16.7.5 is a more efficient and effective method of achieving Objective 8.1. I consider that the amendments create a much more targeted management approach as the ESMS that are vulnerable to bed disturbance are effectively protected, while also ensuring that the MEP does not include unnecessary regulation. I consider that this targeted management approach is important, given a prohibited status is a very high management threshold.

For completeness, I note that the categorisation and refinement that I have recommended in relation to Rule 16.7.5 only applies to this rule, in that I am recommending that the rule only apply to Category A and Category B sites – not that non-Category A & B sites should be removed as ESMS. The retention of all ESMS is still necessary to give effect to the NZCPS, achieve Objective 8.1 and implement the policies in this chapter. While some ESMS will not be subject to Rule 16.7.5, potential effects on the ecological values of any ESMS should still be considered, for example for other activities within the Coastal Marine Area that require a discretionary activity consent.

Given the above recommendation, I also consider that an amendment to Policy 16.7.5 is required as the current policy direction suggests that disturbance within all identified ESMS shall be avoided. However, as discussed in the above sections, not all ESMS are vulnerable to bed disturbance activities. As such, I consider that Policy 16.7.5 should be amended to ensure that bed disturbance activities are avoided within vulnerable ESMS.

To assist the Hearing Panel and submitters, maps have been prepared and are appended to this report showing the spatial extent of the sites to which I have recommended Rule 16.7.5 be applied.

Displacement effects

Fishing Industry (710.18), and Legacy Fishing Limited (906.2) also consider that if the MEP prohibits fishing in ESMS, that fishing effort will be displaced into other parts of Marlborough's coastal marine area and the impacts on other areas will be intensified, leading to increased pressure on fisheries resource and on the district's indigenous biodiversity outside the ESMS. Fishing Industry also consider that the focus of 8.AER.1 on the number and extent of areas under formal protection is simplistic and not directly related to achieving effective biodiversity protection, particularly in the marine environment.

I consider that the MEP is required to avoid activities that have an adverse effect on the areas that meet the criteria set out in Policy 11(a), and avoid significant effects and avoid, remedy or mitigate other adverse effects on areas listed in in Policy 11(b) of the NZCPS. As such, I consider that there is a minimum requirement to ensure that the fishing activities that result in significant effects are to be avoided, and other adverse effects are to be avoided, remedied or mitigated, regardless of whether this will result in displacement effects. Accordingly, I do not recommend any changes to the MEP.

Buffers

There are a number of submitters who seek that buffer areas are included around the identified sites. These submitters include: Don Miller (241.1), Guardians of the Sounds (752.49), Eric Jorgensen (404.53), Pinder Family Trust (578.49), Matthew David Oliver (921.1), Millen Associates Limited (972.1) and Forest and Bird (715.422). They note that these recommendations were included within the MDC Expert Panel Assessment 2014-2015 Report.

Section 7.0 of the report titled '*Reassessment of selected significant marine sites (2014-2015) and evaluation of protection requirements for significant sites with benthic values*' includes a recommendation that a peripheral management area (PMA) i.e. buffer zone, be established around each significant site. The aim of a PMA is to reduce the chance of accidental (GPS error and equipment constraints e.g. hauling of trawl gear); or intentional encroachment. A PMA also provides a buffer against indirect effects such as sedimentation from nearby dredging. A PMA (buffer of 50 m, 100 m or 200 m) was recommended for each site and sub-site. These buffers were based on the location of each significant site and the likelihood of accidental encroachments. The expert panel considered that sites located close to shore were less likely to be accidentally encroached upon compared to offshore sites well away from reference points such as headlands and the shoreline generally. In general, a PMA of 200 m was recommended for offshore sites in large bays or the open coast. For small bays or sites located near the shore, a buffer of 100 m was suggested. For small significant sites (< approximately 4 ha) located in enclosed waters, a smaller buffer of 50 m was recommended.

Given the technical recommendations set out above, I consider that the use of buffers will be beneficial in ensuring that the ESMS are protected. The most efficient and effective method of including these buffer areas within the MEP rule framework however, is not entirely obvious. As such, I have provided the Hearing Panel with two options. However, if submitters can provide evidence of an alternative method of achieving the protection of the ESMS, which is more efficient than the additions suggested below, I would reconsider my suggested amendments.

The first option would see buffer areas included within the MEP, if the recommendation is to be adopted, and any bed disturbing activity would be prohibited within the buffer areas. I consider that including the buffer areas within the prohibited activity rule will provide additional protection to the sensitive sites, and ensure that the adverse effects of bed disturbing activities are adequately avoided. When considering the appropriateness of this method in achieving the objectives, I note that prohibiting bed disturbing activities that are 200 meters away from an ESMS may not be the most efficient method of protecting these sites. However, if the buffer distances were reduced to a distance that effectively ensured indirect effects such as sedimentation from nearby dredging are avoided, this would increase the efficiency of the method as the prohibition would not include large areas of the seabed that are not considered significant in their own right. However, I do not have any technical information as to what the buffer distances could be reduced to, to ensure that effects on the ESMS itself are avoided by activities within the buffer area, while reducing the spatial extent of the buffers.

The second option, if the recommendation is to be adopted, would see the recommended 50 m, 100 m or 200 m buffer areas included within the MEP as a separate layer. Seabed disturbance activities within the new buffer areas layer would be considered a discretionary activity, and processing officers could consider the impacts the bed disturbing activity would have on a ESMS on a case by case basis. This option would ensure that activities that will not have an adverse effect on the values of the ESMS will not be prohibited, and resource consent can be obtained for activities within the buffer areas. I consider that this option is more aligned to a traditional resource management approach, in that activities which are known in every case to have an unacceptable adverse effect on a resource are prohibited, and activities that might or might not have an adverse impact on a resource are considered through a consent framework. In practice, I have some reservations about how efficient this discretionary consent framework would be. I consider that the cost and process associated with obtaining a resource consent will likely act as a pseudo prohibition for a number of users, given that the consent framework would require information related to the: type, frequency, exact location, and potential effects of the proposed activity.

I consider that both options will give effect to the direction set out in Objective 8.1, and the question of how the buffer areas are to be incorporated into the MEP is left to the Hearing Panel's discretion.

For the purposes of the tracked change recommendations, I have recommended that the prohibited activity status remains, and the ESMS map layer within the MEP is amended to include the buffer distances set out in the Expert Panel Assessment 2014-2015 Report (as set out in option 1).

Lack of mapping clarity

Fishing Industry (710.18) also note that enforcement of the proposed prohibited activity rule would be difficult as the ESMS are small and numerous with exceedingly irregular shapes, and co-ordinates for site boundaries have not been provided. They note that fisheries restrictions under the Fisheries Act or the Marine Reserves Act 1971 have simple straight-line boundaries and the co-ordinates of the closed areas are provided in regulations. If there is ambiguity about a boundary, then the co-ordinates in the regulations prevail over any maps.

I disagree with the concerns raised by Fishing Industry, in relation to the enforcement of the prohibited activity rule. While I acknowledge that the ESMS are sometimes small and irregular shapes, I consider that the uncertainty in understanding the extent of these areas for the public is no more difficult than understanding the extent of an outstanding natural features or landscape areas or areas of high, very high and outstanding natural character. Within these examples, the exact extent of the site boundary is often not clear and obvious, however detailed mapping and GIS layers are available to users who may wish to undertake activities within the vicinity of the identified area. As such, while this type of specific area mapping and restrictions may not be commonplace within the management methods used within the Fisheries Act or the Marine Reserves Act 1971, I consider that this type of mapping is very common within an RMA context, and is an appropriate method of achieving the direction set out in Objective 8.1.

Seek exclusions

There are a number of submitters who seek that the policy excludes specific ESMS. K. Loe (454.123) considers that the 'Ecologically Significant Marine Site 9.1' is an important area for the local fishing industry, and any provisions relating to the use of this area needs to enable the fishing industry to continue as it plays an important part in the local economy. He seeks an amendment to the policy to exclude ESMS 9.1. This is supported by the Flaxbourne Settlers Association (712.50) who suggest that ESMS 9.1 is an important area for the local fishing industry, and any provisions relating to the use of this area needs to enable the fishing industry to continue as it plays an important part in the local economy. Tennyson Inlet Boat Club Inc (480.4) seek that sites identified in Tennyson Inlet be excluded from the policy.

I note that ESMS 9.1 is listed within management category B, so it is vulnerable to most physical disturbances, but anchoring is acceptable. Given the above assessment of Policy 11 of the NZCPS, the MEP is required to avoid activities that have an adverse effect on the areas that meet the criteria set out in Policy 11a., and avoid significant effects and avoid, remedy or mitigate other adverse effects on areas listed in in Policy 11.b. As ESMS 9.1 would be considered an area listed in Policy 11.a or b. there is a minimum requirement to ensure that the fishing activities that result in significant effects are to be avoided, and other adverse effects are to be avoided, remedied or mitigated. As such, given the area has been identified as significant, my assessment turns to whether or not a prohibited activity status is the most appropriate way to achieve Objective 8.1, given the costs the prohibited activity status will have on the local fishing community. In considering the appropriateness of Rule 16.7.5, I note in the assessment above that I have recommended that Rule 16.7.5 is amended to clarify that not all fishing activities that use a technique that disturbs the seabed are prohibited. Instead, I have recommended that the rule is clarified to ensure that only dredging, trawling, and anchoring (in some locations) are prohibited. This means that fishing activities such as potting (for rock lobster or cod), bottom-set nets or lines would not be captured by this rule. While the submitters who opposed the fishing restrictions within ESMS 9.1 did not outline in their submission which fishing methods they currently use within this area, I consider that this amendment clarifies that not all fishing methods are prohibited, and the local fishing industry still have the ability to meet their economic needs while ensuring that ESMS 9.1 is protected. I consider that the direction within the NZCPS requires that fishing methods that have significant adverse effect on ESMS 9.1 must be avoided and as such a prohibited activity is an appropriate tool to ensure these effects are avoided. Accordingly, I do not recommend that ESMS 9.1 is excluded from Rule 16.7.5.

Clifford Bay Marine Farms Limited (629.3) seek that the marine mammal site (dolphins) near marine farm 8001 in Clifford Bay, is removed, or the MEP is amended to state that aquaculture will not affect the relevant values. I do not agree that the site should be removed, as it has been assessed as being significant and its removal would not achieve Objective 8.1, nor give effect to the NZCPS.

8.M.1 – Regional rules

There are a number of submitters⁹⁰ who seek that 8.M.1 is retained as notified. Fishing Industry (710.17) and Tennyson Inlet Boat Club Inc (480.2) seek consequential amends to the method in order to achieve the relief discussed above. I agree that a minor amendment to the method is required in order to reflect the amendment recommended to Rule 16.7.5. P. and T. Beech (699.3) seek that a dolphin protection programme for the Sounds is undertaken, but have not provided any detail as to how this protection should occur. As such, I do not recommend any change to the MEP.

8.AER.2

MDC (91.73 and 91.140) seek that a new indicator is added to 8.AER.2 as they consider that terrestrial, river and wetlands should be separated from ESMS as they are distinctively different environments and therefore monitoring and resources will also be distinct. As such they seek that the following indicator is added to 8.AER.2:

Measured against baseline monitoring programmes established for ecologically significant marine sites in 2015/2016, there is no loss of values over the life of the MEP.

They also seek a subsequent amendment to 8.AER.2 as follows:

Baseline monitoring programmes established ~~in 2010~~ for a representative sample of terrestrial, river and wetland sites and in 2014/15 for ecologically significant marine site shows no loss of ~~these~~ indigenous biodiversity values over the life of the MEP."

I consider that the suggested amendments will provide more specific anticipated environmental results, and as such I recommend that the suggested amendments and additions are made to the MEP.

Recommendation

I recommend that Policy 8.3.7 is amended as follows:

Within an identified vulnerable⁹¹ ecologically significant marine sites, fishing⁹² activities using techniques that disturb the seabed must be avoided.

Some fishing⁹³ activities use techniques that result in disturbance of the seabed. Depending where this occurs, there is the potential for adverse effects on marine biodiversity. The policy seeks to specifically avoid ~~the use of these techniques~~ activities that disturb the seabed⁹⁴ to ensure areas identified as having significant biodiversity value in the coastal marine area, and which are identified as being vulnerable to such disturbance.⁹⁵ are protected. This will help to give effect to Policy 11 of the NZCPS.

⁹⁰ E Beech (42.25); J and J Hellstrom (688.96); E Beech (693.26); Forest and Bird (715.197); Friends of NH and TB (716.118)

⁹¹ Consequential amendment

⁹² 479.093 DOC

⁹³ Consequential amendment

⁹⁴ Consequential amendment

⁹⁵ Consequential amendment

I recommend that Rule 16.7.5 is amended as follows:

- (a) Dredging, bottom trawling, and anchoring, within any Category A Ecologically Significant Marine Site listed within Appendix XX.⁹⁶
- (b) Dredging, and bottom trawling within any Category B Ecologically Significant Marine Site listed within Appendix XX.⁹⁷
~~Fishing activity that uses a technique that disturbs the seabed within any Ecologically Significant Marine Sites, except Croiselles Harbour Entrance – No. 1.2 and Tennyson Inlet – No. 3.9.~~⁹⁸

I recommend that the following definition is added to the MEP:

Bottom trawling means: The action or practice of fishing by dragging a net over or just above the sea bed

I recommend that Method 8.M.1 is amended as follows:

.....

~~Fishing Dredging, bottom trawling, and anchoring activities using techniques or methods that disturb the seabed in~~ within⁹⁹ the areas identified as an vulnerable¹⁰⁰ ecologically significant marine site will be prohibited.

I recommend that Method 8.AER.2 is amended as follows:

....

~~Baseline monitoring programmes established in 2010 for a representative sample of terrestrial, river and wetland sites and in 2014/15 for ecologically significant marine site~~ shows no loss of ~~these~~ indigenous biodiversity values over the life of the MEP.

Measured against baseline monitoring programmes established for ecologically significant marine sites in 2015/2016, there is no loss of values over the life of the MEP.¹⁰¹

....

I recommend that a new Appendix XX is included within the MEP as follows:

Category A - Ecologically Significant Marine Sites		
Site ID	Site name	Buffer distance
1.5	Coppermine Bay	100
2.13	Catherine Cove Rhodoliths	50
2.24	Allen Strait	100
2.6	Rangitoto Roadstead	200

⁹⁶ 710.016 - Fishing Industry

⁹⁷ 710.016 - Fishing Industry

⁹⁸ 710.016 - Fishing Industry

⁹⁹ 710.017- Fishing Industry

¹⁰⁰ Consequential amendment

¹⁰¹ 91.134 - MDC

3.7	Picnic Bay	100
4.11	Bob's Bay	50
4.16	Perano Shoal	100
4.25	Onauku Bay (Northern Coastline)	100
4.9	Wedge Point (subtidal rocky shores)	100
6.1	The Knobbys	100
6.2	Whataroa Bay	100

Category B - Ecologically Significant Marine Sites		
Site ID	Site name	Buffer distance
1.2	Motuanauru Island Boulder Bank	200
1.7	Inner Greville Harbour	N/A
1.8	Greville Harbour Channel	100
2.1	North West D'Urville Island Coast	100
2.10	Trio Bank	200
2.12	Penguin Island Coastline	100
2.15	Clay Point	100
2.16	French Pass	100
2.18	Paparoa Point	100
2.20	Chetwode Islands	100
2.22	Goat Point	100
2.23	Culdaff Point	100
2.27	Titi Island	100
2.28	McManaway Rocks	100
2.29	Witt Rocks Offshore Reef	100
2.31	Port Gore	200
2.33	Port Gore	100
2.34	Gannet Point	100
2.5	Rangitoto Islands	100
2.9	Jag Rocks	100
3.1	Harris Bay	100
3.11	Tapapa, Kauauroa & Tawera Current Communities	100
3.12	Piripaua Reef	100

3.15	Grant Reef	100
3.16	Crail Bay	100
3.18	Little Nikau	100
3.2	Oke Rock	100
3.6	Tawhitinui Reach	100
3.8	Fitzroy Bay / Hallam Cove	100
4.13	Lochmara Bay	100
4.14	Pihaka Point	100
4.15	Kumutoto Bay	100
4.18	Patten Passage	100
4.2	The Grove	100
4.21	Te Aroha Bay	100
4.22	Puriri Bay	100
4.23	Matiere Point	100
4.24	Onauku Bay	100
4.3	Bottle and Umungata Bays	100
4.4	Houhou Point	100
4.6	Ngakuta Point	100
4.7	Iwirua Point	100
4.8	Wedge Point (subtidal soft shores)	100
5.1	Diffenbach Point	100
5.2	Tikimaeroero Point	50
5.3	Takatea Point, Hitaua Bay entrance	100
5.4	Tory Channel subsites: Site 5.4A Raumoko, site 5.4B Wiriwaka Point, Site 5.4C Tokokaroro Point, Site 5.4D Te-Uira-Karapa Point	50
5.6	Tio Point	50
5.7	Deep Bay	100
5.8	Tory Channel	100
5.9	Tory Channel Entrance	100
6.3	Cutters Bay	100
7.1	Cape Jackson	100
7.4	Motuara subtidal	100
7.10	Cook Rock Reef	100
7.11	Brothers Island Reef	100

7.13	Awash Rock	100
7.2	Cape Jackson Bryozoan Community	100
7.8	White Rocks Current Community	100
9.1	Cape Campbell / Ward Reef	100

I recommend that the overlay map is amended to create 3 categories¹⁰²:

- Category A – which will cover the 11 Category A sites that are vulnerable to dredging, bottom trawling, and anchoring
- Category B – which will cover the 60 Category B sites that are vulnerable to dredging, and bottom trawling
- Category C – which will cover the remaining ESMS.

Matter 9 - Managing drainage, diversion of water and biodiversity offsets

Policies 8.3.4, 8.3.6, and 8.3.8

This section considers the submissions related to the following three policies (8.3.4, 8.3.6,8.3.8):

Policy 8.3.4 – Improve the management of drainage channel maintenance activities to mitigate the adverse effects from these activities on the habitats of indigenous freshwater species.

Policy 8.3.6 – Where taking or diversion of water from waterbodies is proposed, water levels and flows shall remain at levels that protect the natural functioning of those waterbodies.

Policy 8.3.8 – With the exception of areas with significant indigenous biodiversity value, where indigenous biodiversity values will be adversely affected through land use or other activities, a biodiversity offset can be considered to mitigate residual adverse effects. Where a biodiversity offset is proposed, the following criteria will apply:

- (a) the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;*
- (b) the residual adverse effects on biodiversity are capable of being offset and will be fully compensated by the offset to ensure no net loss of biodiversity;*
- (c) where the area to be offset is identified as a national priority for protection under Objective 8.1, the offset must deliver a net gain for biodiversity;*
- (d) there is a strong likelihood that the offsets will be achieved in perpetuity;*
- (e) where the offset involves the ongoing protection of a separate site, it will deliver no net loss and preferably a net gain for indigenous biodiversity protection; and*
- (f) offsets should re-establish or protect the same type of ecosystem or habitat that is adversely affected, unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity.*

¹⁰² 91.134 - MDC

Submissions and Assessment

Policy 8.3.4

There are several submitters¹⁰³ that support Policy 8.3.4 and seek that it be retained as notified. There are three submitters who seek amendments to the policy. Te Runanga o Toa Rangatira (166.27) seek that a requirement to consult with iwi be added to the policy. Federated Farmers (425.142) seek that the policy is amended to limit the scope of the policy to '*within Council's own drainage channel network*'. Fish and Game (509.131) state that the drainage channel maintenance works affect the habitats of trout and salmon as well as indigenous freshwater species. They seek that an addition is made to the policy to include '*the habitats of freshwater species, including indigenous freshwater species*'.

I note from the explanation that it is clear that the policy is intended to apply to the Council's drainage network. In my view, it is appropriate to amend the policy to make this clear. As there is a definition of drainage channel network within the MEP, which in turn is linked to an overlay map that contains the Council-administered drainage network, I recommend that the policy is amended to refer to the drainage channel network. In relation to Te Runanga o Toa Rangatira's suggested amendment, I consider that intent of the policy is provide the direction that the Council's maintenance practices will be improved to mitigate the adverse effects on the habitats of indigenous freshwater species. I consider that the engagement with affected parties including relevant iwi should occur on a case by case basis as part of the implementation of this policy, and this detail is not required within the policy. Finally, in relation to Fish and Game's submission, I note that this policy seeks to achieve Objective 8.2, which relates to improving the condition of indigenous biodiversity in area where it has been degraded. I consider that extending this policy to include the protection of trout and salmon habitats goes beyond the objective set out in Objective 8.2. I consider that the protection of trout and salmon habitats is better addressed elsewhere in the MEP. As such, I do not agree that an amendment is required.

Recommendation

I recommend that Policy 8.3.4 is amend as follows:

Improve the management of drainage channel network¹⁰⁴ maintenance activities to mitigate the adverse effects from these activities on the habitats of indigenous freshwater species.

Policy 8.3.6

There are 8 submitters¹⁰⁵ that support Policy 8.3.6 and seek that it be retained as notified. No substantive reasons were given as to why the submitters support the policy.

Federated Farmers (425.144) consider that this policy is covered within Chapter 5: Allocation of Public Resources, which manages the taking and diversion of water and establishment of minimum flows. They seek that the policy is deleted. This is supported by Trustpower (1201.82) who consider that the natural functioning of waterbodies should be considered when freshwater objectives are set for a waterbody. As such, they consider that the inclusion of Policy 8.3.6 is redundant and should be deleted. DOC support the policy as it is focused on the maintenance of indigenous biodiversity. However, they note that there is significant overlap between this policy and the policies of chapter five such as Policy 5.2.4.

When considering the above submissions, I note that Policy 5.2.4 of the MEP relates to setting of environmental limits. Included within Policy 5.2.4 is direction on protecting the mauri of the waterbody,

¹⁰³ E Beech (42.20); I Mitchell (364.38); DOC (479.90); E Beech (693.21); Forest and Bird (715.192); Friends of NH and TB (716.114); Kiwirail Holdings Limited (873.22)

¹⁰⁴ 425.142 - Federated Farmers

¹⁰⁵ E Beech (42.22); I Mitchell (364.40); DOC (479.92); Fish and Game (509.134); E Beech (693.23); Forest and Bird (715.194); Friends of NH and TB (716.116); TroNT (1189.83)

protecting instream habitat and ecology, maintain fish passage and fish spawning grounds, preserving the natural character of the river, maintaining water quality, providing for adequate groundwater recharge where the river is physically connected to an aquifer or groundwater, and maintaining amenity values. As such, I consider that once the environmental flows and/or levels for Freshwater Management Units have been established, the natural function of waterbodies will be adequately protected by the direction set in Policy 5.2.4. The explanation to the policy notes that: *'Regard will be had to the policy in establishing environmental flow and level limits and when considering resource consent applications where no such regime has been established.'* Given that the setting of specific environmental flows in some Freshwater Management Units may be some time away, I consider that this policy seeks to ensure the protection of waterbodies in the interim. Following a brief review of the other policies within Chapter 5 of the MEP, I note that Policy 5.2.1 seeks to: *maintain or enhance the natural and human use values supported by freshwater bodies.* As such, I consider that the natural functioning of water bodies will be adequately protected from taking or diversion activities, prior to the setting of environmental limits within the specific Freshwater Management Units. Accordingly, I agree with the submitters who seek that the policy be deleted.

If the Hearing Panel consider that a specific policy is required ensure the natural functioning of a waterbody is protected when considering applications for the taking or diversion of water, I would recommend that this policy is moved to Chapter 5 of the MEP.

Recommendation

I recommend that Policy 8.3.6 is deleted.¹⁰⁶

Policy 8.3.8

There are 6 submitters¹⁰⁷ that support Policy 8.3.8 and seek that it be retained as notified. There are also a number of submitters that oppose the policy, with many seeking specific amendments to the policy. Given the detailed nature of the suggested amendments, I have set out the suggested policy amendments in full to allow the Hearing Panel to gain a clear picture as to the changes being sought.

Aquaculture NZ (401.108) and MFA (426.112) seek that the policy be deleted and replaced with the policy taken from Auckland Unitary Plan Independent Hearing Panel's Recommendations, which reads as follows:

Where a biodiversity offset is proposed, the following criteria will apply:

- (a) Restoration, enhancement and protection actions will only be considered a biodiversity offset where it is used to offset the significant residual effects of activities after the adverse effects have been avoided, remedied or mitigated.
- (b) Restoration, enhancement and protection actions undertaken as a biodiversity offset are demonstrably additional to what otherwise would occur, including that they are additional to any avoidance, remediation or mitigation undertaken in relation to the adverse effects of the activity.
- (c) Offset actions should be undertaken close to the location of development, where this will result in the best ecological outcome.
- (d) The values to be lost through the activity to which the offset applies are counterbalanced by the proposed offsetting activity, which is at least commensurate with the adverse effects on indigenous biodiversity. Where possible the overall result should be no net loss, and preferably a net gain in ecological values.
- (e) The offset is applied so that the ecological values being achieved through the offset are the same or similar to those being lost.

Note: Offsetting is in addition to avoidance through restoration and enhancement. This policy should be read in conjunction with the New Zealand Government Guidance on Good Practice

¹⁰⁶ 425.144 – Federated Farmers; 1201.82 – Trustpower

¹⁰⁷ E Beech (42.24); I Mitchell (364.42); Te Runanga o Ngati Kuia (501.36); J and J Hellstrom (688.95); E Beech (693.25); Forest and Bird (715.196)

Biodiversity Offsetting in New Zealand, New Zealand Government et al, August 2014 (or any successor document).

Federated Farmers (425.153) consider that this policy results in a requirement for offsets for removal of biodiversity that is not significant, meanwhile significant biodiversity cannot be offset at all. They note that there is no hierarchy under the RMA in terms of compensation, mitigation and offsetting, and they oppose any intent to create such a hierarchy. They seek that the first sentence of the policy be removed, so the policy reads *'Where a biodiversity offset is proposed, the following criteria will apply:'*. This is supported by J. Hickman (455.54), B. Pattie (380.4) and G. Mehlhopt (456.54), who seek that consideration should be given to the application of offsetting in areas with significant indigenous biodiversity value, particularly in circumstances where a net gain in biodiversity values can be achieved. Similarly, Trustpower (1201.83) oppose the policy as they consider that it seeks to exclude the provision of offsetting in areas of significant indigenous biodiversity value, which would mean that adverse effects in these areas would always have to be avoided. In addition, Trustpower (1201.83) consider that offsetting should only be utilized where there are significant residual adverse effects that cannot be avoided, remedied or mitigated – rather than any residual effects. They note, in this respect, that the RMA is not a 'no effects' statute. They seek the following amendments:

~~*"With the exception of areas with significant indigenous biodiversity value, w*~~*Where indigenous biodiversity values will be adversely affected through land use or other activities, a biodiversity offset can be considered to mitigate residual significant adverse effects. Where a biodiversity offset is proposed by a resource consent applicant, the following criteria will apply:*

- (a) the offset will only compensate for significant residual adverse effects that cannot otherwise be avoided, remedied or mitigated;*
- (b) the significant residual adverse effects on indigenous biodiversity are capable of being offset and will be fully compensated by the offset to ensure no net loss of biodiversity;*
- (c) ~~where the area to be offset is identified as a national priority for protection under Objective 8.1, the offset must deliver a net gain for biodiversity;~~*
- (d) there is a strong likelihood that the offsets will be achieved in perpetuity;*
- (e) ~~where the offset involves the ongoing protection of a separate site, it will deliver no net loss and preferably a net gain for indigenous biodiversity protection; and~~*
- (f) offsets should re-establish or protect the same type of indigenous ecosystem or habitat that is adversely affected, unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity.*

DOC (479.95) support the principle of providing for biodiversity offsetting as a method for addressing residual adverse effects. However, they consider that the policy needs to be clear as to where biodiversity offsetting fits within the mitigation hierarchy. They recommend that *'the policy requires the use of an offset where the affected biodiversity is 'significant' in terms of Appendix 3, and otherwise the Policy should [not] enable offsetting.'* They also consider that the policy should make clear that there is limited ability to offset biodiversity in all situations due to irreplaceability or vulnerability. They have recommended that the policy be deleted and replaced with a reworded policy which refers to a new appendix which sets out the framework for the use of biodiversity offsetting, and is consistent with the New Zealand Government Guidance on Good Practice Biodiversity Offsetting in New Zealand. This reworded policy is as follows:

Manage the effects of activities on significant indigenous vegetation or indigenous fauna by:

- (a) avoiding as far as practicable and, where total avoidance is not practicable, minimising adverse effects*
- (b) requiring remediation where adverse effects cannot be avoided*
- (c) requiring mitigation where adverse effects on the areas identified above cannot be avoided or remediated*
- (d) requiring any residual adverse effects on significant indigenous vegetation or indigenous fauna to be offset through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values having particular regard to:*
 - i. limits to biodiversity offsetting due the affected biodiversity being irreplaceable or vulnerable;*

- ii. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain;
- iii. Appendix XX on Biodiversity Offsets
- (e) enabling any residual adverse effects on other indigenous vegetation or indigenous fauna to be offset through protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values having particular regard to:
 - i. the ability of a proposed offset to demonstrate it can achieve no net loss or preferably a net gain;
 - ii. Appendix XX on Biodiversity Offsets

EDS (698.71) support the principle of biodiversity offsets. However, they consider that the policy does not identify a number of the criteria that a proposal must achieve to qualify as an offset. They also consider that the policy incorrectly identifies offsetting as a mitigation. They note that mitigation addresses effects on site whereas an offset seeks to address effects in one location through a gain at a different location¹⁰⁸.

Finally, they note that:

if a proposal does not meet all of the offsetting criteria it is called 'biodiversity environmental compensation'. In some instances, the decision will be made at plan level that compensation proposals are not available and only offsetting will be provided for. In others it is provided for but the failure to meet one or a number of the offsetting criteria will go to the merits of the proposal and so ultimately the application as a whole. In both instances it is critical that clear definitions are criteria are included to prevent perverse outcomes and biodiversity loss.

Accordingly, they have suggested the following amendments to the policy:

With the exception of areas with significant indigenous biodiversity value, where indigenous biodiversity values will be adversely affected through land use or other activities, a biodiversity offset can be considered to mitigate residual adverse effects. Where a biodiversity offset is proposed, the following criteria will apply:

- (a) Residual adverse effects: *the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;*
- (b) Limits to offsetting: *offsetting should not be applied to justify impacts on vulnerable or irreplaceable biodiversity*
- ~~(b)~~(c) No net loss: *the residual adverse effects on biodiversity are capable of being offset and will be fully compensated by the offset to ensure no net loss of biodiversity;*
- ~~(c)~~(d) Net gain: *where the area to be offset is identified as a national priority for protection under Objective 8.1, the offset must deliver a net gain for biodiversity;*
- ~~(d)~~(e) Long term outcomes: *there is a strong likelihood that the offsets will be achieved in perpetuity;*
- ~~(e)~~ *where the offset involves the ongoing protection of a separate site, it will deliver no net loss and preferably a net gain for indigenous biodiversity protection; and*
- (f) Like for like: *offsets should re-establish or protect the same type of ecosystem or habitat that is adversely affected, unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity.*

¹⁰⁸ Forest & Bird v Buller District Council

(g) Additional conservation outcomes: biodiversity outcomes are above and beyond results that would have occurred if the offset was not proposed.

(h) Proximity: the proposal should be located close to the application site, where this will achieve the best ecological outcomes.

(i) Timing: the delay between the loss of biodiversity through development and the gain or maturation of ecological outcomes is minimized.

(f)(j) Any offsetting proposal will include biodiversity management plans prepared in accordance with good practice.

KCSRA (868.38) consider that biodiversity offsets are inappropriate in a marine environment. They seek that the policy be amended to make it clear that it does not apply to the marine environment. Fish and Game seek that the policy be amended to align with the Business and Biodiversity Offsets Programme – Principles on Biodiversity Offsets.

Te Runanga o Toa Rangatira (166.26) seek that an addition be made to the policy which ensures that culturally significant sites are excluded from the biodiversity offsets method. TRoNT (1189.84) consider that biodiversity offsetting can be a useful tool when there are no other options available to retain indigenous biodiversity. However, they have concerns about offsetting being applied to different areas of the district, resulting in the gain being made out of the locality or catchment of the subject site. They seek an addition to the policy that ensures that offsets are made on the same or immediately adjacent site to ensure that gains are retained within the local area or catchment.

Given the varying amendments sought to Policy 8.3.8, I consider that in the first instance, the scope of the policy needs to be determined. A number of submitters have suggested amendments to the scope of the policy. Some have suggested that the policy should relate to: areas of significant indigenous biodiversity only, areas of non-significant indigenous biodiversity only, or all areas of indigenous biodiversity. Given that Aquaculture NZ, MFA and DOC have referenced the *New Zealand Government - Guidance on Good Practice Biodiversity Offsetting in New Zealand (August 2014)* document as guide to good practice, I have taken direction in part from this document.

Page 4 section 2.2 of the guidance document lists ten principles of biodiversity offsetting have been developed collaboratively by the Advisory Group members of the Business and Biodiversity Offsets Programme. Principle 2 states:

Limits to what can be offset: *There are situations where residual impacts cannot be fully compensated for by a biodiversity offset because of the irreplaceability or vulnerability of the biodiversity affected.*

Page 8 Box 1 of the guidance document provides direction on how the BBOP Principles relate to requirements under the RMA. This section states that:

According to the BBOP Principles there are situations where an impact cannot be offset because of the irreplaceability or vulnerability of the biodiversity affected. Under the RMA, Section 6(c) requires the recognition of and provision for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Limits can be set out in policy statements or plans such as by requiring avoidance of adverse effects on such areas. Where applicable, these will be relevant factors when considering the impacts of a proposed activity.

Given the direction set out in the guidance note, I consider that it could be appropriate to limit the biodiversity offsetting policy to those areas that are not considered significant. However, in order to reach this position, the areas that are considered 'significant indigenous biodiversity' within the Marlborough District must be considered irreplaceable, or so vulnerable that they cannot be replicated. I consider that the assessment criteria listed in Policy 8.1.1 and Appendix 3 of the MEP will classify a large spectrum of indigenous biodiversity within Marlborough as 'significant'. Some of these areas that meet the significance criteria will have very high biodiversity values which would be considered irreplaceable. However, other areas will be able to be replicated through an offset and

achieve an environmental gain. As such, I consider that limiting the policy to areas of non-significant biodiversity value may result in a loss of opportunity to undertake appropriate biodiversity offsets. Accordingly, I recommend that the policy is not limited to areas of non-significant indigenous biodiversity, and instead any indigenous biodiversity offset can be considered against the policy and assessed on its merits.

In relation to Aquaculture NZ and MFA's suggestion that the policy be deleted and replaced with the policy taken from Auckland Unitary Plan Independent Hearing Panel's Recommendations, I note that the policy suggested appears to form an appendix with the Auckland Unitary Plan as opposed to a policy. I note that there is a subsequent policy within the Auckland Unitary Plan which provides direction on how the appendix should be used. As such, I consider that the policy on its own is not an appropriate method to achieve the direction set out in Objectives 8.1 and 8.2.

In relation to Transpower's suggestion that the policy should only mitigate the residual significant adverse effects, I note that the *New Zealand Government - Guidance on Good Practice Biodiversity Offsetting in New Zealand (August 2014)* document provides advice on this matter. The first principle of biodiversity offsetting states:

Adherence to the mitigation hierarchy: *A biodiversity offset is a commitment to compensate for significant residual adverse impacts on biodiversity identified after appropriate avoidance, minimisation and on-site rehabilitation measures have been taken according to the mitigation hierarchy.*

Given the principle set out above, I agree that the policy should be amended to ensure that the 'significant' residual adverse impacts on biodiversity are offset.

In relation to DOC's suggested amendments to the policy, I consider that their reworded policy extends beyond the scope of biodiversity offsetting and seeks to direct the effects of activities on significant indigenous vegetation or indigenous fauna. I consider that this direction is already set out in Policy 8.3.1 and 8.3.2 of the MEP. As such, I disagree that it should be included within the biodiversity offsetting policy. Furthermore, in relation to DOC's suggestion that the proposed policy should refer to an appendix which sets out the framework for the use of biodiversity offsetting, I consider that the policy, including amendments, provides adequate direction as to what a biodiversity offset is and how it should be undertaken. Accordingly, I do not recommend that an additional appendix is included within the MEP.

In relation to EDS's suggestion that the policy incorrectly identifies offsetting as a mitigation, I agree that case law has determined that offsets do not directly mitigate the adverse effects of an activity. As such, I recommend that the term 'mitigate' is replaced with 'offset' within the policy. In relation to whether Policy 8.3.8 is intended as a 'biodiversity offset' policy or a 'biodiversity compensation' policy, I note that the Business and Biodiversity Offsets Programme states that the key distinction between an offset and compensation is that an offset achieves no net loss in the loss/gain calculation using an appropriate metric. Given that subsection (c) of the Policy relates to 'no net loss', I consider that the policy (with amendments) is a biodiversity offset policy.

In relation to Te Runanga o Toa Rangatira suggestion that culturally significant sites should be excluded from the biodiversity offsets, I agree in principle that biodiversity offsetting would not be appropriate in relation to culturally significant sites. As such, if the submitter can provide advice to the Hearing Panel, as to which sites of cultural significance should be excluded from the biodiversity offset policy, I could support the suggested amendment.

In relation to the additional criteria that is sought within the EDS submission, I consider that the criteria related to: limits to offsetting; proximity; timing; and a biodiversity management plan, align with the direction set out within the Business and Biodiversity Offsets Programme guidance and the *New Zealand Government - Guidance on Good Practice Biodiversity Offsetting in New Zealand (August 2014)*. As such, I recommend that the additional criteria are added to the policy. In relation to EDS's suggestions that 'additional conservation outcomes' are included within the policy, I consider that the introduction of this subsection would conflict with no net loss sub section. As such, do not agree that this amendment is required.

Recommendation

I recommend that Policy 8.3.8 is amended as follows:

~~With the exception of areas with significant indigenous biodiversity value, wWhere~~¹⁰⁹ indigenous biodiversity values will be adversely affected through land use or other activities, a biodiversity offset can be considered to ~~mitigate offset~~¹¹⁰ significant¹¹¹ residual adverse effects. Where a biodiversity offset is proposed, the following criteria will apply:

- (a) Residual adverse effects: the offset will only compensate for significant¹¹² residual adverse effects that cannot otherwise be avoided, remedied or mitigated;
- (b) Limits to offsetting: offsetting should not be applied to justify impacts on vulnerable or irreplaceable biodiversity
- ~~(b)~~(c) No net loss: the residual adverse effects on biodiversity are capable of being offset and will be fully compensated by the offset to ensure no net loss of biodiversity;
- ~~(c)~~(d) Net gain: where the area to be offset is identified as a national priority for protection under Objective 8.1, the offset must deliver a net gain for biodiversity;
- ~~(d)~~(e) Long term outcomes: there is a strong likelihood that the offsets will be achieved in perpetuity;
- ~~(e)~~ where the offset involves the ongoing protection of a separate site, it will deliver no net loss and preferably a net gain for indigenous biodiversity protection; and¹¹³
- (f) Like for like: offsets should re-establish or protect the same type of ecosystem or habitat that is adversely affected, unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity.
- (g) Proximity: the proposal should be located close to the application site, where this will achieve the best ecological outcomes.
- (h) Timing: the delay between the loss of biodiversity through development and the gain or maturation of ecological outcomes is minimized.
- ~~(f)~~(i) Any offsetting proposal will include biodiversity management plans prepared in accordance with good practice.¹¹⁴

Matter 10 – Miscellaneous

Introduction

EDS (698.59) notes that the introduction section does not refer to the NZCPS. They consider that the NZCPS is a critical part of the statutory framework relevant to this chapter and therefore seek that the NZCPS is referenced within the introduction section. Including reference to the NZCPS within the introduction is supported by Forest and Bird (715.169), and Friends of NH and TB (716.91). I agree with the above submitters that the NZCPS is an important statutory driver of the provisions included within the indigenous biodiversity chapter. As such, I support the suggested amendment.

¹⁰⁹ 425.153 - Federated Farmers

¹¹⁰ 698.071 - EDS

¹¹¹ 1201.083 - Transpower

¹¹² 1201.083 - Transpower

¹¹³ 698.071 - EDS

¹¹⁴ 698.071 - EDS

Issue 8A

There are a number of submitters who support Issue 8A and seek that it be retained as notified¹¹⁵. There are also a number of submitters¹¹⁶ who seek amendments or additions to Issue 8A of the MEP. I have reviewed all of the suggested amendments and considered whether the suggested amendments help to describe the indigenous biodiversity issues faced within the Marlborough District. I do not agree that any of the suggested amendments materially improve the description of Issue 8A. As such, I consider that Issue 8A should be retained as notified.

Additional policies

There are a number of submitters who have sought that additional policies and methods are included within the MEP.

Lynda Neame (44.1) seeks that an additional objective and policy is added to the chapter such as the one that was in the 1994 RPS. The suggested objective and policy relate to maintaining or enhancing the integrity of freshwater habitats, and avoiding habitat disruption.

Aquaculture NZ (401.109) seek a new policy is added to the MEP that allows for adaptive management. They suggest this policy should read as follows:

Risk of an effect occurring will be considered appropriate if one or a combination of the following criteria can be met:

- *The effects of an activity are likely to be reversible;*
- *Adverse effects are likely to be reversible before they reach a significant level;*
- *The normal state of the environment can be adequately defined;*
- *The development could occur on a staged basis; and/or*
- *The temporal and special scale does not impact on the full range of the species or relevant habitat or area.*

Fish and Game (509.132) request that an additional policy be added to the plan that ensures the protection of significant areas.

BMCRRA (1190.2, .4, .5 and .12) seek a new policy and rules aimed at preventing wilding pines spreading beyond the borders of commercial forestry. They consider that wilding pines are a recognised pest under the Council's Regional Pest Management Strategy. They state that the community is concerned about the loss of native bush and habitats as wilding pines spread and establish. They also note that excessive sedimentation can smother habitats and change ecological composition by killing and displacing marine invertebrates, shellfish, and algae. They seek the implementation of the recommendations from the MDC Technical Report Mitigating Fine Sediment from Forestry in the Coastal Waters of the Marlborough Sounds (Nov 2015). A number of options are evaluated for improving soil conservation and water quality, and thereby helping to maintain indigenous biodiversity within the Sounds.

Friends of NH and TB (716.97) seek that an additional issue statement, objective and policy is added to the MEP to address the indigenous biodiversity values of species that are migratory or do not spend their entire life cycle within the District.

I consider that the additional provisions set out above are not required or necessary in order to ensure that the aims set out in Objectives 8.1 and 8.2 are achieved.

¹¹⁵ J Hickman (455.29); G Mehlhopt (456.29); Fish and Game (509.120); E Beech (693.1)

¹¹⁶ W R Parsons (150.3); CBRA (152.3); Te Runanga o Toa Rangatira (166.25); B Pattie (380.5); Aquaculture NZ (401.87); Federated Farmers (425.120); MFA (426.91); T and S Culley (447.4); J Hickman (455.55); G Melhopt (456.55); Combined Clubs of Marlborough Underwater Section (630.3); EDS (698.60); Forest and Bird (715.170); Friends of NH and TB (716.93); K and S Roush (845.3); Kiwirail Holdings Limited (873.23); MFIA (962.63); New Zealand Fish Passage Advisory Group (994.10); New Zealand Transport Agency (1002.32); Port Underwood Association (1042.5)

There are also a range of submitters that seek minor amendments or additions on specific matters associated with the indigenous biodiversity topic area. If these submission points have not been specifically mentioned in the above report, I recommend that they are rejected, as I do not consider that the proposed amendment is more appropriate or will assist in achieving Objectives 8.1 and 8.2.

Additional corrections

Friends of NH and TB (716.196) note that there is an inconsistency between the legend on Maps 17 and 18 and the definition of ecologically significant site that means that the rule could be interpreted as not applying to these areas. They request that the map legend on Maps 17 and 18 are amended.

It is my understanding that both maps record ESMS, as shown in the legend (rather than their titles) and that the distinction is deliberate. The rationale for the different titles is that the value relating to the sites identified in Map 17 is transient and not in situ and the habitat is therefore somewhat distinct from the habitats mapped in maps 1-16. I also note that the earlier discussion in this report in relation to Rule 16.7.5 has specifically considered the sites that the rule should (and should not) apply to. As a result of these earlier recommendations, I do not consider the map legend should be amended, as the other changes ensure that it is clear which sites the rule does and does not apply to.

Appendix 1: Recommended decisions on decisions requested

Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
30	1	Philip Pat Williams	Volume 1	8 Indigenous Biodiversity	8.	Reject
44	1	Lynda Neame	Volume 1	8 Indigenous Biodiversity	8.	Reject
218	12	Salvador Delgado Oro Laprida	Volume 1	8 Indigenous Biodiversity	8.	Reject
348	13	Murray Chapman	Volume 1	8 Indigenous Biodiversity	8.	Reject
351	20	Helen Mary Ballinger	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
380	1	Bruce Lawrence Pattie	Volume 1	8 Indigenous Biodiversity	8.	Accept
401	109	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	8.	Accept
401	110	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	8.	Reject
404	10	Eric Jorgensen	Volume 1	8 Indigenous Biodiversity	8.	Accept
424	32	Michael and Kristen Gerard	Volume 1	8 Indigenous Biodiversity	8.	Accept
425	151	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
426	103	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	8.	Reject
426	113	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	8.	Accept
426	114	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	8.	Reject
426	115	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	8.	Reject
433	33	Port Marlborough New Zealand Limited	Volume 1	8 Indigenous Biodiversity	8.	Accept

433	34	Port Marlborough New Zealand Limited	Volume 1	8 Indigenous Biodiversity	8.	Accept
433	41	Port Marlborough New Zealand Limited	Volume 1	8 Indigenous Biodiversity	8.	Reject
455	51	John Hickman	Volume 1	8 Indigenous Biodiversity	8.	Accept
456	51	George Mehlhopt	Volume 1	8 Indigenous Biodiversity	8.	Accept
479	94	Department of Conservation	Volume 1	8 Indigenous Biodiversity	8.	Reject
479	96	Department of Conservation	Volume 1	8 Indigenous Biodiversity	8.	Reject
509	119	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	8.	Reject
514	9	A J King Family Trust and S A King Family Trust	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
514	12	A J King Family Trust and S A King Family Trust	Volume 1	8 Indigenous Biodiversity	8.	Reject
574	9	Bryan Skeggs	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
574	12	Bryan Skeggs	Volume 1	8 Indigenous Biodiversity	8.	Reject
688	71	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	8.	Accept
698	58	Environmental Defence Society Incorporated	Volume 1	8 Indigenous Biodiversity	8.	Reject
698	59	Environmental Defence Society Incorporated	Volume 1	8 Indigenous Biodiversity	8.	Accept
710	14	The Fishing Industry Submitters	Volume 1	8 Indigenous Biodiversity	8.	Accept
715	169	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
716	91	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
716	97	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.	Reject
726	9	Canantor Mussels Limited and N. I Buchanan-Brown	Volume 1	8 Indigenous Biodiversity	8.	Accept in part

726	12	Canantor Mussels Limited and N. I Buchanan-Brown	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
809	9	Jim Jessep	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
809	12	Jim Jessep	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
868	36	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	8.	Reject
873	24	KiwiRail Holdings Limited	Volume 1	8 Indigenous Biodiversity	8.	Accept
926	19	Wainui Green 2015 Limited	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
926	22	Wainui Green 2015 Limited	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
936	9	Michael Jessep	Volume 1	8 Indigenous Biodiversity	8.	Accept
936	12	Michael Jessep	Volume 1	8 Indigenous Biodiversity	8.	Reject
961	19	Marlborough Chamber of Commerce	Volume 1	8 Indigenous Biodiversity	8.	Reject
964	9	Marlborough Oysters Limited	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
964	12	Marlborough Oysters Limited	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
994	7	New Zealand Fish Passage Advisory Group	Volume 1	8 Indigenous Biodiversity	8.	Reject
995	14	New Zealand Forest Products Holdings Limited	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
1084	8	Raeburn Property Partnership	Volume 1	8 Indigenous Biodiversity	8.	Accept
1157	9	Southern Crown Limited	Volume 1	8 Indigenous Biodiversity	8.	Accept in part
1157	12	Southern Crown Limited	Volume 1	8 Indigenous Biodiversity	8.	Reject
1188	5	Te Runanga o Ngati Rarua	Volume 1	8 Indigenous Biodiversity	8.	Reject
1189	76	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	8 Indigenous Biodiversity	8.	Reject

1193	131	The Marlborough Environment Centre Incorporated	Volume 1	8 Indigenous Biodiversity	8.	Accept
150	3	Will and Rose Parsons	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
152	3	Clova Bay Residents Association Inc	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
166	25	Te Runanga o Toa Rangatira	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
380	5	Bruce Lawrence Pattie	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
401	87	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
425	120	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
426	91	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
447	4	Ted and Shirley Culley	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
455	29	John Hickman	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
455	55	John Hickman	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
456	29	George Mehlhopt	Volume 1	8 Indigenous Biodiversity	Issue 8A	Accept
456	55	George Mehlhopt	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
509	120	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Issue 8A	Accept
630	3	Combined Clubs of Marlborough Underwater Section	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
693	1	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Issue 8A	Accept
698	60	Environmental Defence Society Incorporated	Volume 1	8 Indigenous Biodiversity	Issue 8A	Accept/Accept in part/Reject
715	170	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Issue 8A	Accept/Accept in part/Reject
716	93	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Issue 8A	Accept/Accept in part/Reject

845	3	Kenneth R and Sara M Roush	Volume 1	8 Indigenous Biodiversity	Issue 8A	Accept/Accept in part/Reject
873	23	KiwiRail Holdings Limited	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
962	63	Marlborough Forest Industry Association Incorporated	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
994	10	New Zealand Fish Passage Advisory Group	Volume 1	8 Indigenous Biodiversity	Issue 8A	Reject
1002	32	New Zealand Transport Agency	Volume 1	8 Indigenous Biodiversity	Issue 8A	Accept
1042	5	Port Underwood Association	Volume 1	8 Indigenous Biodiversity	Issue 8A	Accept/Accept in part/Reject
364	18	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Accept
401	88	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Accept in part
404	11	Eric Jorgensen	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject
425	121	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject
426	92	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Accept in part
433	35	Port Marlborough New Zealand Limited	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Accept in part
479	69	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject
496	24	Royal Forest and Bird Protection Society NZ {Forest & Bird}	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject
504	29	Queen Charlotte Sound Residents Association	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject
509	121	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject
578	23	Pinder Family Trust	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject
688	72	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject
698	61	Environmental Defence Society Incorporated	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject

715	171	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Accept
716	92	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Accept
716	94	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Accept
752	23	Guardians of the Sounds	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject
868	24	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject
962	64	Marlborough Forest Industry Association Incorporated	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject
1002	33	New Zealand Transport Agency	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject
1140	28	Sanford Limited	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject
1146	23	Sea Shepherd New Zealand	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Reject
1201	77	Trustpower Limited	Volume 1	8 Indigenous Biodiversity	Objective 8.1	Accept in part
401	89	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Accept
425	122	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Reject
425	125	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Reject
426	93	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Accept
429	11	Tempello Partnership	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Reject
433	36	Port Marlborough New Zealand Limited	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Reject
479	70	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Accept
496	25	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Accept
501	29	Te Runanga O Ngati Kuia	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Accept

509	122	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Accept
509	132	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Reject
688	73	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Accept
715	172	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Accept
716	95	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Reject
868	25	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Accept
962	65	Marlborough Forest Industry Association Incorporated	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Reject
1002	35	New Zealand Transport Agency	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Accept
1121	9	Sally Jane and Timothy John Wadworth	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Reject
1190	1	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Accept
1190	2	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Accept in part
1190	11	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Reject
1190	20	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 1	8 Indigenous Biodiversity	Objective 8.2	Reject
42	2	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Accept
364	20	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Accept
401	91	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Reject
425	124	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Reject
426	95	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Reject
479	72	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Accept

509	124	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Reject
688	75	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Accept
693	3	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Accept
715	174	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Accept
716	98	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Reject
868	26	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Reject
921	2	Matthew David Oliver	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Accept in part
962	67	Marlborough Forest Industry Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Reject
1201	85	Trustpower Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.1.2	Accept
42	3	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Accept
152	10	Clova Bay Residents Association Inc	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Reject
364	21	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Accept
401	92	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Reject
425	126	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Reject
426	96	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Reject
479	73	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Accept
496	26	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Accept
504	31	Queen Charlotte Sound Residents Association	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Accept
688	76	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Accept

693	4	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Accept
698	63	Environmental Defence Society Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Accept in part
715	175	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Accept in part
868	27	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Reject
999	1	New Zealand Sport Fishing Council	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Accept
1193	73	The Marlborough Environment Centre Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Accept
1201	86	Trustpower Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.1.3	Accept
42	4	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Accept
152	9	Clova Bay Residents Association Inc	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Reject
364	22	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Accept
401	93	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Accept
425	127	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Accept
426	97	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Accept
429	12	Tempello Partnership	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Accept
479	74	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Accept
496	27	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Accept
504	32	Queen Charlotte Sound Residents Association	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Accept
688	77	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Reject
693	5	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Accept

698	64	Environmental Defence Society Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Reject
715	176	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Accept
716	99	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Accept
868	28	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Reject
961	17	Marlborough Chamber of Commerce	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Reject
1121	10	Sally Jane and Timothy John Wadworth	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Accept
1201	78	Trustpower Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.2.1	Reject
42	5	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Accept
88	1	Chris Bowron	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Accept
364	23	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Accept
380	2	Bruce Lawrence Pattie	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Reject
401	94	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Reject
424	33	Michael and Kristen Gerard	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Accept
425	128	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Accept
426	98	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Reject
455	52	John Hickman	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Reject
456	52	George Mehlhopt	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Reject
479	75	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Accept
504	33	Queen Charlotte Sound Residents Association	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Accept

509	125	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Reject
688	78	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Accept
693	6	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Accept
698	65	Environmental Defence Society Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Reject
715	177	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Reject
716	100	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Reject
868	29	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Accept
961	18	Marlborough Chamber of Commerce	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Accept
1193	132	The Marlborough Environment Centre Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.2	Accept
42	6	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Accept
152	8	Clova Bay Residents Association Inc	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Reject
364	24	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Accept
401	95	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Accept
401	96	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Reject
425	129	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Reject
425	130	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Reject
426	102	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Reject
479	76	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Accept in Part
496	28	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Accept

509	126	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Reject
688	79	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Accept
693	7	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Accept
698	66	Environmental Defence Society Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Accept
715	178	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Accept
716	101	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Accept
868	30	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Reject
962	68	Marlborough Forest Industry Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Reject
990	210	Nelson Forests Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Reject
1002	36	New Zealand Transport Agency	Volume 1	8 Indigenous Biodiversity	Policy 8.2.3	Accept
42	7	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.4	Accept
364	25	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.2.4	Accept
424	36	Michael and Kristen Gerard	Volume 1	8 Indigenous Biodiversity	Policy 8.2.4	Accept
479	77	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.2.4	Accept
509	127	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Policy 8.2.4	Reject
688	80	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.2.4	Accept
693	8	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.4	Accept
715	179	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.4	Accept in part
716	102	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.4	Accept

984	3	Neville James Hall	Volume 1	8 Indigenous Biodiversity	Policy 8.2.4	Reject
1189	77	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	8 Indigenous Biodiversity	Policy 8.2.4	Accept
1201	79	Trustpower Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.2.4	Accept in part
42	8	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.5	Accept
364	26	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.2.5	Accept
401	98	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.5	Reject
425	131	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.5	Reject
426	105	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.5	Reject
479	78	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.2.5	Accept
496	29	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.5	Accept
688	81	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.2.5	Accept
693	9	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.5	Accept
715	180	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.5	Reject
716	103	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.5	Accept
42	9	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.6	Accept
364	27	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.2.6	Accept
425	132	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.6	Accept
479	79	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.2.6	Accept
496	30	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.6	Accept

501	31	Te Runanga O Ngati Kuia	Volume 1	8 Indigenous Biodiversity	Policy 8.2.6	Accept
509	128	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Policy 8.2.6	Accept
688	82	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.2.6	Accept
693	10	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.6	Accept
715	181	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.6	Accept
716	104	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.6	Accept
42	10	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Accept
166	20	Te Runanga o Toa Rangatira	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Reject
364	28	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Accept
401	99	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Reject
425	133	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Accept
426	106	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Reject
479	80	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Accept
496	31	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Accept
688	83	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Accept
693	11	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Accept
698	67	Environmental Defence Society Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Accept
715	182	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Accept
716	105	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Accept

873	21	KiwiRail Holdings Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Accept
1189	78	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	8 Indigenous Biodiversity	Policy 8.2.7	Accept
42	11	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.8	Reject
364	29	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.2.8	Reject
401	100	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.8	Accept
425	134	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.8	Accept
426	107	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.8	Accept
479	81	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.2.8	Reject
688	84	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.2.8	Reject
693	12	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.8	Reject
715	183	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.8	Reject
42	12	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
166	28	Te Runanga o Toa Rangatira	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
364	30	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
401	101	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Accept
425	135	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Accept
426	108	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Accept
429	13	Tempello Partnership	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Accept
433	37	Port Marlborough New Zealand Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject

479	82	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
496	32	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
501	32	Te Runanga O Ngati Kuia	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
504	34	Queen Charlotte Sound Residents Association	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
509	129	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
688	85	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
693	13	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
715	184	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
716	106	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
868	31	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
962	69	Marlborough Forest Industry Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
999	2	New Zealand Sport Fishing Council	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
1121	11	Sally Jane and Timothy John Wadworth	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Accept
1189	79	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
1201	80	Trustpower Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Reject
1251	29	Fonterra Co-operative Group Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.2.9	Accept
42	13	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.10	Accept
88	2	Chris Bowron	Volume 1	8 Indigenous Biodiversity	Policy 8.2.10	Accept
364	31	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.2.10	Accept

401	102	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.10	Reject
425	136	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.10	Accept
426	99	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.10	Reject
479	83	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.2.10	Accept
496	33	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.10	Accept
688	86	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.2.10	Accept
693	14	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.10	Accept
715	185	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.10	Accept
716	107	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.10	Accept
42	14	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Accept
150	4	Will and Rose Parsons	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Reject
364	32	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Accept
401	103	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Reject
425	137	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Reject
426	100	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Reject
479	84	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Accept
496	34	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Accept
501	33	Te Runanga O Ngati Kuia	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Accept
509	130	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Reject

688	87	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Accept
693	15	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Accept
715	186	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Accept
716	108	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Reject
1039	78	Pernod Ricard Winemakers New Zealand Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Reject
1189	80	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	8 Indigenous Biodiversity	Policy 8.2.11	Accept
42	15	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Reject
152	7	Clova Bay Residents Association Inc	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Accept
364	33	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Accept
401	104	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Reject
425	138	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Accept
426	101	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Reject
455	27	John Hickman	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Accept
456	27	George Mehlhopt	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Accept
479	85	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Accept
496	35	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Accept
504	35	Queen Charlotte Sound Residents Association	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Accept
688	88	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Accept
693	16	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Accept

710	15	The Fishing Industry Submitters	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Accept
715	187	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Accept
716	109	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Accept
868	32	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Reject
869	46	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.12	Reject
42	16	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.13	Accept
364	34	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.2.13	Accept
479	86	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.2.13	Accept
496	36	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.13	Accept
688	89	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.2.13	Accept
693	17	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.2.13	Accept
715	188	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.2.13	Accept
716	110	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.2.13	Accept
1189	81	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	8 Indigenous Biodiversity	Policy 8.2.13	Reject
42	17	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Reject
152	6	Clova Bay Residents Association Inc	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Reject
233	21	Totaranui Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Reject
364	35	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Reject
401	105	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Reject

425	139	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Reject
426	109	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Reject
433	38	Port Marlborough New Zealand Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Accept in part
479	87	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Reject
688	90	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Reject
693	18	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Reject
698	68	Environmental Defence Society Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Reject
715	189	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Reject
716	111	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Reject
868	33	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Reject
1198	19	Transpower New Zealand Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.1	Accept in part
42	18	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Accept
152	5	Clova Bay Residents Association Inc	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Accept in part
233	20	Totaranui Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Accept in part
364	36	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
380	3	Bruce Lawrence Pattie	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
401	106	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
425	140	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
426	110	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject

433	39	Port Marlborough New Zealand Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
455	53	John Hickman	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
456	53	George Mehlhopt	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
479	88	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
688	91	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
693	19	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
715	190	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
716	112	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
868	34	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
962	70	Marlborough Forest Industry Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
990	211	Nelson Forests Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
1002	37	New Zealand Transport Agency	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
1190	8	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
1198	20	Transpower New Zealand Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
1201	81	Trustpower Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.2	Reject
42	19	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.3	Reject
233	19	Totaranui Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.3	Reject
364	37	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.3.3	Reject
425	141	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.3.3	Reject

479	89	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.3.3	Reject
504	36	Queen Charlotte Sound Residents Association	Volume 1	8 Indigenous Biodiversity	Policy 8.3.3	Accept in Part
688	92	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.3.3	Reject
693	20	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.3	Reject
698	69	Environmental Defence Society Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.3	Reject
715	191	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.3.3	Reject
716	113	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.3	Reject
1002	38	New Zealand Transport Agency	Volume 1	8 Indigenous Biodiversity	Policy 8.3.3	Reject
42	20	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.4	Reject
166	27	Te Runanga o Toa Rangatira	Volume 1	8 Indigenous Biodiversity	Policy 8.3.4	Reject
364	38	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.3.4	Accept
425	142	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.3.4	Accept in Part
479	90	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.3.4	Accept
509	131	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Policy 8.3.4	Reject
693	21	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.4	Accept
715	192	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.3.4	Accept
716	114	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.4	Accept
873	22	KiwiRail Holdings Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.4	Accept
42	21	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Accept

152	4	Clova Bay Residents Association Inc	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Reject
364	39	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Accept
401	107	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Accept
425	143	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Accept in part
426	111	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Accept in part
433	40	Port Marlborough New Zealand Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Accept
479	91	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Accept
501	34	Te Runanga O Ngati Kuia	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Reject
504	37	Queen Charlotte Sound Residents Association	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Reject
509	133	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Accept
688	93	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Accept
693	22	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Accept
715	193	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Accept in part
716	115	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Reject
868	35	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Reject
962	71	Marlborough Forest Industry Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Reject
990	212	Nelson Forests Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Accept in Part
994	3	New Zealand Fish Passage Advisory Group	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Reject
1189	82	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	8 Indigenous Biodiversity	Policy 8.3.5	Accept

42	22	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.6	Reject
364	40	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.3.6	Reject
425	144	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.3.6	Accept
479	92	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.3.6	Reject
504	38	Queen Charlotte Sound Residents Association	Volume 1	8 Indigenous Biodiversity	Policy 8.3.6	Reject
509	134	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Policy 8.3.6	Reject
693	23	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.6	Reject
715	194	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.3.6	Reject
716	116	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.6	Reject
1189	83	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	8 Indigenous Biodiversity	Policy 8.3.6	Reject
1201	82	Trustpower Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.6	Accept
42	23	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Accept
100	3	East Bay Conservation Society	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Accept
100	6	East Bay Conservation Society	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Accept in Part
364	41	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Accept
404	12	Eric Jorgensen	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Accept
424	37	Michael and Kristen Gerard	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Reject
425	145	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Reject
454	11	Kevin Francis Loe	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Accept in Part

479	93	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Accept
480	1	Tennyson Inlet Boat Club Inc	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Reject
501	35	Te Runanga O Ngati Kuia	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Accept
504	39	Queen Charlotte Sound Residents Association	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Reject
610	1	Burkhart Fisheries Limited and Lanfar Holdings (4) Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Reject
688	94	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Accept
693	24	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Accept
698	70	Environmental Defence Society Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Accept
710	16	The Fishing Industry Submitters	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Reject
712	49	Flaxbourne Settlers Association	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Reject
715	195	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Accept
716	117	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Reject
868	37	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Reject
906	1	Legacy Fishing Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Accept in Part
973	1	Ministry for Primary Industries	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Reject
1038	1	PauaMAC 7 Industry Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.7	Reject
42	24	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Accept
166	26	Te Runanga o Toa Rangatira	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Accept in Part
364	42	Ian Balfour Mitchell	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Accept

380	4	Bruce Lawrence Pattie	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Accept in Part
401	108	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Reject
425	153	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Reject
426	112	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Reject
455	54	John Hickman	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Reject
456	54	George Mehlhopt	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Reject
479	95	Department of Conservation	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Reject
501	36	Te Runanga O Ngati Kuia	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Accept
509	135	Nelson Marlborough Fish and Game	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Accept
688	95	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Accept
693	25	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Accept
698	71	Environmental Defence Society Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Accept
715	196	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Accept
868	38	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Reject
1189	84	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Accept in Part
1198	21	Transpower New Zealand Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Accept in Part
1201	83	Trustpower Limited	Volume 1	8 Indigenous Biodiversity	Policy 8.3.8	Reject
42	25	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.1	Accept
480	2	Tennyson Inlet Boat Club Inc	Volume 1	8 Indigenous Biodiversity	8.M.1	Reject

688	96	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	8.M.1	Accept
693	26	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.1	Accept
710	17	The Fishing Industry Submitters	Volume 1	8 Indigenous Biodiversity	8.M.1	Accept in Part
715	197	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	8.M.1	Accept
716	118	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.1	Accept
42	26	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.2	Accept
91	134	Marlborough District Council	Volume 1	8 Indigenous Biodiversity	8.M.2	Reject
693	27	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.2	Accept
698	72	Environmental Defence Society Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.2	Accept in Part
715	198	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	8.M.2	Accept
716	119	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.2	Accept
42	27	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.3	Accept
424	34	Michael and Kristen Gerard	Volume 1	8 Indigenous Biodiversity	8.M.3	Accept
693	28	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.3	Accept
715	199	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	8.M.3	Accept
716	120	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.3	Accept
42	28	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.4	Accept
418	5	John Craighead	Volume 1	8 Indigenous Biodiversity	8.M.4	Accept
419	15	Fly-fish Marlborough	Volume 1	8 Indigenous Biodiversity	8.M.4	Accept

420	15	Windsong Orchard	Volume 1	8 Indigenous Biodiversity	8.M.4	Accept
421	15	Janet Steggle	Volume 1	8 Indigenous Biodiversity	8.M.4	Accept
422	15	Jan Richardson	Volume 1	8 Indigenous Biodiversity	8.M.4	Accept
423	16	Chris Shaw	Volume 1	8 Indigenous Biodiversity	8.M.4	Accept
479	97	Department of Conservation	Volume 1	8 Indigenous Biodiversity	8.M.4	Reject
693	29	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.4	Accept
715	200	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	8.M.4	Accept
716	121	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.4	Accept
962	72	Marlborough Forest Industry Association Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.4	Reject
990	213	Nelson Forests Limited	Volume 1	8 Indigenous Biodiversity	8.M.4	Reject
42	29	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.5	Accept
100	17	East Bay Conservation Society	Volume 1	8 Indigenous Biodiversity	8.M.5	Accept
693	30	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.5	Accept
715	201	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	8.M.5	Accept
716	122	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.5	Accept
42	30	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.6	Accept
424	35	Michael and Kristen Gerard	Volume 1	8 Indigenous Biodiversity	8.M.6	Accept
455	28	John Hickman	Volume 1	8 Indigenous Biodiversity	8.M.6	Accept
456	28	George Mehlhopt	Volume 1	8 Indigenous Biodiversity	8.M.6	Accept

688	97	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	8.M.6	Accept
693	31	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.6	Accept
715	202	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	8.M.6	Accept
716	123	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.6	Accept
42	31	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.7	Accept
688	98	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	8.M.7	Accept
693	32	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.7	Accept
699	3	Pete and Takutai Beech	Volume 1	8 Indigenous Biodiversity	8.M.7	Reject
715	203	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	8.M.7	Accept
716	124	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.7	Accept
1193	70	The Marlborough Environment Centre Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.7	Accept
42	32	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.8	Accept
425	471	Federated Farmers of New Zealand	Volume 1	8 Indigenous Biodiversity	8.M.8	Reject
688	99	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	8.M.8	Accept
693	33	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.8	Accept
715	204	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	8.M.8	Accept
716	125	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.8	Accept
1193	71	The Marlborough Environment Centre Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.8	Accept
42	33	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.9	Accept

348	14	Murray Chapman	Volume 1	8 Indigenous Biodiversity	8.M.9	Accept in Part
693	34	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.9	Accept
715	205	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	8.M.9	Accept
716	126	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.9	Accept
1193	72	The Marlborough Environment Centre Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.9	Accept
42	34	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.10	Accept
91	163	Marlborough District Council	Volume 1	8 Indigenous Biodiversity	8.M.10	Accept
693	35	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.10	Accept
715	206	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	8.M.10	Accept
716	127	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.10	Accept
42	35	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.11	Accept
401	97	Aquaculture New Zealand	Volume 1	8 Indigenous Biodiversity	8.M.11	Accept
426	104	Marine Farming Association Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.11	Reject
693	36	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.11	Accept
715	207	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	8.M.11	Accept
716	128	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.11	Accept
42	36	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.12	Accept
693	37	Edward Ross Beech	Volume 1	8 Indigenous Biodiversity	8.M.12	Accept
715	208	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	8 Indigenous Biodiversity	8.M.12	Accept

716	129	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.M.12	Accept
100	18	East Bay Conservation Society	Volume 1	8 Indigenous Biodiversity	8.AER.1	Accept
578	24	Pinder Family Trust	Volume 1	8 Indigenous Biodiversity	8.AER.1	Reject
688	100	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	8.AER.1	Accept
710	19	The Fishing Industry Submitters	Volume 1	8 Indigenous Biodiversity	8.AER.1	Reject
716	130	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.AER.1	Accept
752	24	Guardians of the Sounds	Volume 1	8 Indigenous Biodiversity	8.AER.1	Reject
1146	24	Sea Shepherd New Zealand	Volume 1	8 Indigenous Biodiversity	8.AER.1	Reject
91	73	Marlborough District Council	Volume 1	8 Indigenous Biodiversity	8.AER.2	Accept
91	140	Marlborough District Council	Volume 1	8 Indigenous Biodiversity	8.AER.2	Accept
688	101	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	8.AER.2	Accept
716	131	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.AER.2	Accept
91	78	Marlborough District Council	Volume 1	8 Indigenous Biodiversity	8.AER.3	Accept
688	102	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	8.AER.3	Accept
716	132	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.AER.3	Accept
688	103	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	8.AER.4	Accept
716	133	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.AER.4	Accept
91	203	Marlborough District Council	Volume 1	8 Indigenous Biodiversity	8.AER.5	Accept
688	104	Judy and John Hellstrom	Volume 1	8 Indigenous Biodiversity	8.AER.5	Accept

716	134	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	8 Indigenous Biodiversity	8.AER.5	Accept
1204	5	United Fisheries Holdings Limited	Volume 4	Overlay Maps	Threatened Environments 1	Reject
339	29	Sharon Parkes	Volume 4	Overlay Maps	Threatened Environments 3	Reject
374	10	Talley's Group Limited (Land Operations)	Volume 4	Overlay Maps	Threatened Environments 3	Reject
458	2	Okiwi Bay Limited	Volume 4	Overlay Maps	Threatened Environments 3	Reject
488	2	Margaret and Robert Hippolite	Volume 4	Overlay Maps	Threatened Environments 3	Reject
502	5	Karaka Projects Limited	Volume 4	Overlay Maps	Threatened Environments 3	Reject
1004	99	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 4	Overlay Maps	Threatened Environments 3	Reject
374	9	Talley's Group Limited (Land Operations)	Volume 4	Overlay Maps	Threatened Environments 4	Reject
388	4	Adrian Mark Henry Harvey	Volume 4	Overlay Maps	Threatened Environments 4	Reject
995	46	New Zealand Forest Products Holdings Limited	Volume 4	Overlay Maps	Threatened Environments 4	Reject
1004	100	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 4	Overlay Maps	Threatened Environments 4	Reject
1089	17	Rarangi District Residents Association	Volume 4	Overlay Maps	Threatened Environments 4	Reject
374	8	Talley's Group Limited (Land Operations)	Volume 4	Overlay Maps	Threatened Environments 5	Reject
374	7	Talley's Group Limited (Land Operations)	Volume 4	Overlay Maps	Threatened Environments 6	Reject
1004	101	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 4	Overlay Maps	Threatened Environments 6	Reject
348	12	Murray Chapman	Volume 4	Overlay Maps	Threatened Environments 7	Reject
374	6	Talley's Group Limited (Land Operations)	Volume 4	Overlay Maps	Threatened Environments 7	Reject
1004	102	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 4	Overlay Maps	Threatened Environments 7	Reject

347	7	Edward and Amanda Ryan	Volume 4	Overlay Maps	Threatened Environments 8	Reject
355	18	Dominion Salt Limited	Volume 4	Overlay Maps	Threatened Environments 8	Reject
374	5	Talley's Group Limited (Land Operations)	Volume 4	Overlay Maps	Threatened Environments 8	Reject
1004	103	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 4	Overlay Maps	Threatened Environments 8	Reject
425	790	Federated Farmers of New Zealand	Volume 4	Overlay Maps	Threatened Environments 8	Reject
166	42	Te Runanga o Toa Rangatira	Volume 1	3 Marlborough's tangata whenua iwi	8.M.11	Accept
166	60	Te Runanga o Toa Rangatira	Volume 1	3 Marlborough's tangata whenua iwi	Policy 8.3.7	Accept
166	59	Te Runanga o Toa Rangatira	Volume 1	3 Marlborough's tangata whenua iwi	Policy 8.2.9	Reject
166	58	Te Runanga o Toa Rangatira	Volume 1	3 Marlborough's tangata whenua iwi	Policy 8.3.4	Reject
166	57	Te Runanga o Toa Rangatira	Volume 1	3 Marlborough's tangata whenua iwi	Issue 8A	Reject
166	56	Te Runanga o Toa Rangatira	Volume 1	3 Marlborough's tangata whenua iwi	Issue 8A	Reject
166	55	Te Runanga o Toa Rangatira	Volume 1	3 Marlborough's tangata whenua iwi	Issue 8A	Reject
418	4	John Craighead	Volume 2	3 Rural Environment Zone	3.1.11.	Accept
419	17	Fly-fish Marlborough	Volume 2	3 Rural Environment Zone	3.1.11.	Accept
420	17	Windsong Orchard	Volume 2	3 Rural Environment Zone	3.1.11.	Accept
421	17	Janet Steggle	Volume 2	3 Rural Environment Zone	3.1.11.	Accept
422	17	Jan Richardson	Volume 2	3 Rural Environment Zone	3.1.11.	Accept
455	44	John Hickman	Volume 2	3 Rural Environment Zone	3.1.11.	Accept
456	44	George Mehlhopt	Volume 2	3 Rural Environment Zone	3.1.11.	Accept

479	197	Department of Conservation	Volume 2	3 Rural Environment Zone	3.1.11.	Accept
1193	62	The Marlborough Environment Centre Incorporated	Volume 2	3 Rural Environment Zone	3.1.11.	Reject
1193	133	The Marlborough Environment Centre Incorporated	Volume 2	3 Rural Environment Zone	3.1.11.	Accept
1201	137	Trustpower Limited	Volume 2	3 Rural Environment Zone	3.1.11.	Accept
26	3	McGinty, Kathleen and Carter, Alan	Volume 2	3 Rural Environment Zone	3.3.11.	Accept in part
179	1	Tui Nature Reserve	Volume 2	3 Rural Environment Zone	3.3.11.	Accept
351	21	Helen Mary Ballinger	Volume 2	3 Rural Environment Zone	3.3.11.	Accept
378	17	Roger (Budyong) Edward and Leslie Janis Hill	Volume 2	3 Rural Environment Zone	3.3.11.	Accept
459	17	Beef and Lamb New Zealand	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
459	54	Beef and Lamb New Zealand	Volume 2	3 Rural Environment Zone	3.3.11.	Accept
479	198	Department of Conservation	Volume 2	3 Rural Environment Zone	3.3.11.	Accept in Part
505	32	Ernslaw One Limited	Volume 2	3 Rural Environment Zone	3.3.11.	Accept
524	16	Alice Doole	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
529	16	Alison Jane Parr	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
532	16	Anthony Patrick Vincent Millen	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
594	16	Corinne McBride	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
598	16	Carol Raewyn McLean	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
599	16	Carney Ray Soderberg jr	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
662	16	Donald McBride	Volume 2	3 Rural Environment Zone	3.3.11.	Reject

701	16	Frances Alexandra C Chayter	Volume 2	3 Rural Environment Zone	3.3.11.	Accept
715	384	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
827	16	Jos Rossell	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
833	16	Jason Tillman	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
861	16	Kerrin Raeburn	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
865	16	Karen Walshe	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
915	16	Margaret C Dewar	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
972	16	Millen Associates Limited	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
1049	16	Silverwood Partnership	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
1066	16	Raewyn Heta	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
1109	16	Steffen Browning	Volume 2	3 Rural Environment Zone	3.3.11.	Accept
1179	21	Thomas Robert Stein	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
1194	16	The Sunshine Trust	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
1209	16	Verena Frei	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
1228	16	Winston Robert Oliver	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
1230	16	Wendy Tillman	Volume 2	3 Rural Environment Zone	3.3.11.	Reject
88	7	Chris Bowron	Volume 2	3 Rural Environment Zone	3.3.11.2.	Accept
149	35	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.3.11.2.	Accept in Part
232	33	Marlborough Lines Limited	Volume 2	3 Rural Environment Zone	3.3.11.2.	Accept in Part

348	32	Murray Chapman	Volume 2	3 Rural Environment Zone	3.3.11.2.	Reject
348	33	Murray Chapman	Volume 2	3 Rural Environment Zone	3.3.11.2.	Reject
423	24	Chris Shaw	Volume 2	3 Rural Environment Zone	3.3.11.2.	Accept in Part
423	26	Chris Shaw	Volume 2	3 Rural Environment Zone	3.3.11.2.	Reject
425	531	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.11.2.	Accept in Part
453	1	Vernon Thomas Fraser Ayson	Volume 2	3 Rural Environment Zone	3.3.11.2.	Accept in Part
496	94	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 2	3 Rural Environment Zone	3.3.11.2.	Accept in Part
715	385	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	3 Rural Environment Zone	3.3.11.2.	Accept in Part
743	1	Graham Thomas Cooper	Volume 2	3 Rural Environment Zone	3.3.11.2.	Reject
1179	22	Thomas Robert Stein	Volume 2	3 Rural Environment Zone	3.3.11.2.	Accept in Part
1198	87	Transpower New Zealand Limited	Volume 2	3 Rural Environment Zone	3.3.11.2.	Accept in Part
1201	138	Trustpower Limited	Volume 2	3 Rural Environment Zone	3.3.11.2.	Accept in Part
26	2	McGinty, Kathleen and Carter, Alan	Volume 2	3 Rural Environment Zone	3.3.11.3.	Reject
255	5	Warwick Lissaman	Volume 2	3 Rural Environment Zone	3.3.11.3.	Reject
347	8	Edward and Amanda Ryan	Volume 2	3 Rural Environment Zone	3.3.11.3.	Accept
348	31	Murray Chapman	Volume 2	3 Rural Environment Zone	3.3.11.3.	Accept
425	532	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.11.3.	Accept
425	539	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.11.3.	Reject
496	95	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 2	3 Rural Environment Zone	3.3.11.3.	Accept in Part

715	386	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	3 Rural Environment Zone	3.3.11.3.	Accept in Part
962	186	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.11.3.	Reject
990	95	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.11.3.	Accept in Part
425	533	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.11.4.	Reject
496	96	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 2	3 Rural Environment Zone	3.3.11.4.	Accept
715	387	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	3 Rural Environment Zone	3.3.11.4.	Accept
348	30	Murray Chapman	Volume 2	3 Rural Environment Zone	3.3.11.5.	Reject
351	22	Helen Mary Ballinger	Volume 2	3 Rural Environment Zone	3.3.11.5.	Reject
423	22	Chris Shaw	Volume 2	3 Rural Environment Zone	3.3.11.5.	Reject
425	534	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.11.5.	Reject
429	1	Tempello Partnership	Volume 2	3 Rural Environment Zone	3.3.11.5.	Reject
496	97	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 2	3 Rural Environment Zone	3.3.11.5.	Reject
688	58	Judy and John Hellstrom	Volume 2	3 Rural Environment Zone	3.3.11.5.	Reject
715	388	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	3 Rural Environment Zone	3.3.11.5.	Accept in Part
973	7	Ministry for Primary Industries	Volume 2	3 Rural Environment Zone	3.3.11.5.	Reject
1016	4	Philip Erwin Hunnisett	Volume 2	3 Rural Environment Zone	3.3.11.5.	Reject
1121	1	Sally Jane and Timothy John Wadworth	Volume 2	3 Rural Environment Zone	3.3.11.5.	Reject
1179	23	Thomas Robert Stein	Volume 2	3 Rural Environment Zone	3.3.11.5.	Reject
1193	134	The Marlborough Environment Centre Incorporated	Volume 2	3 Rural Environment Zone	3.3.11.5.	Reject

246	1	James (Jim) Rudd	Volume 2	3 Rural Environment Zone	3.3.11.6.	Reject
348	29	Murray Chapman	Volume 2	3 Rural Environment Zone	3.3.11.6.	Reject
425	535	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.11.6.	Reject
429	2	Tempello Partnership	Volume 2	3 Rural Environment Zone	3.3.11.6.	Reject
496	99	Royal Forest and Bird Protection Society NZ (Forest & Bird)	Volume 2	3 Rural Environment Zone	3.3.11.6.	Reject
515	24	Mt Zion Charitable Trust	Volume 2	3 Rural Environment Zone	3.3.11.6.	Reject
715	389	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	3 Rural Environment Zone	3.3.11.6.	Reject
743	3	Graham Thomas Cooper	Volume 2	3 Rural Environment Zone	3.3.11.6.	Reject
1121	2	Sally Jane and Timothy John Wadworth	Volume 2	3 Rural Environment Zone	3.3.11.6.	Accept
418	3	John Craighead	Volume 2	4 Coastal Environment Zone	4.1.10.	Accept
419	16	Fly-fish Marlborough	Volume 2	4 Coastal Environment Zone	4.1.10.	Accept
420	16	Windsong Orchard	Volume 2	4 Coastal Environment Zone	4.1.10.	Accept
421	16	Janet Steggle	Volume 2	4 Coastal Environment Zone	4.1.10.	Accept
422	16	Jan Richardson	Volume 2	4 Coastal Environment Zone	4.1.10.	Accept
479	227	Department of Conservation	Volume 2	4 Coastal Environment Zone	4.1.10.	Accept in Part
1193	135	The Marlborough Environment Centre Incorporated	Volume 2	4 Coastal Environment Zone	4.1.10.	Accept
146	1	QCWP community	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
149	52	PF Olsen Ltd	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
179	8	Tui Nature Reserve	Volume 2	4 Coastal Environment Zone	4.3.10.	Accept

244	1	Don Miller	Volume 2	4 Coastal Environment Zone	4.3.10.	Accept
351	23	Helen Mary Ballinger	Volume 2	4 Coastal Environment Zone	4.3.10.	Accept in Part
378	18	Roger (Budyong) Edward and Leslie Janis Hill	Volume 2	4 Coastal Environment Zone	4.3.10.	Accept
479	228	Department of Conservation	Volume 2	4 Coastal Environment Zone	4.3.10.	Accept in Part
524	17	Alice Doole	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
529	17	Alison Jane Parr	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
532	17	Anthony Patrick Vincent Millen	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
594	17	Corinne McBride	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
598	17	Carol Raewyn McLean	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
599	17	Carney Ray Soderberg jr	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
662	17	Donald McBride	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
701	17	Frances Alexandra C Chayter	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
715	410	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	4 Coastal Environment Zone	4.3.10.	Accept in Part
716	190	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
827	17	Jos Rossell	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
833	17	Jason Tillman	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
861	17	Kerrin Raeburn	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
865	17	Karen Walshe	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
915	17	Margaret C Dewar	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject

972	17	Millen Associates Limited	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
1049	17	Silverwood Partnership	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
1066	17	Raewyn Heta	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
1109	17	Steffen Browning	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
1179	24	Thomas Robert Stein	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
1194	17	The Sunshine Trust	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
1209	17	Verena Frei	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
1228	17	Winston Robert Oliver	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
1230	17	Wendy Tillman	Volume 2	4 Coastal Environment Zone	4.3.10.	Reject
232	32	Marlborough Lines Limited	Volume 2	4 Coastal Environment Zone	4.3.10.2.	Accept in Part
423	23	Chris Shaw	Volume 2	4 Coastal Environment Zone	4.3.10.2.	Accept in Part
423	25	Chris Shaw	Volume 2	4 Coastal Environment Zone	4.3.10.2.	Reject
424	158	Michael and Kristen Gerard	Volume 2	4 Coastal Environment Zone	4.3.10.2.	Accept in Part
425	650	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.10.2.	Accept in Part
453	2	Vernon Thomas Fraser Ayson	Volume 2	4 Coastal Environment Zone	4.3.10.2.	Accept in Part
458	5	Okiwi Bay Limited	Volume 2	4 Coastal Environment Zone	4.3.10.2.	Accept in Part
502	6	Karaka Projects Limited	Volume 2	4 Coastal Environment Zone	4.3.10.2.	Accept in Part
715	411	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	4 Coastal Environment Zone	4.3.10.2.	Accept in Part
990	131	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.10.2.	Accept

1023	10	P Rene	Volume 2	4 Coastal Environment Zone	4.3.10.2.	Reject
1179	25	Thomas Robert Stein	Volume 2	4 Coastal Environment Zone	4.3.10.2.	Accept
1198	98	Transpower New Zealand Limited	Volume 2	4 Coastal Environment Zone	4.3.10.2.	Accept in Part
425	651	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.10.3.	Accept in Part
715	412	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	4 Coastal Environment Zone	4.3.10.3.	Reject
425	652	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.10.4.	Reject
458	6	Okiwi Bay Limited	Volume 2	4 Coastal Environment Zone	4.3.10.4.	Reject
502	7	Karaka Projects Limited	Volume 2	4 Coastal Environment Zone	4.3.10.4.	Accept in Part
715	413	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	4 Coastal Environment Zone	4.3.10.4.	Accept in Part
351	24	Helen Mary Ballinger	Volume 2	4 Coastal Environment Zone	4.3.10.5.	Reject
423	21	Chris Shaw	Volume 2	4 Coastal Environment Zone	4.3.10.5.	Reject
715	414	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	4 Coastal Environment Zone	4.3.10.5.	Reject
1179	26	Thomas Robert Stein	Volume 2	4 Coastal Environment Zone	4.3.10.5.	Reject
1193	136	The Marlborough Environment Centre Incorporated	Volume 2	4 Coastal Environment Zone	4.3.10.5.	Reject
1245	5	Pitapisces Limited	Volume 2	4 Coastal Environment Zone	4.3.10.5.	Reject
425	653	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.10.6.	Reject
715	431	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	4 Coastal Environment Zone	4.3.10.6.	Accept in Part
1245	6	Pitapisces Limited	Volume 2	4 Coastal Environment Zone	4.3.10.6.	Reject
424	179	Michael and Kristen Gerard	Volume 2	7 Coastal Living Zone	7.3.7.	Accept

1186	138	Te Atiawa o Te Waka-a-Maui	Volume 2	7 Coastal Living Zone	7.3.7.	Reject
232	31	Marlborough Lines Limited	Volume 2	7 Coastal Living Zone	7.3.7.2.	Accept in Part
498	3	Hura Pakake Family Trust	Volume 2	7 Coastal Living Zone	7.3.7.2.	Accept in Part
1198	110	Transpower New Zealand Limited	Volume 2	7 Coastal Living Zone	7.3.7.2.	Accept in Part
458	7	Okiwi Bay Limited	Volume 2	7 Coastal Living Zone	7.3.7.4.	Reject
498	4	Hura Pakake Family Trust	Volume 2	7 Coastal Living Zone	7.3.7.4.	Reject
1193	138	The Marlborough Environment Centre Incorporated	Volume 2	7 Coastal Living Zone	7.3.7.5.	Reject
1186	165	Te Atiawa o Te Waka-a-Maui	Volume 2	13 Port Zone	13.3.20.	Reject
433	125	Port Marlborough New Zealand Limited	Volume 2	13 Port Zone	13.3.20.3.	Accept in Part
433	126	Port Marlborough New Zealand Limited	Volume 2	13 Port Zone	13.3.20.4.	Accept in Part
88	12	Chris Bowron	Volume 2	17 Open Space 1 Zone	17.3.2.	Accept
1186	190	Te Atiawa o Te Waka-a-Maui	Volume 2	17 Open Space 1 Zone	17.3.2.	Reject
232	29	Marlborough Lines Limited	Volume 2	17 Open Space 1 Zone	17.3.2.2.	Accept in Part
1186	195	Te Atiawa o Te Waka-a-Maui	Volume 2	18 Open Space 2 Zone	18.3.3.	Reject
88	17	Chris Bowron	Volume 2	18 Open Space 2 Zone	18.3.3.2.	Accept
232	28	Marlborough Lines Limited	Volume 2	18 Open Space 2 Zone	18.3.3.2.	Accept in Part
1198	130	Transpower New Zealand Limited	Volume 2	18 Open Space 2 Zone	18.3.3.2.	Accept in Part
433	182	Port Marlborough New Zealand Limited	Volume 2	19 Open Space 3 Zone	19.1.5.	Accept
455	45	John Hickman	Volume 2	19 Open Space 3 Zone	19.1.5.	Accept

456	45	George Mehlhopt	Volume 2	19 Open Space 3 Zone	19.1.5.	Accept
479	247	Department of Conservation	Volume 2	19 Open Space 3 Zone	19.1.5.	Accept in Part
509	424	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.1.5.	Accept
479	248	Department of Conservation	Volume 2	19 Open Space 3 Zone	19.3.3.	Accept in Part
509	425	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.3.3.	Accept
1186	201	Te Atiawa o Te Waka-a-Maui	Volume 2	19 Open Space 3 Zone	19.3.3.	Reject
88	19	Chris Bowron	Volume 2	19 Open Space 3 Zone	19.3.3.2.	Accept
232	30	Marlborough Lines Limited	Volume 2	19 Open Space 3 Zone	19.3.3.2.	Accept in Part
425	725	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.3.3.2.	Accept in Part
1198	138	Transpower New Zealand Limited	Volume 2	19 Open Space 3 Zone	19.3.3.2.	Accept in Part
425	726	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.3.3.3.	Accept in Part
433	190	Port Marlborough New Zealand Limited	Volume 2	19 Open Space 3 Zone	19.3.3.3.	Accept in Part
425	724	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.3.3.5.	Reject
232	27	Marlborough Lines Limited	Volume 2	22 Lake Grassmere Saltworks Zone	22.3.8.2.	Accept in Part
1204	5	United Fisheries Holdings Limited	Volume 4	Overlay Maps	Threatened Environments 1	Reject
339	29	Sharon Parkes	Volume 4	Overlay Maps	Threatened Environments 3	Accept
374	10	Talley's Group Limited (Land Operations)	Volume 4	Overlay Maps	Threatened Environments 3	Accept
458	2	Okiwi Bay Limited	Volume 4	Overlay Maps	Threatened Environments 3	Accept
488	2	Margaret and Robert Hippolite	Volume 4	Overlay Maps	Threatened Environments 3	Accept

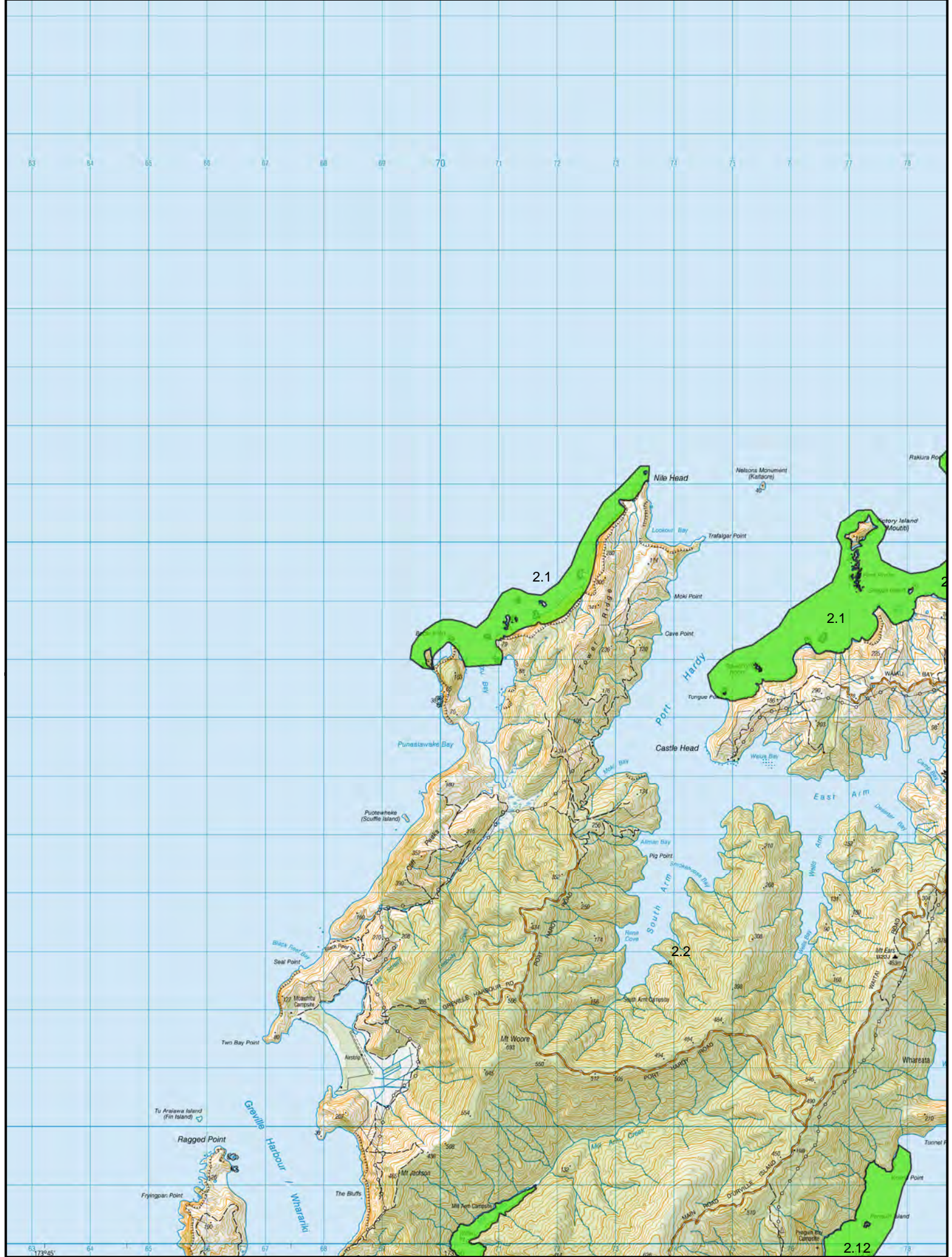
502	5	Karaka Projects Limited	Volume 4	Overlay Maps	Threatened Environments 3	Accept
1004	99	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 4	Overlay Maps	Threatened Environments 3	Accept
374	9	Talley's Group Limited (Land Operations)	Volume 4	Overlay Maps	Threatened Environments 4	Accept
388	4	Adrian Mark Henry Harvey	Volume 4	Overlay Maps	Threatened Environments 4	Accept in Part
995	46	New Zealand Forest Products Holdings Limited	Volume 4	Overlay Maps	Threatened Environments 4	Accept
1004	100	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 4	Overlay Maps	Threatened Environments 4	Accept
1089	17	Rarangi District Residents Association	Volume 4	Overlay Maps	Threatened Environments 4	Reject
374	8	Talley's Group Limited (Land Operations)	Volume 4	Overlay Maps	Threatened Environments 5	Accept
374	7	Talley's Group Limited (Land Operations)	Volume 4	Overlay Maps	Threatened Environments 6	Accept
1004	101	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 4	Overlay Maps	Threatened Environments 6	Accept
348	12	Murray Chapman	Volume 4	Overlay Maps	Threatened Environments 7	Accept
374	6	Talley's Group Limited (Land Operations)	Volume 4	Overlay Maps	Threatened Environments 7	Accept
1004	102	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 4	Overlay Maps	Threatened Environments 7	Accept
347	7	Edward and Amanda Ryan	Volume 4	Overlay Maps	Threatened Environments 8	Accept
355	18	Dominion Salt Limited	Volume 4	Overlay Maps	Threatened Environments 8	Accept
374	5	Talley's Group Limited (Land Operations)	Volume 4	Overlay Maps	Threatened Environments 8	Accept
1004	103	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 4	Overlay Maps	Threatened Environments 8	Accept
425	790	Federated Farmers of New Zealand	Volume 4	Overlay Maps	Threatened Environments 8	Accept
179	7	Tui Nature Reserve	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept

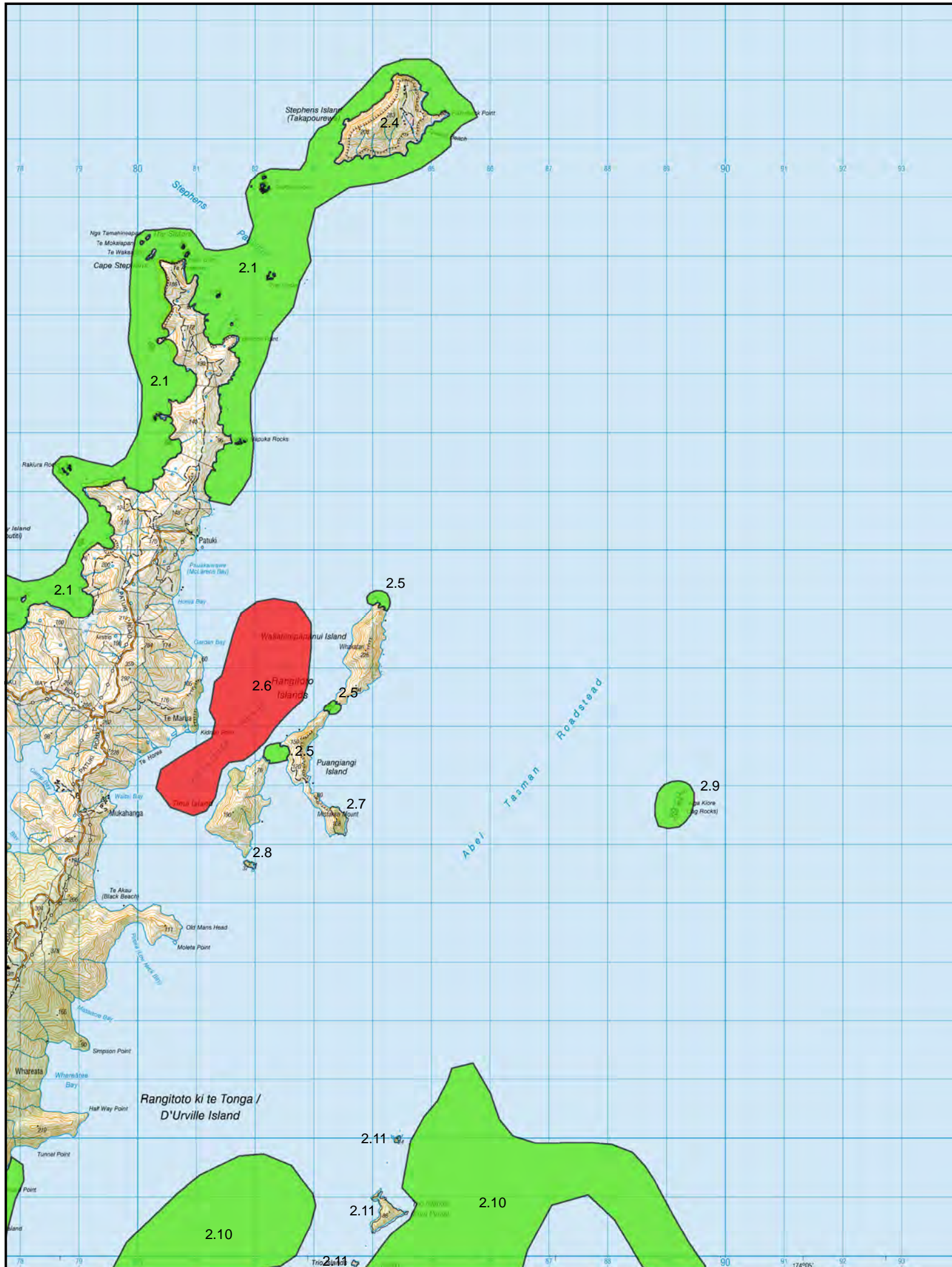
241	1	Don Miller	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept in Part
378	2	Roger (Budyong) Edward and Leslie Janis Hill	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
404	53	Eric Jorgensen	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
418	19	John Craighead	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
419	2	Fly-fish Marlborough	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
420	1	Windsong Orchard	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
421	1	Janet Steggle	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
422	1	Jan Richardson	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
423	1	Chris Shaw	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
454	123	Kevin Francis Loe	Volume 2	16 Coastal Marine Zone	16.7.5.	Reject
468	1	Port Gore Group	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
479	245	Department of Conservation	Volume 2	16 Coastal Marine Zone	16.7.5.	Reject
480	4	Tennyson Inlet Boat Club Inc	Volume 2	16 Coastal Marine Zone	16.7.5.	Reject
493	1	Karen Marchant	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
524	1	Alice Doole	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
529	1	Alison Jane Parr	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
532	1	Anthony Patrick Vincent Millen	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
578	49	Pinder Family Trust	Volume 2	16 Coastal Marine Zone	16.7.5.	Reject
594	1	Corinne McBride	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept

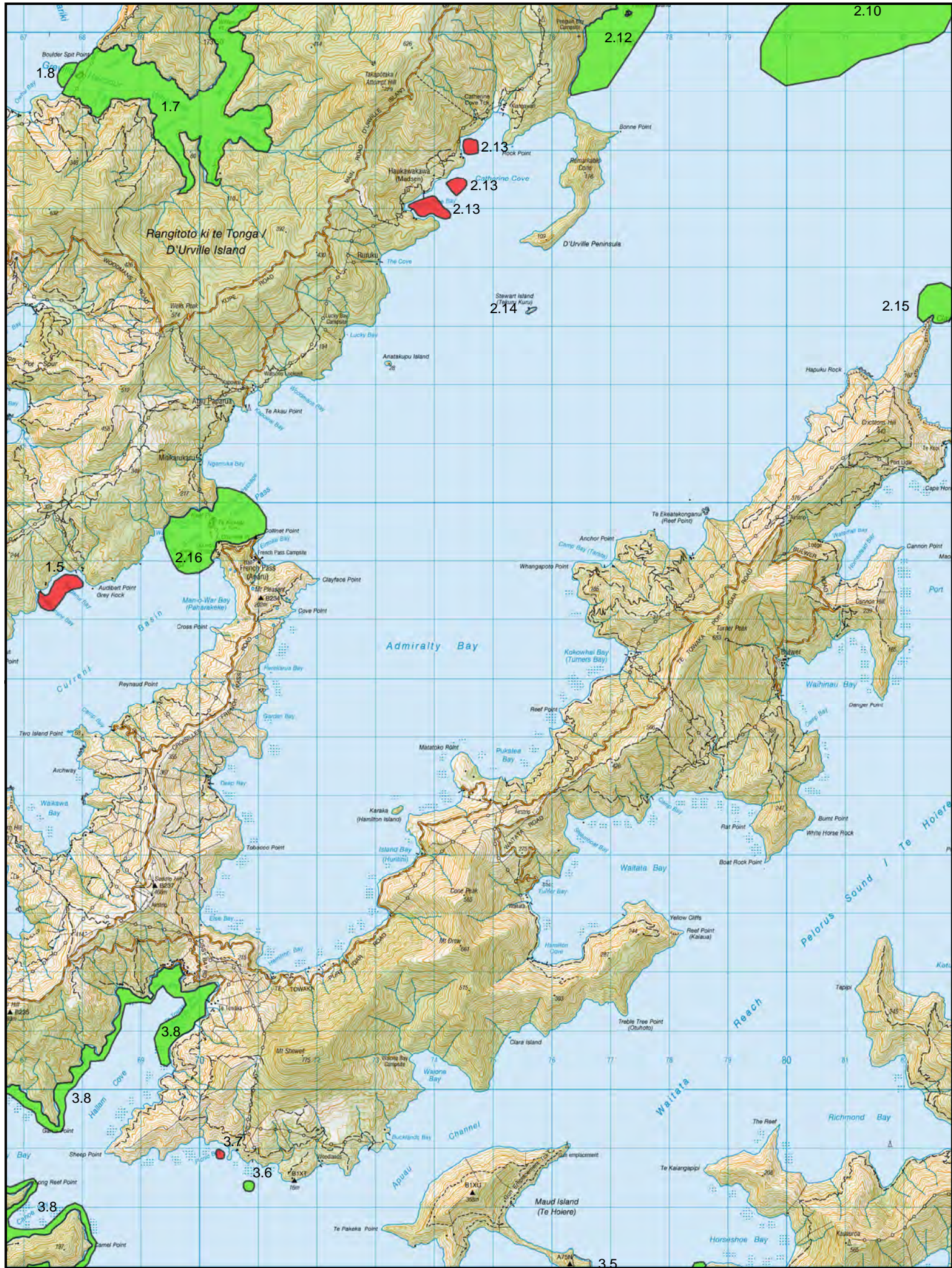
598	1	Carol Raewyn McLean	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
599	1	Carney Ray Soderberg jr	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
610	2	Burkhart Fisheries Limited and Lanfar Holdings (4) Limited	Volume 2	16 Coastal Marine Zone	16.7.5.	Reject
662	1	Donald McBride	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
701	1	Frances Alexandra C Chayter	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
710	18	The Fishing Industry Submitters	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept in Part
712	50	Flaxbourne Settlers Association	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
715	422	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept in Part
716	196	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
752	49	Guardians of the Sounds	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
827	1	Jos Rossell	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
833	1	Jason Tillman	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
861	1	Kerrin Raeburn	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
865	1	Karen Walshe	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
906	2	Legacy Fishing Limited	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept in Part
915	1	Margaret C Dewar	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
921	1	Matthew David Oliver	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
965	1	Marlborough Recreational Fishers Association	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept in Part
972	1	Millen Associates Limited	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept

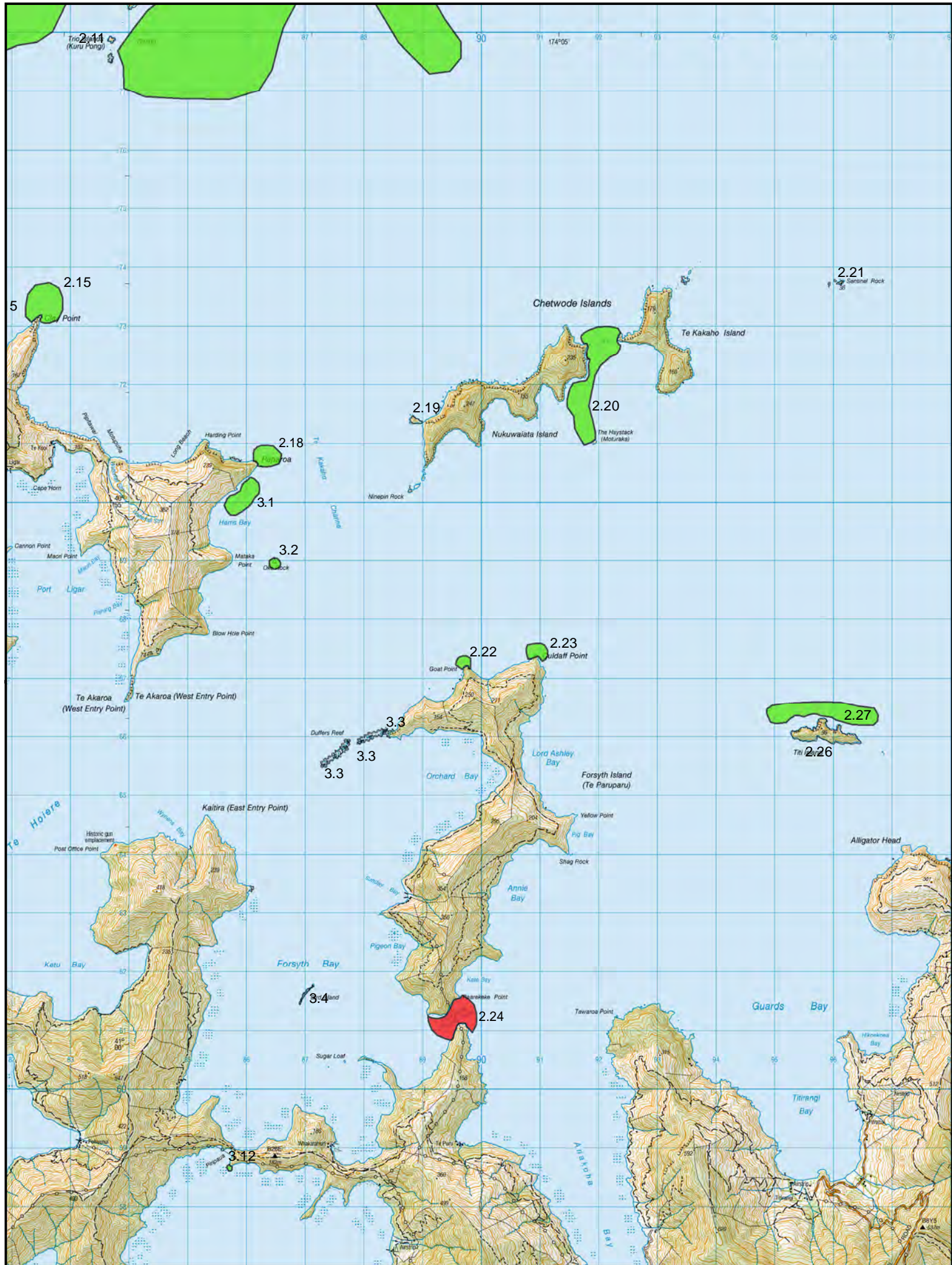
973	2	Ministry for Primary Industries	Volume 2	16 Coastal Marine Zone	16.7.5.	Reject
999	7	New Zealand Sport Fishing Council	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
1016	5	Philip Erwin Hunnisett	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
1038	2	PauaMAC 7 Industry Association Incorporated	Volume 2	16 Coastal Marine Zone	16.7.5.	Reject
1049	1	Silverwood Partnership	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
1051	2	Cape Campbell Farm	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
1066	1	Raewyn Heta	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept in Part
1109	1	Steffen Browning	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
1146	49	Sea Shepherd New Zealand	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
1179	1	Thomas Robert Stein	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
1190	33	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
1193	43	The Marlborough Environment Centre Incorporated	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
1194	1	The Sunshine Trust	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
1209	1	Verena Frei	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
1228	1	Winston Robert Oliver	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept
1230	1	Wendy Tillman	Volume 2	16 Coastal Marine Zone	16.7.5.	Accept

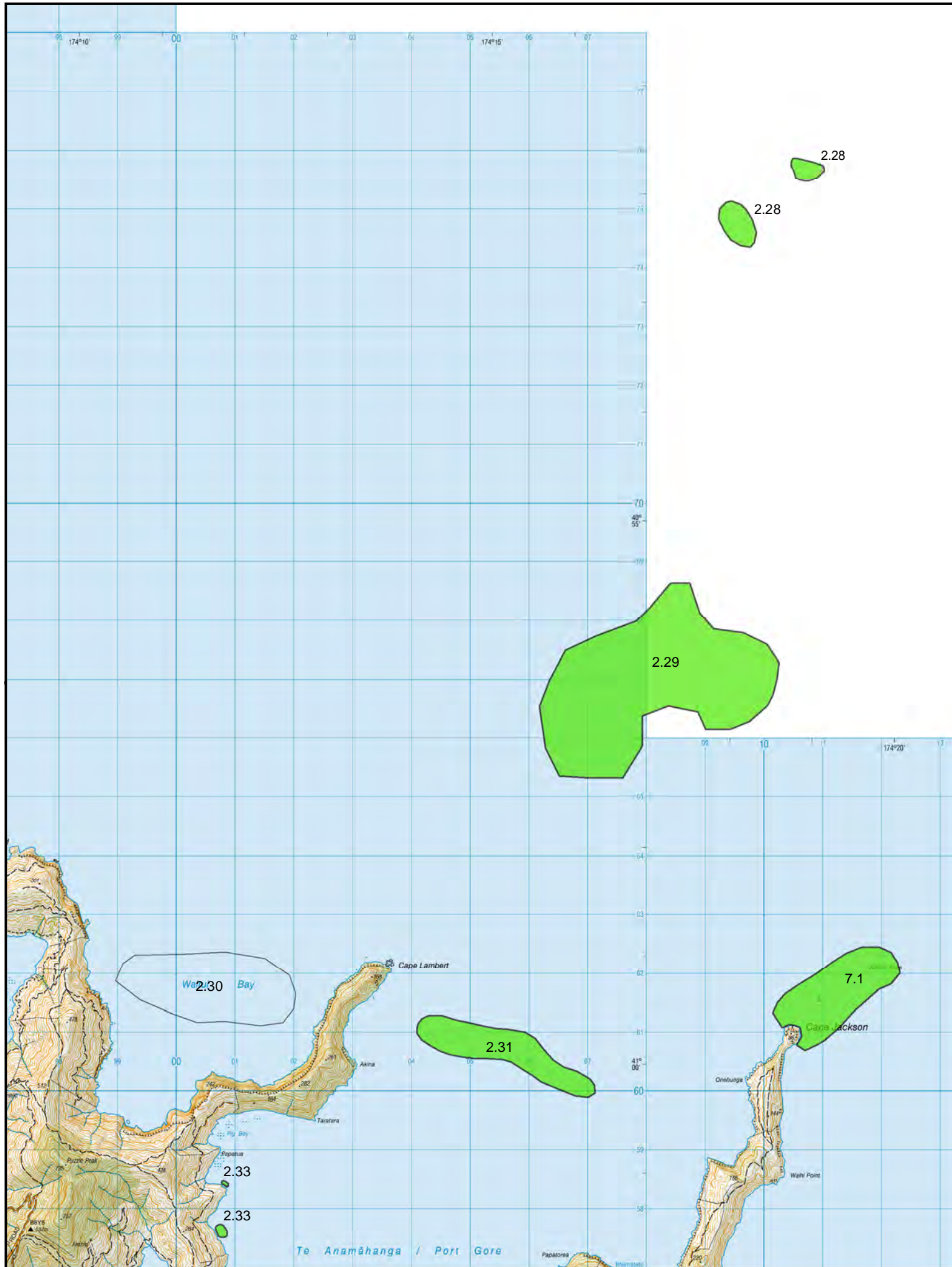
Appendix 2: Protection Categories

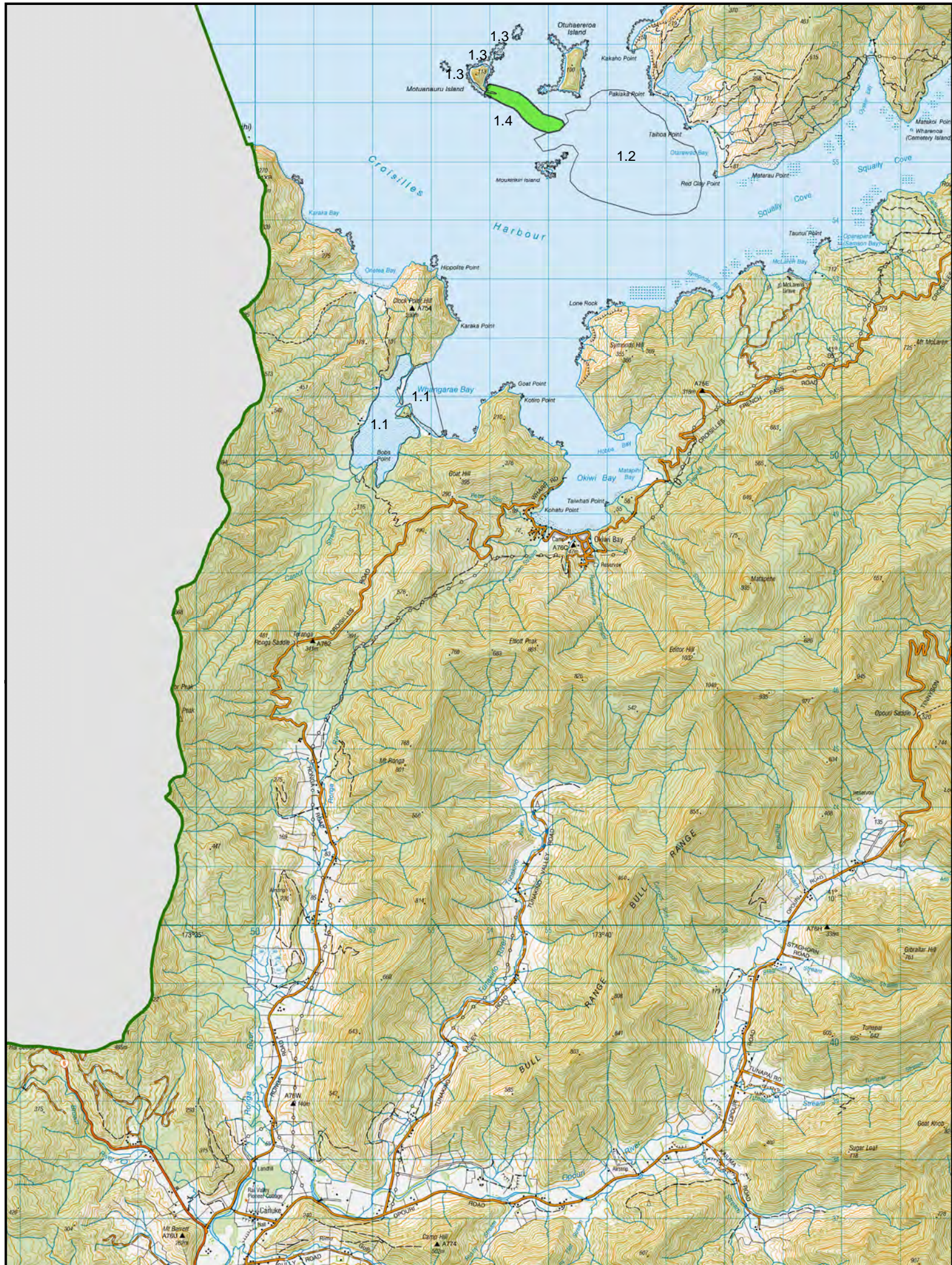












Date: 21/11/2017

**42a Report
Coastal Biodiversity**

Coastal Biodiversity Site Categorization

7



All other sites
 A
 B



1:80,000







