

# **Proposed Marlborough Environment Plan**

**Section 42A Hearings Report for Hearing Commencing**

**12 March 2018**

**Report dated 12 February 2018**

**Report on submissions and further submissions  
topic: Significant Wetlands**

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## List of Abbreviations

Chorus	Chorus New Zealand Limited
Elkington Whanau	Elkington Whanau and Ngāti Kōata landowners who delegate kaitiakitanga to Hori (George) Elkington
DOC	Department of Conservation
Environment Centre	The Marlborough Environment Centre Incorporated
Federated Farmers	Federated Farmers of NZ
Fish and Game	Nelson Marlborough Fish and Game
Forest & Bird	Royal Forest and Bird Protection Society of New Zealand Incorporated
Friends	Friends of Nelson Haven and Tasman Bay Incorporated
HSNO	Hazardous Substances and New Organisms Act 1996
KCSRA	Kenepuru & Central Sounds Residents Association Incorporated
MEP	Proposed Marlborough Environment Plan
MFA/AQNZ	Marine Farming Association/Aquaculture NZ
MFIA	Marlborough Forest Industry Association
MSRMP	Marlborough Sounds Resource Management Plan
NESPF	National Environmental Standards for Plantation Forestry 2017
Ngāti Kuia	Te Rūnanga O Ngāti Kuia
NPSFM	National Policy Statement on Freshwater Management 2014
NPSET	National Policy Statement on Electricity Transmission 2008
NZ	New Zealand
NZTA	New Zealand Transport Agency
Panel	MEP Hearings Panel
Pernod Ricard	Pernod Ricard Winemakers New Zealand Limited
Port Marlborough	Port Marlborough of NZ Limited
QCS Residents	Queen Charlotte Sound Residents Association
QEII Trust	Queen Elizabeth the Second National Trust
Rarangi Residents	Rarangi District Residents Association
RMA	Resource Management Act 1991
RPS	Regional Policy Statement
SNA	Significant Natural Area
Spark	Spark New Zealand Trading Limited
Transpower	Transpower New Zealand Limited
Te Ātiawa	Te Ātiawa o Te Waka-a-Māui
WARMP	Wairau/Awatere Resource Management Plan

## Introduction

1. Our names are Rachel Anderson and Peter Hamill.
2. Rachel is a Policy Portfolio Manager in the Environmental Policy Group at the Marlborough District Council. Rachel's qualifications and experience are as follows:
  - Bachelor of Science – Geology and Geography;
  - 13 years experience in resource management.
3. Rachel was involved in the preparation of the Proposed Marlborough Environment Plan (MEP) in her role as Policy Portfolio Manager. Of particular relevance to this hearing topic, Rachel was involved in the development of the provisions relating to Significant Wetlands and the landowner consultation during the identification of Significant Wetlands.
4. Peter Hamill has been employed by Marlborough District Council as the Team Leader - Land and Water in Council's Environmental Science and Monitoring Group since June 2017. Previous to this position Peter has held the following positions since his employment at the Marlborough District Council began in 1994 –Senior Environmental Scientist, Environmental Scientist - Aquatic Biota, Policy Analyst - Information Management, Resource Information Officer and Consents Officer.
5. Peter's qualifications and experience are as follows:
  - Bachelor of Science and Post-Graduate Diploma in Science (University of Otago, 1989);
  - Involvement with the Council's Significant Natural Areas programme since its inception and was involved with the development of the criteria for determining significance used in the SNA programme. Peter was the lead in the identification and assessment of significance of wetlands across Marlborough and has personally visited over 200 wetlands and assessed them in relation to the assessment criteria.
6. Peter was involved in the preparation of the MEP in a limited context by providing information and specialist advice to the Environmental Policy Group on areas where he has expertise, mainly in relation to biodiversity, wetlands and freshwater management.
7. We have read Council's Section 32 reports relating to Indigenous Biodiversity.

## Code of Conduct

8. We confirm that we have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and agree to comply with it.
9. We confirm that we have considered all the material facts that we are aware of that might alter or detract from the opinions that we express, and that this evidence is within our area of expertise, except where we state that we are relying on the evidence of another person.
10. We are authorised to give this evidence on the Council's behalf.

## Scope of Hearings Report

11. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA).
12. In this report we assess and provide recommendations to the Hearing Panel on submissions made on provisions in Volume 2 of the MEP, specifically provisions related to Significant Wetlands, and Appendix 25 – Pest Plants. In addition, we assess and provide recommendations on submissions relating to the mapping of Significant Wetlands, both generally and in relation to specific wetlands.

13. For the most part the provisions covered in this report are at the level of Standards, where they are specific to Significant Wetlands. It is important to note however, that there are a large number of submissions on the rules that the standards are associated with that received submissions either supporting the rules (and therefore the standards) as notified and seeking retention of the provisions, or opposing the rules (and therefore the standards) as notified and seeking removal of the provisions from the MEP. As the standards covered are, in most cases, associated with rules that go beyond an association between an activity and just a Significant Wetland (i.e. they also cover rivers, lakes and so on) the submissions on the rules themselves are not assessed as part of this report. However, the submissions on the rules are still relevant to the consideration of the submissions specifically on Significant Wetlands.
14. For example, in the Rural Environment Zone Rule 3.1.14 is a Permitted Activity enabling excavation that has 12 standards, three of which relate specifically to Significant Wetlands (Standards 3.3.14.3, 3.3.14.9 and 3.3.14.12). Standards 3.3.14.3 and 3.3.14.9 are assessed in this report and recommendations are made, but the associated Rule 3.1.14 is part of the “Rural Environment” hearing topic and submissions on the Rule will be assessed in the s42a report associated with that hearing. However, it should be noted in the consideration of the submissions on Standards 3.3.14.3 and 3.3.14.9, that Rule 3.1.14 received 15 submissions in support seeking retention of the Rule as notified, and no submissions opposing the Rule and seeking its removal from the MEP. (See following paragraph for discussion re Standard 3.3.14.12.)
15. In other instances, there are submissions on standards that are specific to Significant Wetlands but for other reasons are not covered in this report. For example, all of the provisions in Volume 2 that relate to water quality are being addressed in a hearing topic specifically on water quality. So, in the example given in the preceding paragraph, the submissions on Standard 3.3.14.12, which relates to managing the effects of excavation on water quality in Significant Wetlands, are not covered in this report but will be in the s42a report on water quality.
16. One other situation to be mindful of is that most standards covered in this report also involve the management of the effects of activities on other features not covered at this time. Generally, these other features will be rivers, lakes, drainage channels and the coastal marine area. An example of this is Standard 3.3.22.3 – “The application must not result in the agricultural chemical being deposited in or on a river, lake, Significant Wetland, drainage channel or Drainage Channel Network that contains water”. The submissions on aspects of these standards not specific to Significant Wetlands are not covered in this report, however potential changes to the wording of standards that may come out of the deliberations on the Significant Wetland submissions may impact on the other aspects of the standards. This is highlighted as a matter to be kept in mind by the Panel and future s42a report writers but not an issue that the writers view as a hindrance to the consideration of the submissions in this report at this time.
17. Provisions specific to Significant Wetlands that either received no submissions, or only submissions in support (with no opposing further submissions) are not assessed in this report. However, submission points in support of provisions without any opposition or amendment sought are recommended for acceptance in the “Recommended decisions or decisions requested” table in Appendix 2.
18. When considering submissions seeking deletion or change of a particular provision in the MEP, it may be relevant for the Panel to consider the lack of submissions of that nature on similar provisions. For example, Standards 3.3.16.8 (Rural Environment Zone) and 19.3.6.4 (Open Space 3 Zone) state that filling must not be within 8m of a Significant Wetland and have received submissions that seek change, however Standards 4.3.15.9 (Coastal Environment Zone) and 13.3.18.8 (Port Zone), which are similarly worded for the same purpose, received no submissions.
19. 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.
20. 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.

## Further Submissions not Considered

21. The following further submissions have not been considered in the assessments within this report as, in my (Rachel) opinion, they are not intended to apply to the provisions addressed in this report or are insufficiently detailed to make that determination.

### Pernod Ricard

22. The reasons provided for Pernod Ricard's further submissions on the submissions of Fish and Game and Federated Farmers that are considered in this report are ambiguous and require – an assessment of the original Pernod Ricard submission on the MEP, consideration of whether the decisions sought by Fish and Game and Federated Farmers achieve the purpose of the RMA, and subsequently a determination by the reader as to whether that assessment and consideration equates to Pernod Ricard indeed being in opposition or support of Fish and Game and Federated Farmers' submission points. It is inappropriate for the writers to make assumptions or determinations regarding the intent of the Pernod Ricard further submissions, therefore these further submissions are not specifically considered further in this report. Pernod Ricard may choose to refine their further submissions at the hearing.

### Te Ātiawa

23. Te Ātiawa have made further submissions on the whole of the submissions for Federated Farmers, Trustpower Limited, Port Marlborough, Ravensdown Limited and Horticulture NZ, and all of the submission points of these submitters have similar reasons stated by Te Ātiawa for making their further submission. The reasons centre around the view of Te Ātiawa being that the submitters seek reduced iwi consultation, iwi exclusion from resource consent processes, reduced recognition of tangata whenua and kaitiaki, devaluing of Iwi Management Plans and compulsory recognition in the MEP of all sacred sites. Also, that the submitters overstate the benefits of their own activities and focus on economic values over cultural values, down-grading consideration of issues of cultural significance and seeking offsets. In the writers view these further submissions are not intended to specifically apply to the submissions of Federated Farmers, Trustpower Limited, Port Marlborough, Ravensdown Limited and Horticulture NZ that are the subject of this report and are therefore not considered further. Te Ātiawa may choose to refine their further submissions at the hearing.

### MFA/AQNZ

24. Port Marlborough's submission in its entirety was supported through a joint further submission by the MFA/AQNZ, however the reason for the further submission suggests it can be disregarded as the reason relates to amendments to rules in the marina zone.

## Overview of Provisions Development

25. The RMA definition of a wetland is a "*wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions*". In reviewing the existing planning documents, it was identified that having provisions referencing "wetlands", combined with the RMA's very broad definition of a wetland, created a great deal of uncertainty in the region as to when and where provisions apply. It was also a very blunt response to protecting the indigenous biodiversity values of wetlands and stopping the loss of biodiversity.
26. In response the Council sought to specifically identify the wetlands in Marlborough that had values of significance. This identification was based on criteria set out in Volume 1 (Chapter 8 – Indigenous Biodiversity) and Volume 3 (Appendix 3 – Biodiversity Criteria for Significance) of the MEP. The submissions on these parts of the MEP were covered in the Indigenous Biodiversity s42a report and hearing. The initial identification of wetlands with significant values was a desktop exercise using information available to Council staff and contractors, combined with the knowledge and experience of the writer (Peter), Wetlands Ecologist, John Preece, and Council GIS officer, Jamie Sigmund. The identified wetlands were mapped and thereafter referred to as Significant Wetlands.
27. Maps were prepared, rules were drafted and a site visit was arranged on a high country Waihopai Valley property with the landowner and Federated Farmers representatives to work through all aspects

of the project. Federated Farmers provided feedback to Council staff and amendments were made, for example, to the exception on the cultivation standard for fenced wetlands. Valuable guidance was also received regarding the conducting of site visits with farmers. This was followed up with further engagement with Federated Farmers to consider the draft rules, the dissemination of information and the process of going onsite for assessments.

28. This process was followed by an extensive period of consultation in which the landowners associated with the identified Significant Wetlands were contacted, initially by phone in most cases, to advise them of the identification process. These phone calls were followed up by letters, information and aerial photos showing the mapped extent of Significant Wetlands on their property. Within these letters, and discussed in the phone calls, was the opportunity to request a site visit if a landowner had any concerns about the Significant Wetlands identified on their property. Of the approximately 400 landowners involved, around half took up this opportunity to have a site visit. Of the remaining landowners many of them indicated they did not have any concerns and therefore would not be seeking a site visit.
29. Following the site visits, landowners were sent a letter that either advised that – they had not requested a site visit and therefore the Significant Wetlands on their property would be in the MEP as originally mapped, they had a site visit that resulted in a change to the Significant Wetlands on their property and the MEP mapping would reflect this (this meant a removal of a wetland in some cases and the amendment of boundaries in others), or that they had a site visit and there was no change so the Significant Wetlands on their property would be in the MEP as originally mapped.
30. In the period between the initial offer of a site visit and the finally drafting of the MEP for notification, further site visits have continued to be requested and the mapping refined accordingly. Even since notification, site visit requests have continued to be responded to and information gathered to potentially inform the hearings process or a future plan change.
31. For clarity, should the issue arise, the numbering of the Significant Wetlands during the consultation period was different than the numbering of each wetland in the notified MEP. Should it be necessary, information can be supplied that shows the initial and final numbers for each Significant Wetland. Numbering has not been an issue that has arisen during reporting.

## Overview of Provisions

32. The provisions that are considered in this report are the rules specifically related to Significant Wetlands, standards relating to Significant Wetlands that are associated with Permitted Activity rules, the definition of Significant Wetland, Appendix 25 (Pest Plants) and the mapping of Significant Wetlands (general and specific). These Volume 2, 3 and 4 provisions implement the Objectives, Policies and Methods in Chapter 8, Volume 1 of the MEP, which were developed to protect indigenous biodiversity within the Marlborough region.
33. Most of the provisions relevant to this report are spread through the zone chapters of Volume 2. They include rules and standards relating to Permitted Activities covering building construction, excavation, filling, bore and dam construction, woodlot forestry planting and harvesting, non-indigenous and general vegetation clearance, cultivation, conservation and general planting, discharge of aquatic herbicides and glyphosate, the application of agrichemical, the application of fertiliser or lime, the application of compost or solid agricultural waste, discharge of agricultural liquid waste, discharge of dairy farm effluent, discharge of human effluent, disposal of farm rubbish into a pit, disposal of offal or a carcass into an offal pit, making compost or silage in a pit or stack, or stockpiling agricultural waste, storage of compost not in a pit or a stack, avalanche control works, and drainage of specific Significant Wetlands. There are also some provisions relevant in the General Rules related to trenching, network utility infrastructure, dam construction, and new structures in, on, under or over the bed of an ephemeral river. It should be noted that many of these activities either did not attract submissions relating to Significant Wetlands or only attracted submissions (and further submissions) in support, therefore they are not explicitly referenced further in this report.
34. Appendix 25 (Pest Plants) is the only appendix in Volume 3 relevant to this s42a report. The Appendix does not stand alone, it is only relevant in the context of provisions that reference Appendix 25.



35. The Significant Wetlands are mapped in the Zoning Maps in Volume 4, therefore submissions on specific Significant Wetlands are identified by Zoning Map number, then wetland number.

## Statutory Documents

36. The statutory documents relevant to the higher level provisions that the rules and standards discussed in this report implement are set out in the section 32 report entitled “Indigenous Biodiversity”, and were also discussed in the s42a report for the Indigenous Biodiversity hearing.
37. In addition to references in those documents, below is a summary of some specific statutory documents that are either referenced in this report or in the submissions covered in this report.
38. The National Policy Statement on Freshwater Management 2014 (NPSFM) contains very high level objectives concerning the safeguarding of indigenous species and associated ecosystems, protecting the quality of outstanding freshwater bodies and protecting the significant values of wetlands.
39. The National Policy Statement on Electricity Transmission 2008 (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 to the transmission of electricity and in managing the effects of the transmission network on the environment.
40. The National Environmental Standards for Plantation Forestry 2017 (NesPF) are designed to provide a nationally consistent set of rules that address the risks of forestry activities and protect sensitive environments. There are some situations where a greater degree of protection than is offered by the NES is appropriate, in these circumstances the NesPF allows councils to make some rules that are more stringent than the NES. The NesPF comes into effect on 1 May 2018. The commercial forestry provisions in the MEP are relevant to the NES and they are to be dealt with as a separate hearing topic, which will include an assessment of the impact of the NesPF on the MEP provisions. This includes the provisions related to Significant Wetlands.

## Analysis of submissions

41. This report contains assessments and recommendations relating to specific submission points as listed in Appendix 2 and referenced throughout the report.

## Key Matters

42. The analysis of the submissions points are set out by matter under the headings below:

Matter 1: Standards with 8m setbacks to Significant Wetlands.

Matter 2: Standards with 20m setbacks to Significant Wetlands.

Matter 3: Depositions in or onto Significant Wetlands containing water.

Matter 4: Standards relating to tree felling and Significant Wetlands.

Matter 5: Pest plant removal from Significant Wetlands.

Matter 6: Appendix 25 – Pest Plants.

Matter 7: Mapping - general.

Matter 8: Mapping - specific.

Matter 9: Definitions.

## Pre-hearing meetings

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

## Matter 1: Standards with 8m setbacks to Significant Wetlands

### Submissions and Assessment

44. The most common standards in relation to Significant Wetlands require an 8m setback between the activity and a Significant Wetland. Relative to this, the Council received submissions on these types of standards for the activities of – utility infrastructure, buildings, woodlot forestry planting and harvesting, conservation planting and carbon sequestration forestry planting, non-indigenous vegetation clearance, removal of vegetation, cultivation, excavation and filling.
45. While some of the wording and configuration of rules for these activities may have changed between previous planning documents and the MEP, in essence the 8m setback is a continuation of an approach that has been operating in Marlborough for two decades now.
46. There are many similar standards in the MEP that did not receive submissions, or received only supportive submissions, therefore are not assessed further in this report. A careful approach has been taken in the development of the MEP to ensure consistency throughout Volume 2, therefore it is recommended that should changes to any standards be made, that consideration be given to making consequential changes to all similar provisions to maintain that consistent approach. It is noted however, that there are many submissions in support of the rules as notified so this may not be possible.
47. Below is an assessment of the submissions relating to the 8m setback to Significant Wetlands by activity. The recommendations for each of the submissions for the whole of Matter 1 are at the end of the Matter 1 section.

### Submissions on utility infrastructure provisions

48. Standard 2.39.1.14 is a standard for Rule 2.38.1 and reads as follows – *“A line or network utility structure, or a telecommunication, radio communication or meteorological facility, or a building or depot must not be located: (a) in, or within 8m of, a Significant Wetland;....”*.
49. Standard 2.39.1.14 has attracted three submissions, two (Chorus 464.44 and Spark 1158.42) seek amendment of the standard and one (Transpower 1198.76) seeks deletion of the standard. No further submissions have been received on the Chorus and Spark submissions, and one further submission in opposition from Federated Farmers has been received on the Transpower submission. There are aspects of all of these submissions that are not related to Significant Wetlands and will be considered under a different hearing topic.
50. Chorus and Spark seek the same amendment to Standard 2.39.1.14, they seek that it reads as follows –
 

*“A line or network utility structure, or a telecommunication, radio communication or meteorological facility, ~~or a building or depot~~ **that is located outside of legal road** must not be located: (a) in, or within 8m of, a Significant Wetland;....**These setbacks do not apply to a line or network utility structure, or a telecommunication, radio communication or meteorological facility that is located within legal road”**.*
51. Chorus and Spark are of the view that new lines within a legal road would not have any more impact on a Significant Wetland than the presence of the legal road does. The removal of “building or depot” reflects the submitter’s views that those features are already included in the definitions of telecommunication and radiocommunication facility, and therefore the reference in the Standard is unnecessary.
52. The writers have some concerns regarding the submitters views that new lines within a legal road would not have any more impact on a Significant Wetland than the presence of the legal road does. If the area they are meaning when using the words “legal road” is just that part of land on which a road is actually formed then perhaps there is something to their rationale, however if these words are intended to mean those areas mapped as road reserve in the MEP, then the writers would have some concerns. The mapped road reserve generally goes beyond the actual formed road, and in some case quite substantially, and there are Significant Wetlands within these areas. The establishment of

a new line in these areas cannot be assumed to have the same impact as an existing road that may be some distance away. An example of this would be the overlap between the Para Wetland and road reserve (State Highway 1). The MEP does not define “legal road” but does state the meaning of “road” to have “the same meaning as in Section 2 of the Act”. Following that definition back to the RMA then links you to other legislation, none of which assisted the writers in determining the ramifications of using the term “legal road” in the context sought by the submitters.

53. If the Standard was amended to read – “A line or network utility structure, or a telecommunication, radio communication or meteorological facility, or a building or depot **that is located outside of legal road must not be located: (a) in, or within 8m of, a Significant Wetland;**” as sought, then in the writer’s view the addition of the sentence “**These setbacks do not apply to a line or network utility structure, or a telecommunication, radio communication or meteorological facility that is located within legal road**”, which is also sought seems unnecessary as Standard 2.39.1.14 would not apply to features within legal road.
54. With regards to the removal of the words “building or depot”, the submitter’s views are that those features are already included in the definitions of telecommunication and radiocommunication facility, however that is not explicitly the case. Telecommunication facility mentions “any other structure, facility”, radiocommunication facility does not mention anything that is similar to building or depot, and meteorological facility, which is also relevant to the change sought, is not defined in the MEP. The writers do not share the view of the submitters that the words “building or depot” are superfluous within this Standard due to existing definitions.
55. Transpower seek the removal of Standard 2.39.1.14 in its entirety. Transpower are of the view that the Standard is contrary to the NPSET, in particular Policy 3, and that the Standard does not take into consideration the linear nature of many network utilities. Policy 3 of the NPSET states – “When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider the constraints imposed on achieving those measures by the technical and operational requirements of the network.” This is followed in the explanation to the Policy with the opening sentence – “This policy seeks to ensure that conditions of resource consents or designations recognise the underlying technical and operational requirements of the network.” Furthermore, when discussing the territorial response, it states – “Policy 3 has direct significance for decision-making on resource consent applications and notices of requirement.” While the regional response is anticipated to potentially include RPS provisions, overall the Policy appears to anticipate network activities will require resource consents or designations. It is difficult to understand the submitters view that the Permitted Activity, which is more enabling, is contrary to Policy 3. And even if, as a result of non-compliance with the setback to a Significant Wetland, a resource consent was required, this appears to be anticipated by Policy 3 so cannot be contrary to it.
56. Transpower are also concerned that there is no rationale for the 8m setback, however it is noted that the decision sought is to remove the Standard in its entirety, which would also include the limit on activities being actually within a wetland. The restriction within a wetland is an existing provision for utilities in the WARMP that has been retained following the plan review. The 8m setback in the WARMP applied between utilities and any river or drainage channel owned or maintained by a Public Authority, for utility buildings or structures it applied to a drainage channel or the landward toe of any designated stopbank, and vegetation trimming or clearance associated with maintenance, replacement and minor upgrading could not be removed by chemical, fire or heavy machinery within 8 metres of any wetland. While perhaps the Standard in the MEP is not exactly what was in the WARMP, it is in a similar vein and reflects the alignment of setbacks to provide consistency between rivers, lakes, Significant Wetlands, drainage channels and the coastal marine area. Due to the new approach of limiting management to mapped Significant Wetlands, in some instances the MEP will be more enabling than existing provisions.

#### Submissions on building location provisions

57. Standards 3.2.1.10 and 4.2.1.8 are standards that apply to the construction and siting of a building related to any Permitted Activity in the Rural Environment and Coastal Environment Zones and read as follows – “A building must not be sited in, or within 8m of, a.... Significant Wetland....”.
58. Standard 3.2.1.10 has attracted one submission in support from Federated Farmers (425.505) but seeking amendment of the Standard. Federated Farmers received three further submissions, two in

opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further. Forest & Bird do not support the Federated Farmers submission as it seeks to remove controls on activities in the rural zone that would have implications for the protection of wetlands.

59. Standard 4.2.1.8 has attracted two submissions in support from Federated Farmers (425.628) and Friends (716.187) but both seek amendment of the Standard. Federated Farmers received three further submissions, two in opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further. Forest & Bird do not support Federated Farmer's submission as it seeks to remove controls on activities in the rural zone that would have implications for the protection of wetlands. Friends received two further submissions, one in opposition from W and K Rainbow, and one in support from Te Ātiawa. W and K Rainbow state the increase in area is not justified but the remainder of their further submission makes it unclear if it is specifically relevant to submission point 716.187. The further submission from Te Ātiawa does not appear to relate specifically to the relief sought by Friends.
60. Federated Farmers seek the following amendment to Standards 3.2.1.10 and 4.2.1.8 –  

*“A ~~building~~ dwelling must not be sited in, or within 8m of, a.... Significant Wetland....”*
61. Friends seek the following amendment to Standard 4.2.1.8 –  

*“A building must not be sited in, or within ~~8m~~ 20m of, a.... Significant Wetland....”*
62. Federated Farmers are of the view that the Standards should only be limited to dwellings as there may be circumstances where the location of other buildings is appropriate within 8m. The submitter gives the example of a pump shed needing to be located beside a river. The purpose of the Standards are to manage potential effects of locating buildings close to Significant Wetlands, the submitter seems to suggest that if there is a valid reason for locating a building closer than 8m to a Significant Wetland then the potential effects should not be of concern. The amendments to the Standards sought do not better support the Volume 1 provisions developed to protect indigenous biodiversity in the region, than the Standards as notified.
63. Friends are of the view that the 8m setback currently in Standard 4.2.1.8 is not sufficient to protect the natural values of freshwater bodies and does not appropriately give effect to Part 2 RMA matters, in particular 6(a) and (c). The submitter seeks a setback of 20m, however provides no information as to why 20m is considered the most appropriate setback distance. In reviewing the provisions of the existing planning documents for the region, consideration was given as to whether the existing approach of using 8m setbacks was still appropriate and, as there was no substantial information available to the contrary, it was determined that there was no driver for changing the distance of the setback. The likely proposed rules were also included in the landowner consultation, and there was not a push for a lesser or greater setback through that process. The amendment to the Standard sought does not better support the Volume 1 provisions developed to protect indigenous biodiversity in the region, than the Standard as notified

#### Submissions on woodlot forestry planting and harvesting provisions

64. Standard 3.3.8.2 is a standard that applies to the Permitted Activity of woodlot forestry planting in the Rural Environment Zone (Rule 3.1.8) and reads as follows – *“Planting must not be in, or within: (a)....(d) 8m of a Significant Wetland....”*
65. Standard 3.3.8.2 has attracted two submissions in support, one from K Loe (454.77) seeking retention of the Standard as notified, and one from Forest and Bird (496.88) seeking amendment of the Standard. Forest and Bird received one further submission in opposition from Nelson Forest. Nelson Forest states that imposing additional restrictions is unjustifiable and imposes costs that outweigh the benefits.

66. Consideration of the submissions on Standard 3.3.8.2 should bear in mind that the overriding Rule 3.1.8 received six submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP.
67. K Loe seeks to retain Standard 3.3.8.2 as notified and simply notes support for the Standard as his reason.
68. Forest and Bird seek the following amendment to Standard 3.3.8.2 –  
*“Planting must not be in, or within....(b) ~~8m~~ 20m of a Significant Wetland”.*
69. Forest and Bird give no reason for the change in setback sought, and have provided no information as to why 20m is considered the most appropriate setback distance. In reviewing the provisions of the existing planning documents for the region, consideration was given as to whether the existing approach of using 8m setbacks was still appropriate and, as there was no substantial information available to the contrary, it was determined that there was no driver for changing the distance of the setback. The likely proposed rules were also included in the landowner consultation, and there was not a push for a lesser or greater setback through that process. The amendment to the Standard sought does not better support the Volume 1 provisions developed to protect indigenous biodiversity in the region, than the Standard as notified.
70. Standard 3.3.9.1 is a standard that applies to the Permitted Activity of woodlot forestry harvesting in the Rural Environment Zone (Rule 3.1.9) and reads as follows – *“Harvesting must not be in, or within....(b) 8m of a Significant Wetland”.*
71. Standard 3.3.9.1 has attracted one submission in support from Forest and Bird (496.89) but seeking amendment of the Standard. Forest and Bird received one further submission in opposition from Nelson Forests Limited. Nelson Forests Limited state that imposing additional restrictions is unjustifiable and imposes costs that outweigh the benefits.
72. Consideration of the submissions on Standard 3.3.9.1 should bear in mind that the overriding Rule 3.1.9 received three submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP.
73. Forest and Bird seek the following amendment to Standard 3.3.9.1 –  
*“Harvesting must not be in, or within....(b) ~~8m~~ 20m of a Significant Wetland”.*
74. Forest and Bird give no reason for the change in setback sought, and have provided no information as to why 20m is considered the most appropriate setback distance. In reviewing the provisions of the existing planning documents for the region, consideration was given as to whether the existing approach of using 8m setbacks was still appropriate and, as there was no substantial information available to the contrary, it was determined that there was no driver for changing the distance of the setback. The likely proposed rules were also included in the landowner consultation, and there was not a push for a lesser or greater setback through that process. The amendment to the Standard sought does not better support the Volume 1 provisions developed to protect indigenous biodiversity in the region, than the Standard as notified.
75. Standards 3.3.9.9 and 4.3.8.9 are standards that apply to the Permitted Activity of woodlot forestry harvesting in the Rural Environment (Rule 3.1.9) and Coastal Environment (Rule 4.1.8) Zones and read as follows – *“Trees, slash and soil debris must: (a) not be left within 8m of, or deposited in, a....Significant Wetland....”.*
76. Standard 3.3.9.9 has attracted one submission in support from Forest and Bird (496.90) but seeking amendment of the Standard. Forest and Bird received two further submissions in opposition from Nelson Forests Limited and the MFIA. Nelson Forests Limited state that imposing additional restrictions is unjustifiable and imposes costs that outweigh the benefits and the MFIA states that the relief sought by Forest and Bird would be operationally unworkable.
77. Consideration of the submissions on Standards 3.3.9.9 and 4.3.8.9 should bear in mind that the overriding Rule 3.1.9 received two submissions in support seeking retention of the Rule as notified,

and one submission opposing the Rule and seeking its removal from the MEP, and the overriding Rule 4.1.8 received two submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP.

78. Forest and Bird seek the following amendment to Standard 3.3.9.9 –

*“Trees, slash and soil debris must: (a) not be left within ~~8m~~ 20m of, or deposited in, a....Significant Wetland....”.*

79. Forest and Bird give no reason for the change in setback sought, and have provided no information as to why 20m is considered the most appropriate setback distance. In reviewing the provisions of the existing planning documents for the region, consideration was given as to whether the existing approach of using 8m setbacks was still appropriate and, as there was no substantial information available to the contrary, it was determined that there was no driver for changing the distance of the setback. The likely proposed rules were also included in the landowner consultation, and there was not a push for a lesser or greater setback through that process. The amendment to the Standard sought does not better support the Volume 1 provisions developed to protect indigenous biodiversity in the region, than the Standard as notified.

80. Standard 4.3.8.9 has attracted one submission in support from M and K Gerard (424.154) but seeking amendment of the Standard. M and K Gerard received no further submissions. M and K Gerard are of a view that there needs to some flexibility to allow the ability to remove wood that has mistakenly fallen into, or within 8m of, waterways. M and K Gerard have lodged the same submission against Standard 4.3.8.10, which is about operating machinery within 8m of a Significant Wetland, the reason given for their submission suggests their concerns would be better addressed relative to Standard 4.3.8.10, so submission point 424.154 is not assessed further.

81. Standards 3.3.9.10 and 4.3.8.10 are standards that apply to the Permitted Activity of woodlot forestry harvesting in the Rural Environment (Rule 3.1.9) and Coastal Environment (4.1.8) Zones and read as follows – *“Wheeled or tracked machinery must not be operated in or within 8m of a....Significant Wetland....”.*

82. Standard 3.3.9.10 has attracted one submission in support from Forest and Bird (496.91) but seeking amendment of the Standard. Forest and Bird received two further submissions in opposition from Nelson Forests Limited and the MFIA (the MFIA further submission was lodged in support of point 496.91, however this seems likely to be an error given the views expressed by the MFIA). Nelson Forests Limited state that imposing additional restrictions is unjustifiable and imposes costs that outweigh the benefits and the MFIA states that the relief sought by Forest and Bird would be operationally unworkable.

83. Consideration of the submissions on Standards 3.3.9.10 and 4.3.8.10 should bear in mind that the overriding Rule 3.1.9 received two submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP, and the overriding Rule 4.1.8 received one submission in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP.

84. Forest and Bird seek the following amendment to Standard 3.3.9.10 –

*“Wheeled or tracked machinery must not be operated in or within ~~8m~~ 20m of a....Significant Wetland....”.*

85. Forest and Bird give no reason for the change in setback sought, and have provided no information as to why 20m is considered the most appropriate setback distance. In reviewing the provisions of the existing planning documents for the region, consideration was given as to whether the existing approach of using 8m setbacks was still appropriate and, as there was no substantial information available to the contrary, it was determined that there was no driver for changing the distance of the setback. The likely proposed rules were also included in the landowner consultation, and there was not a push for a lesser or greater setback through that process. The amendment to the Standard sought does not better support the Volume 1 provisions developed to protect indigenous biodiversity in the region, than the Standard as notified.

86. Standard 4.3.8.10 has attracted one submission in support from M and K Gerard (424.155) but seeking amendment of the Standard (inferred). M and K Gerard received no further submissions. M and K Gerard are of a view that there needs to some flexibility to allow the ability to remove wood that has mistakenly fallen into, or within 8m of, waterways. Their reason further clarifies that the issue seems to be the limitation on removing debris as a result of this Standard, i.e. not being able to use wheeled or tracked machinery. The concern relates to the removal, using wheeled or tracked machinery, of debris mistakenly deposited in, or within 8m of, a Significant Wetland. In essence, if debris is in, or within 8m of, a Significant Wetland as a result of the harvesting activity then the person conducting the activity is likely in non-compliance with other standards, such as 4.3.8.1, 4.3.8.7 and 4.3.8.9. It would be inappropriate to, in effect, have a standard that anticipated this non-compliance and provided for how it may be rectified by the party in non-compliance. Having said that, with the exception of perhaps Standard 4.3.8.1 (subject to interpretation), there is not any restriction within the standards on removing material by hand or even the use of a chainsaw or the like to assist. It should also be kept in mind that that Standard 4.3.8.10 relates to woodlot forestry, which is small in scale and, in essence, is about a landowner felling some trees for their own needs (commonly firewood). The low scale nature of the activity should itself enable a landowner to avoid a situation where the removal of material by machinery is necessary. If a mistake does occur to a degree that machinery would be sought to be used, then it would be appropriate for this to be considered through a resource consent process as it is likely that the effects of leaving the material where it landed would have to be considered against the effects of having wheeled or tracked machinery in or around a Significant Wetland.

Submissions on conservation planting and carbon sequestration forestry planting provisions

87. Standards 3.3.10.5 and 19.3.2.4 are standards that apply to the Permitted Activity of conservation planting and carbon sequestration forestry planting (permanent) in the Rural Environment Zone (Rule 3.1.10) and conservation planting in the Open Space 3 Zone (Rule 19.1.4) and read as follows – “*Only indigenous species must be planted in, or within 8m of, a Significant Wetland*”.
88. Standard 3.3.10.5 has attracted one submission in support from Forest and Bird (496.93) but seeking amendment of the Standard. Forest and Bird received one further submission in opposition from Nelson Forests Limited. Nelson Forests Limited state that imposing additional restrictions is unjustifiable and imposes costs that outweigh the benefits.
89. Standard 19.3.2.4 has attracted two submissions in support from G Mehlhopt (456.64) and J Hickman (455.64) but both seeking amendment of the Standard. Neither submitter received any further submissions.
90. Consideration of the submissions on Standards 3.3.10.5 and 19.3.2.4 should bear in mind that the overriding Rule 3.1.10 received one submission in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP, and the overriding Rule 19.1.4 received one submission in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP.
91. Forest and Bird seek the following amendment to Standard 3.3.10.5 –
- “Only indigenous species must be planted in, or within ~~8m~~ 20m of, a Significant Wetland”.*
92. G Mehlhopt and J Hickman seek the following amendment to Standard 19.3.2.4 –
- “Only indigenous species must be planted in, or within 8m of, a Significant Wetland. **Where the Significant Wetland is fenced, other species may be planted up to the fence boundary.**”.*
93. Forest and Bird give no reason for the change in setback sought, and have provided no information as to why 20m is considered the most appropriate setback distance. In reviewing the provisions of the existing planning documents for the region, consideration was given as to whether the existing approach of using 8m setbacks was still appropriate and, as there was no substantial information available to the contrary, it was determined that there was no driver for changing the distance of the setback. The likely proposed rules were also included in the landowner consultation, and there was



not a push for a lesser or greater setback through that process. The amendment to the Standard sought does not better support the Volume 1 provisions developed to protect indigenous biodiversity in the region, than the Standard as notified.

94. G Mehlhopt and J Hickman give no reason for the addition sought to this Standard. As the restriction applies to planting with a conservation purpose and within an open space zone that is in most cases crown land managed by DOC, it is difficult to understand why someone would seek to plant species that may be less than supportive of retaining Significant Wetland values. The submitters may be able to elaborate on why they are seeking this change at the hearing.

Submissions on non-indigenous vegetation clearance provisions

95. Standard 19.3.4.1 is a standard that applies to the Permitted Activity of non-indigenous vegetation clearance in the Open Space 3 Zone (Rule 19.1.6) and reads as follows – “*Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), lake or the coastal marine area*”.
96. Standard 19.3.4.1 has attracted one submission in support from Fish and Game (509.427) but seeking amendment of the Standard. Fish and Game received one further submission in opposition from Pernod Ricard which, for the reasons explained in paragraph 22, is not discussed further.
97. Consideration of the submission on Standard 19.3.4.1 should bear in mind that the overriding Rule 19.1.6 received four submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP.
98. Fish and Game seek the following amendment to Standard 19.3.4.1 –
- “Vegetation must not be removed by fire or mechanical means within 8m of a river (except an ephemeral river, or intermittently flowing river when not flowing), **Significant Wetland**, lake or the coastal marine area”.*
99. Fish and Game state that wetland areas are susceptible to fire risk and therefore should be included in this Standard. This is a view shared by the Council, however clearance by fire near a Significant Wetland is not limited through Standard 19.3.4.1 but through a separate standard specific to Significant Wetlands, Standard 19.3.4.3. Standard 19.3.4.3 states – “*Within, or within 8m of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man’s beard must be the only vegetation removed. Any vegetation removed under this Standard must only be cleared by non-mechanical means.*” The definition of “*non-mechanical means*” in the MEP is – “*removing vegetation by hand or by a hand held device, for example a chainsaw or weed trimmer*”. Therefore, vegetation removal by fire within 8m of a Significant Wetland is not a Permitted Activity, and the submitters concerns are already addressed within the MEP.
100. Standard 3.3.12.3 and 4.3.11.3 are standards that apply to the Permitted Activity of non-indigenous vegetation clearance in the Rural Environment (Rule 3.1.12) and Coastal Environment (Rule 4.1.11) Zones and read as follows – “*Vegetation clearance must not be in, or within 8m of a Significant Wetland*”.
101. Standard 3.3.12.3 has attracted five submissions, two in support from C Shaw (423.41) and J Hickman (455.70) but seeking amendment of the Standard, and three in opposition from C Tozer (319.26), Nelson Forests Limited (990.98) and Transpower (1198.88) but seeking amendment of the Standard. Nelson Forests Limited received two further submissions on submission point 990.98, one in support from Ernslaw One Limited and one in opposition from Forest & Bird. Ernslaw One Limited supports all submission points of Nelson Forests Limited, and Forest & Bird opposes all submission points of Nelson Forests Limited on Volume 2. No other submitters received any further submissions.
102. Standard 4.3.11.3 has attracted three submissions, two in support from C Shaw (423.40) and Transpower (1198.99) but seeking amendment of the Standard, and one in opposition from Nelson Forests Limited (990.134) but seeking amendment of the Standard. Nelson Forests Limited received two further submissions on submission point 990.134, one in support from Ernslaw One Limited and one in opposition from Forest & Bird. Ernslaw One Limited supports all submission points of Nelson

Forests Limited, and Forest & Bird opposes all submission points of Nelson Forests Limited on Volume 2. No other submitters received any further submissions.

103. Consideration of the submissions on Standards 3.3.12.3 and 4.3.11.3 should bear in mind that the overriding Rule 3.1.12 received three submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP, and the overriding Rule 4.1.11 received two submissions in support seeking retention of the Rule as notified and one submission opposing the Rule and seeking its removal from the MEP.
104. Nelson Forests Limited seek amendments to Standards 3.3.12.3 and 4.3.11.3 to provide an exception for plantation forest trees being harvested that were lawfully established prior to 9 June 2016. Commercial forestry harvesting is a separate activity and is not caught by the non-indigenous vegetation clearance rules so the amendment sought is not appropriate.
105. C Tozer seeks amendments to Standard 3.3.12.3 to provide an exception for vegetation removal that is part of the maintenance and enhancement of an existing Significant Wetland, and seeks that the Council's drainage staff be authorised to carry out such work. The Council through the provisions of the MEP are able to undertake vegetation clearance within the Drainage Channel Network, however even in that context the Council is not able to do clearance in, or within 8m of, a Significant Wetland. The Drainage Channel Network provisions were developed in consultation with the relevant Council department and there was an acknowledgement that, in the case of Significant Wetlands, it is appropriate that a resource consent is obtained if vegetation removal is required. With the exception of the Drainage Channel Network and Floodway Zone, there are no other provisions in the MEP that would enable the Council to operate in a manner differently than the general public. It is noted that there is some enablement in the Rural Environment Zone in the MEP for vegetation removal within a Significant Wetland through Rule 3.1.27, although this is acknowledged to be removal by chemical means and the submitter was seeking enablement of removal by mechanical means. The matter of removal by mechanical means in the Rural Environment Zone is addressed further in paragraph 107 below.
106. C Shaw seeks the following amendment to Standards 3.3.12.3 and 4.3.11.3 – *“Vegetation clearance must not be in, or within 8m of a Significant Wetland, **unless as part of a restoration project**”*. C Shaw's submission clarifies further that the ability to remove non-indigenous species by non-mechanical means is sought, where it is part of a restoration project. Reference is also made to the Rural Living Zone, which has a standard on the removal of vegetation rule the states – *“Within, or within 8m of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard must be the only vegetation removed, and plants must only be cleared by non-mechanical means”*.
107. The use of the standards in the MEP that are worded *“Vegetation clearance must not be in, or within 8m of a Significant Wetland”* was reviewed and the writers do, in part, agree with an issue raised by C Shaw. It is noted in the submission that the Rural Living Zone has a standard that does enable some plant removal by non-mechanical means, that same standard does not exist in the Rural or Coastal Environment Zones. On review it was identified that both the Rural and Coastal Living Zones and all the Open Space Zones enable some plant removal by non-mechanical means but the Rural or Coastal Environment Zones do not. In the writer's view this is an oversight as it is not logical that provisions for the less rural type zones would be more enabling in this regard than the very rural type zones. It is recommended that Standards 3.3.12.3 and 4.3.11.3 are amended to reflect similar standards in other zones, but that no specific enablements be made relative to restoration projects.
108. J Hickman seeks an amendment to Standard 3.3.12.3 that would make it similar to a standard for cultivation that provides an exception to the 8m setback if a Significant Wetland is fenced as per the wetland boundaries in the MEP, so there would be no setback between the vegetation clearance and a Significant Wetland. The amended Standard would read as follows - *“Vegetation clearance must not be in, or within 8m of a Significant Wetland...., **except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case vegetation clearance may occur up to the fenced boundary.**”* Fencing a wetland usually occurs just outside the wetland proper as solid ground is needed for fence posts, this provides a small buffer but more importantly it creates a barrier to stock so naturally there is greater establishment of wetland plant species around the wetland perimeter, which offers greater protection to the whole wetland than if there was no fence. So, there is a difference in the impact of allowing activities to occur up to a fenced boundary, and the impact of

activities if allowed within 8m of an unfenced wetland. On consideration, the writers are satisfied that the mitigation of the effects from non-indigenous vegetation clearance provided by fencing a wetland are similar to the same approach to cultivation, and therefore support the amendments sought by the submitter.

109. Transpower seeks the following amendment to Standards 3.3.12.3 and 4.3.11.3 – “**Except when related to the operation, maintenance, upgrade and development of the National Grid, vegetation clearance must not be in, or within 8m of a Significant Wetland**”. Transpower are of the view that this Standard, as notified, does not give effect to Policies 2 and 5 of the NPSET. Transpower expressed a concern that these Standards are in conflict with a Network Utility Permitted Activity (Rule 2.38.6) in the General Rules that states – “*Vegetation trimming or clearance associated with the maintenance, replacement and minor upgrading of a network utility existing at 9 June 2016*”. The Standards associated with Rule 2.38.6 manage the effects of clearance on Significant Wetlands to the extent considered appropriate by the plan drafters. The writers are not in agreement with the submitter in this matter and do not consider that there is a conflict. The utility provisions in the General Rules are specific to the likes of Transpower and prevail over the zone rules that apply to others. The opening sentence at the start of the General Rules for Network Utilities reinforces this at it states – “*Other General Rules contained in Chapter 2 may apply in addition to any relevant zone rules for network utilities*” (writers emphasis). An example of this would be Rule 13.1.19 in the Port Zone that has requirements in its Standards relating to Network Utility Operators. Standards 3.3.12.3 and 4.3.11.3, or the rules they fall from, are not rules for network utilities.
110. Transpower sought similar amendments to Standard 7.3.8.3 (Rule 7.1.10) in the Coastal Living Zone (1198.111), Standard 18.3.4.3 (Rule 18.1.6) in the Open Space 2 Zone (1198.131) and Standard 19.3.4.3 (Rule 19.1.6) in the Open Space 3 Zone (1198.139). For the same reasons as expressed in the preceding paragraph, the writers do not support the amendments sought. Transpower received no further submissions.
111. Consideration of the submissions on Standards 7.3.8.3, 18.3.4.3 and 19.3.4.3 should bear in mind that the overriding Rule 7.1.10 received no submissions seeking retention or removal from the MEP, the overriding Rule 18.1.6 received no submissions seeking retention or removal from the MEP, and the overriding Rule 19.1.6 received four submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP.
112. Standards 3.3.12.7, 4.3.11.7 and 7.3.8.7 are standards that apply to the Permitted Activity of non-indigenous vegetation clearance in the Rural Environment (Rule 3.1.12), Coastal Environment (Rule 4.1.11) and Coastal Living Zones (Rule 7.1.10) and read as follows – “*Wheeled or tracked machinery must not be operated in or within 8m of a .... Significant Wetland....*”.
113. Standard 3.3.12.7 has attracted seven submissions, three in support from G Mehlhopt (456.59), J Hickman (455.59) and S and R Adams (321.2) but seeking amendment of the Standard, one in opposition from B Pattie (380.6) but seeking amendment of the Standard, and three in opposition from C Tozer (319.28), T and S Wadworth (1121.5) and Tempello Partnership (429.4) seeking deletion of the Standard. Tempello Partnership received one further submission on submission point 429.4 in support from C Tozer, who agreed that the Standard should be removed from the MEP. No other submitters received any further submissions.
114. Standard 4.3.11.7 has attracted one submission in support from M and K Gerard (424.161) but seeking amendment of the Standard. M and K Gerard received no further submissions.
115. Standard 7.3.8.7 has attracted one submission in opposition from QCS Residents (504.82) seeking deletion of the Standard. QCS Residents received no further submissions.
116. Consideration of the submissions on Standards 3.3.12.7, 4.3.11.7 and 7.3.8.7 should bear in mind that the overriding Rule 3.1.12 received three submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP, the overriding Rule 4.1.11 received two submissions in support seeking retention of the Rule as notified and no submissions opposing the Rule and seeking its removal from the MEP, and the overriding Rule 7.1.10 received no submissions seeking retention or removal of the Rule from the MEP.

117. Mehlhopt, J Hickman and B Pattie seek an amendment to Standard 3.3.12.7 that would make it similar to a standard for cultivation that provides an exception to the 8m setback if a Significant Wetland is fenced as per the wetland boundaries in the MEP. So, if amended along these lines, Standard 3.3.12.7 would enable wheeled or tracked machinery being used for non-indigenous vegetation clearance to be used up to a fenced wetland boundary (as per the MEP maps), which would mean no setback between the wheeled or tracked machinery and the Significant Wetland. Fencing a wetland usually occurs just outside the wetland proper as solid ground is needed for fence posts, this provides a small buffer but more importantly it creates a barrier to stock so naturally there is greater establishment of wetland plant species around the wetland perimeter, which offers greater protection to the whole wetland than if there was no fence. So, there is a difference in the impact of allowing activities to occur up to a fenced boundary and the impact of activities if allowed within 8m of an unfenced wetland. On consideration, the writers are satisfied that the mitigation of the effects from the operation of wheeled or tracked machinery for non-indigenous vegetation clearance provided by fencing a wetland are similar to the same approach to cultivation, and therefore support the amendments sought by the submitter.
118. S and R Adams seek to amend Standard 3.3.12.7 as follows – *“Wheeled or tracked machinery must not be operated in or within 8m of a....Significant Wetland....**except for the removal of flood debris**”*. S and R Adams are of the view that there is a need to be able to clear vegetation that has been deposited as the result of a flood event and, if such debris is not removed, flooding of productive land routinely occurs. As, in its full text, this Standard also applies to the beds of rivers, it seems likely that this submission is relevant more in that context, however the amendment affects the whole Standard so it is considered. It is unlikely that debris deposited into a Significant Wetland during a flood would in itself cause flooding, and it may be that the impact of operating wheeled or tracked machinery in or within 8m of a Significant Wetland on the values of the wetland may be greater than the impact of leaving the debris where it landed. Therefore, it would be appropriate to assess the effects of operating wheeled or tracked machinery in or within 8m of a Significant Wetland to remove debris through a resource consent process if it could not be removed through Permitted Activity provisions.
119. C Tozer, T and S Wadworth and Tempello Partnership all seek the removal of Standard 3.3.12.7 from the MEP. C Tozer considers that it is reasonable, practical and realistic to allow wheeled or tracked machinery to be operated within 8m of a Significant Wetland. The reasons behind the decision sought by T and S Wadworth and Tempello Partnership are not especially clear and may relate more to concerns about the setback to a river, which is also part of this Standard but not dealt with in this report. No information has been provided in the submissions that would enable the writers to conclude that Significant Wetland values would be better protected by the removal of Standard 3.3.12.7 from the MEP.
120. With regards to Standard 4.3.11.7, M and K Gerard are of a view that there needs to some flexibility to allow the ability to remove wood that has mistakenly fallen into, or within 8m of, waterways, however their reason further clarifies that their concerns relate to forestry. Standard 4.3.11.7 does not apply to vegetation clearance in a forestry context.
121. Standard 7.3.8.7 has attracted one submission in opposition from QCS Residents (504.82) seeking deletion of the Standard (inferred). QCS Residents received no further submissions. QCS Residents oppose the standard because it does not allow for the use of septic cleaning tankers, the transfer of building supplies from jetty to site, and the like. This Standard has no bearing on those activities as the Standard applies to a person removing non-indigenous vegetation, not the types of activities mentioned by the submitter.
122. Standards 3.3.12.10(a) and 4.3.11.10(a) are standards that apply to the Permitted Activity of non-indigenous vegetation clearance in the Rural Environment (Rule 3.1.12) and Coastal Environment (Rule 4.1.11) Zones and read as follows – *“Woody material greater than 100mm in diameter and soil debris must: (a) not be left within 8m of, or deposited in, a Significant Wetland....”*.
123. Standard 3.3.12.10(a) has attracted one submission in opposition from Nelson Forests Limited (990.102) but seeking amendment of the Standard. Nelson Forests Limited received two further submissions on submission point 990.98, one in support from Ernslaw One Limited and one in opposition from Forest & Bird. Ernslaw One Limited supports all submission points of Nelson Forests Limited, and Forest & Bird opposes all submission points of Nelson Forests Limited on Volume 2.

124. Standard 4.3.11.10(a) has attracted two submissions, one in support from M and K Gerard (424.162) but seeking amendment of the Standard, and one in opposition from Nelson Forests Limited (990.138) and seeking amendment of the Standard. Nelson Forests Limited received two further submissions on submission point 990.98, one in support from Ernslaw One Limited and one in opposition from Forest & Bird. Ernslaw One Limited supports all submission points of Nelson Forests Limited, and Forest & Bird opposes all submission points of Nelson Forests Limited on Volume 2. M and K Gerard received no further submissions.
125. Consideration of the submissions on Standards 3.3.12.10(a) and 4.3.11.10(a) should bear in mind that the overriding Rule 3.1.12 received three submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP, and the overriding Rule 4.1.11 received two submissions in support seeking retention of the Rule as notified and no submissions opposing the Rule and seeking its removal from the MEP.
126. Nelson Forests Limited seek amendments to Standards 3.3.12.10(a) and 4.3.11.10(a) as follows:
- ~~“Woody material greater than 100mm in diameter and soil debris~~ **Cleared vegetation that meets the definition of slash must: (a) not be left within 8m of, or deposited in, be removed from within a Significant Wetland....”**
127. It is not clear from Nelson Forests Limited’s submission what its concern is with regards to Significant Wetlands. The discussion in its submission on Standards 3.3.12.10(a) and 4.3.11.10(a) is only focused in rivers, which are part of the Standards but are being dealt with under a separate hearing topic. No information has been provided in the submission that would enable the writers to conclude that Significant Wetland values would be better protected by the amendments sought to Standards 3.3.12.10(a) and 4.3.11.10(a). Further, the amendments sought change the nature of the Standards in that, rather directing an action not to occur (i.e. the deposition of material in or within 8m of a Significant Wetland), the Standards would assume those actions will occur but require material to be removed.
128. With regards to Standard 4.3.11.10(a), M and K Gerard are of a view that there needs to some flexibility to allow the ability to remove wood that has mistakenly fallen into, or within 8m of, waterways, however their reason further clarifies that their concerns relate to forestry. Standard 4.3.11.10(a) does not apply to vegetation clearance in a forestry context.

#### Submissions on removal of vegetation provisions

129. Standard 8.3.10.1 is a standard that applies to the Permitted Activity of removal of vegetation in the Rural Living Zone (Rule 8.1.11) and reads as follows – *“Within, or within 8m of, a Significant Wetland, Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man’s beard must be the only vegetation removed, and plants must only be cleared by non-mechanical means”*.
130. Standard 8.3.10.1 attracted three submissions, one in support from C Shaw (423.39) but seeking amendment of the Standard, two in opposition from QEII Trust (1265.14) and T Stein (1179.36) and seeking amendment of the Standard. No further submissions were received on these submission points, with the exception of the QEII Trust submission point 1265.14 that had a further submission in support from Federated Farmers.
131. Consideration of the submissions on Standard 8.3.10.1 should bear in mind that the overriding Rule 8.1.11 received no submissions seeking retention or removal of the Rule from the MEP.
132. In essence all the submitters are seeking the same amendment to the Standard, that is to allow all non-indigenous plant species to be removed from within, or within 8m of, a Significant Wetland, not only Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man’s beard, if the removal of vegetation is part of a restoration project. The submitters express the view there are many other introduced weed species that would be included for removal in a wetland restoration plan. If there was any amendment to the Standard linking it to a restoration plan, one concern would be what that would mean and whether it would be open to abuse. Perhaps it would have to be a restoration plan developed by an appropriate professional? Lodged with the Council?

133. As discussed in relation to the submissions on Appendix 25 under Matter 6, the approach of enabling all non-indigenous plant species to be removed instead of just those specified is not recommended as many of the delicate ecosystems within wetlands are supported by some lesser known and less obvious species that are non-indigenous. It would be preferable to add species to Appendix 25 as other submitters have sought.

Submissions on cultivation provisions

134. Standards 3.3.13.4 and 4.3.12.4 are standards that apply to the Permitted Activity of cultivation in the Rural Environment (Rule 3.1.13) and Coastal Environment (Rule 4.1.12) Zones and reads as follows – *“Cultivation must not be in, or within 8m of, a Significant Wetland, except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case cultivation may occur up to the fenced boundary”*.
135. Standard 3.3.13.4 attracted one submission in support from S and R Adams (321.3) but seeking amendment of the Standard. No further submissions were received on this submission points.
136. Standard 4.3.12.4 attracted three submissions, one in support from M and K Gerard (424.163) and seeking retention of the Standard as notified, one in opposition from Dairy NZ (676.131) but seeking amendment of the Standard and one in opposition from Federated Farmers (425.797) and seeking the removal of the Standard from the MEP. No further submissions were received on the submission points from M and K Gerard and Dairy NZ. Federated Farmers received three further submissions, two in opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further. Forest & Bird do not support Federated Farmer’s submission as it seeks to remove controls on activities in the rural zone that would have implications for the protection of wetlands.
137. Consideration of the submissions on Standards 3.3.13.4 and 4.3.12.4 should bear in mind that the overriding Rule 3.1.13 received 19 submissions in support seeking retention of the Rule as notified, and no submissions opposing the Rule and seeking its removal from the MEP, and the overriding Rule 4.1.12 received one submission in support seeking retention of the Rule as notified, and no submissions opposing the Rule and seeking its removal from the MEP.
138. S and R Adams seek an amendment to Standard 3.3.13.4 as follows –
- “Cultivation must not be in, or within 8m of, a Significant Wetland, except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case cultivation may occur up to the fenced boundary **or where the land slopes away from the Significant Wetland in which case cultivation must not be within 1m of the Significant Wetland.**”*
139. S and R Adams provide no information to support the amendment sought, or to satisfy the writers that there would be no impact on wetland values more than the existing Standard would anticipate. There is also some concern around the looseness of the wording *“where the land slopes away”*. What degree of slope? Any? Over what distance? What if it slopes away for a short distance but then the slope increases toward the wetland? Of most concern is the potential for drainage of a wetland if cultivation was enabled immediately down slope within 1m of the wetland. Fencing a wetland usually occurs just outside the wetland proper as solid ground is needed for fence posts, this provides a small buffer but more importantly it creates a barrier to stock so naturally there is greater establishment of wetland plant species around the wetland perimeter, which offers greater protection to the whole wetland than if there was no fence. So, there is a difference in the impact of allowing activities to occur up to a fenced boundary, as the Standard currently provides for, and the impact of activities if allowed within 8m (or 1m as proposed) of an unfenced wetland.
140. M and K Gerard seek to retain Standard 4.3.12.4 as notified and simply note support as their reason. Dairy NZ seek to amend Standard 4.3.12.4 however seek no specific wording change. Dairy NZ seek a review if the 8m setback in relation to scientific literature and good management practice. The matters of concern within Dairy NZ’s submission seem to revolve more around the identification of the wetlands in the MEP and other provisions around vegetation buffers. It is not clear what specific outcome Dairy NZ are seeking with regards to Standard 4.3.12.4.

141. Federated Farmers seek the removal of Standard 4.3.12.4 from the MEP. Federated Farmers are concerned about the loss of productive land due to this Standard, it is assumed it is referring to situations where a Significant Wetland is not fenced and therefore cultivation must not be within 8m of the wetland. Federated Farmers states it supports setbacks for cultivation to reduce sedimentation and loss of top soil but disagrees with the extent of the setback. Federated Farmers have not proposed an alternative setback and have sought complete removal of the Standard from the MEP. Removing the Standard would not protect the values of Significant Wetlands as sought by the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.

Submissions on excavation provisions

142. Standards 3.3.14.3, 4.3.13.3 and 19.3.5.3 are standards that apply to the Permitted Activity of excavation in the Rural Environment (Rule 3.1.14), Coastal Environment (Rule 4.1.13) and Open Space 3 (Rule 19.1.7) Zones and read as follows – “*Excavation must not be in, or within 8m of, a...Significant Wetland....*”.
143. Standard 3.3.14.3 attracted seven submissions, three in support from the Environment Centre (1193.118), Rarangi Residents (1089.27) and K Loe (454.92) and seeking retention of the Standard as notified, three in support from the G Mehlhopt (456.61), B Pattie (380.8) and J Hickman (455.61) but seeking amendment of the Standard, one in opposition from Federated Farmers (425.545) and seeking removal of the Standard from the MEP.
144. Federated Farmers received three further submissions, two in opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further. Forest & Bird do not support Federated Farmer’s submission as it seeks to remove controls on activities in the rural zone that would have implications for the protection of wetlands. No further submissions were received on the remaining submission points.
145. Standard 4.3.13.3 attracted one submission in opposition from Nelson Forests Limited (990.143) but seeking amendment of the Standard. Nelson Forests Limited received two further submissions, one in support from Ernslaw One Limited and one in opposition from Forest & Bird. Ernslaw One Limited supports all submission points of Nelson Forests Limited, and Forest & Bird opposes all submission points of Nelson Forests Limited on Volume 2.
146. Standard 19.3.5.3 attracted five submissions, one in support from the Port Marlborough (433.191) and seeking retention of the Standard as notified, two in support J Hickman (455.65) and Fish and Game (509.429) but seeking amendment of the Standard, one in opposition from Federated Farmers (425.731) and seeking removal of the Standard from the MEP, and one in opposition from G Mehlhopt (456.72) but seeking amendment of the Standard. Port Marlborough received two further submissions, one in opposition from Te Ātiawa, and one in support from MFA/AQNZ. For the reasons explained in paragraphs 23 and 24 respectively, the further submissions from Te Ātiawa and MFA/AQNZ are not discussed further. Fish and Game received one further submission in opposition from Pernod Ricard which, for the reasons explained in paragraph 22, is not discussed further. Federated Farmers received three further submissions, two in opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further. Forest & Bird do not support Federated Farmer’s submission as it seeks to remove controls on activities that would have implications for the protection of wetlands. No further submissions were received on the other two submission points.
147. Consideration of the submissions on Standards 3.3.14.3, 4.3.13.3 and 19.3.5.3 should bear in mind that the overriding Rule 3.1.14 received 16 submissions in support seeking retention of the Rule as notified, and no submissions opposing the Rule and seeking its removal from the MEP, the overriding Rule 4.1.13 received no submissions seeking retention or removal of the Rule, and the overriding Rule 19.1.17 received four submissions in support seeking retention of the Rule as notified, and no submissions opposing the Rule and seeking its removal from the MEP.
148. The Environment Centre, Rarangi Residents and K Loe seek to retain Standard 3.3.14.3 as notified. The Environment Centre and K Loe simply note support as their reason, and Rarangi Residents note in its submission that there are not many wetlands left so it is important to protect them.

149. G Mehlhopt, B Pattie and J Hickman seek to amend Standard 3.3.14.3 to ensure that works required to maintain or repair existing farm tracks, accessways, fences and other structures could be undertaken as a Permitted Activity. The Council expressed the view throughout the landowner consultation for Significant Wetlands, that activities as described by the submitters, which are associated with existing features, have existing use rights under the RMA and can continue without the need for a resource consent. This would appear to address the submitters concerns.
150. Federated Farmers seeking the removal of Standard 3.3.14.3 from the MEP, however its submission does not elaborate as to why. Without further information to understand Federated Farmers concerns around this Standard, no further assessment has been made.
151. Nelson Forests Limited seek an amendment to Standard 4.3.13.3 as follows:
- “Excavation must not be in, or within: (a)....(b) 8m of, a Significant Wetland, **except for the direct approaches to permitted activity or consented stream crossings.**”***
152. It is not clear from Nelson Forests Limited’s submission what its concern is with regards to Significant Wetlands as all of the focus appears to be on river and stream crossings. There are Significant Wetlands that also may contain rivers or streams within them, however stream crossings within them are not likely to be a Permitted Activity and if a stream crossing across a Significant Wetland is consented then the Standard would not apply anyway. Without further information to clarify the concerns of the submitter, it is the view of the writers that amending the Standard would not protect the values of Significant Wetlands as sought by the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.
153. Port Marlborough seek to retain Standard 19.3.5.3 as notified and state that the Standard is appropriate for managing the actual and potential effects of excavation activities.
154. J Hickman, G Mehlhopt and Fish and Game seek to amend Standard 19.3.5.3. J Hickman and G Mehlhopt seek to ensure that works required to maintain or repair existing farm tracks, accessways, fences and other structures could be undertaken as a Permitted Activity. Fish and Game similarly seek to be able to maintain and upgrade existing access tracks in the Para Wetland. The Council expressed the view throughout the landowner consultation for Significant Wetlands that activities as described by the submitters, which are associated with existing features, have existing use rights under the RMA and can continue without the need for a resource consent. This would appear to address the submitters concerns.
155. Federated Farmers seeking the removal of Standard 19.3.5.3 from the MEP, however its submission does not elaborate as to why. Without further information to understand Federated Farmers concerns around this Standard, no further assessment has been made.
156. Standards 3.3.14.9, 4.3.13.7 and 19.3.5.12 are standards that apply to the Permitted Activity of excavation in the Rural Environment (Rule 3.1.14), Coastal Environment (Rule 4.1.13) and Open Space 3 (Rule 19.1.7) Zones and read as follows – *“Wheeled or tracked machinery must not be operated in or within 8m of a....Significant Wetland....”*.
157. Standard 3.3.14.9 has attracted seven submissions, two in support from K Loe (454.98) and the Environment Centre (1193.122) and seeking retention of the Standard as notified, two in support from G Mehlhopt (456.62) and J Hickman (455.62) but seeking amendment of the Standard, one in opposition from Federated Farmers (425.550) and seeking removal of the Standard from the MEP, and two in opposition from I Bond (469.16) and Nelson Forests Limited (990.109) but seeking amendment of the Standard. Federated Farmers received three further submissions, two in opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further. Forest & Bird do not support Federated Farmer’s submission as it seeks to remove controls on activities that would have implications for the protection of wetlands. Nelson Forests Limited received two further submissions, one in support from Ernslaw One Limited and one in opposition from Forest & Bird. Ernslaw One Limited supports all submission points of Nelson Forests Limited, and Forest & Bird opposes all submission points of Nelson Forests Limited on Volume 2. No further submissions were received on the other two submission points.



158. Standard 4.3.13.7 has attracted one submission in opposition from Nelson Forests Limited (990.144) but seeking amendment of the Standard. Nelson Forests Limited received two further submissions, one in support from Ernslaw One Limited and one in opposition from Forest & Bird. Ernslaw One Limited supports all submission points of Nelson Forests Limited, and Forest & Bird opposes all submission points of Nelson Forests Limited on Volume 2.
159. Standard 19.3.5.12 has attracted three submissions, two in support from Fish and Game (509.429) and J Hickman (455.66) but seeking amendment of the Standard, and one in opposition from Federated Farmers (425.738) and seeking removal of the Standard from the MEP. Federated Farmers received three further submissions, two in opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further. Forest & Bird do not support Federated Farmer's submission as it seeks to remove controls on activities that would have implications for the protection of wetlands. Fish and Game received one further submission in opposition from Pernod Ricard which, for the reasons explained in paragraph 22, is not discussed further. No further submissions were received on J Hickman's submission point.
160. Consideration of the submissions on Standards 3.3.14.9, 4.3.13.7 and 19.3.5.12 should bear in mind that the overriding Rule 3.1.14 received 16 submissions in support seeking retention of the Rule as notified, and no submissions opposing the Rule and seeking its removal from the MEP, the overriding Rule 4.1.13 received no submissions seeking retention or removal of the Rule, and the overriding Rule 19.1.17 received four submissions in support seeking retention of the Rule as notified, and no submissions opposing the Rule and seeking its removal from the MEP.
161. K Loe and the Environment Centre seek to retain Standard 3.3.14.9 as notified and they simply note support for the Standard as their reason.
162. G Mehlhopt and J Hickman seek to amend Standard 3.3.14.9 and J Hickman seeks to amend Standard 19.3.5.12 to ensure that works required to maintain or repair existing farm tracks, accessways, fences and other structures could be undertaken as a Permitted Activity. The Council expressed the view throughout the landowner consultation for Significant Wetlands that activities as described by the submitters, which are associated with existing features, have existing use rights under the RMA and can continue without the need for a resource consent. This would appear to address the submitters concerns.
163. Federated Farmers seeking the removal of Standards 3.3.14.9 and 19.3.5.12 from the MEP, however its submission does not elaborate as to why. Without further information to understand Federated Farmers concerns around these Standards, no further assessment has been made.
164. Nelson Forests Limited seek to amend Standards 3.3.14.9 and 4.3.13.7 in, it would appear, three ways – to limit the standards to the actual activity of excavation, to provide an exclusion for the use of existing infrastructure/stream crossings, and to enable the construction of stream crossings. It is not clear from the first amendment sought how this is not already the case, Standards 3.3.14.9 and 4.3.13.7 are standards specific to the Permitted Activity of excavation. With regards to existing infrastructure, there is nothing in these Standards that would limit the use of existing infrastructure/stream crossings as the restriction imposed by these Standards are only relevant during the activity of excavation. It is not clear from Nelson Forests Limited's submission with regards to the third amendment what its concern is with regards to Significant Wetlands as all of the focus appears to be on river and stream crossings. There are Significant Wetlands that also may contain rivers or streams within them, however the construction of a stream crossing within them is not likely to be a Permitted Activity.
165. I Bond also seeks to amend Standard 3.3.14.9 as he views the Standard as overly prescriptive and unnecessarily restrictive. The submitter wishes the Standard to be amended and relaxed but does not provide any indication of what those changes would look like, or why he views the existing wording to be overly prescriptive and unnecessarily restrictive. Without further information to understand I Bond's concerns around this Standard, no further assessment has been made.
166. Fish and Game seek an exclusion to Standard 19.3.5.12 to use wheeled or tracked machinery in the management of Para Wetland. From the discussion in the submission the management seems to relate to the maintenance of existing formed public access and walkways. There is nothing in this

Standard that would limit the general use of wheeled or tracked machinery on existing access ways, as the restriction imposed by this Standard is only relevant during the activity of excavation. With regards to the use of wheeled or tracked machinery during the maintenance of existing formed public access and walkways, the Council expressed the view throughout the landowner consultation for Significant Wetlands that this type of activity would have existing use rights under the RMA and can continue without the need for a resource consent.

167. Standards 3.3.16.8 and 19.3.6.4 are standards that apply to the Permitted Activity of excavation in the Rural Environment (Rule 3.1.16) and Open Space 3 (Rule 19.1.8) Zones and read as follows – “*Filling must not be in, or within: (a)....(b) 8m of, a Significant Wetland....*”.
168. Standard 3.3.16.8 has attracted two submissions, one in support from Fish and Game (509.309) and seeking retention of the Standard as notified and one in opposition from Federated Farmers (425.555) and seeking removal of the Standard from the MEP. Fish and Game received one further submission in opposition from Pernod Ricard which, for the reasons explained in paragraph 22, is not discussed further. Federated Farmers received three further submissions, two in opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further.
169. Standard 19.3.6.4 has attracted one submissions in opposition from Federated Farmers (425.822) and seeking removal of the Standard from the MEP. Federated Farmers received three further submissions, two in opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further.
170. Consideration of the submissions on Standards 3.3.16.8 and 19.3.6.4 should bear in mind that the overriding Rule 3.1.16 received two submissions in support seeking retention of the Rule as notified, and no submissions opposing the Rule and seeking its removal from the MEP, and the overriding Rule 19.1.8 received one submission in support seeking retention of the Rule as notified, and no submissions opposing the Rule and seeking its removal from the MEP.
171. Fish and Game seek to retain Standard 3.3.16.8 as notified, no particular reason is expressed in the submission.
172. Federated Farmers seek the removal of Standards 3.3.16.8 and 19.3.6.4 from the MEP. In its submission, the submitter does not elaborate as to why the removal of Standard 3.3.16.8 is sought, however for Standard 19.3.6.4 Federated Farmers states there will be no need to restrict clean fill near waterbodies when the adverse effects from poor sediment control is already managed by other standards. In developing the standards for the Permitted Activity of filling it was determined that if filling was conducted within 8m of a Significant Wetland it was probable that the effects would be of an unacceptable level for a Permitted Activity, even with other measures laid out in other standards. Filling outside of this setback area still risks having unacceptable effects, which is why further standards seek to manage those potential effects. It is further noted that Federated Farmers seek the removal of these Standards, however its explanation to the submission point seeking the removal in the Open Space 3 Zone suggests it is only concerned about fill activity near a Significant Wetland, not in one, so it could be assumed that perhaps it means to seek an amendment to the Standard rather than complete deletion.

## Recommendations

### Submissions on utility infrastructure provisions

173. It is recommended that the Chorus **submission point 464.44** and the Spark **submission point 1158.42 are rejected** as either amending Standard 2.39.1.14 as requested would not protect the values of Significant Wetlands as sought by the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP or the amendments sought are considered unnecessary from a plan function perspective.

174. It is recommended that the Transpower submission point 1198.76 is rejected as the proposed provisions of the MEP are not considered to be contrary to Policy 3 of the NPSET, and the setback to a Significant Wetland is an appropriate implementation of the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1.

Submissions on building provisions

175. It is recommended that the Federated Farmers' **submission points 425.505 and 425.628 are rejected** as the amendments to the Standards sought do not better support the Volume 1 provisions developed to protect indigenous biodiversity in the region, than the Standards as notified.
176. It is recommended that the Friends submission point 716.187 is rejected as the amendment to the Standard sought does not better support the Volume 1 provisions developed to protect indigenous biodiversity in the region, than the Standard as notified.

Submissions on woodlot planting and harvesting provisions

177. It is recommended that K Loe's **submission point 454.77 is accepted** as the retention of Standard 3.3.8.2 appropriately implement the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.
178. It is recommended that the Forest and Bird's submission points 496.88, 496.89 and 496.90 are rejected as no information has been provided that would enable the writers to conclude that the Standards with the amendments sought would be preferable to the Standards as currently written in the MEP.
179. It is recommended that the Forest and Bird's submission point 496.91 is rejected as no information has been provided that would enable the writers to conclude that the Standards with the amendments sought would be preferable to the Standards as currently written in the MEP.
180. It is recommended that the M and K Gerard's submission **point 424.154 is rejected** as the submitters concerns appear to relate more to Standard 4.3.8.10 (their submission point 424.155).
181. It is recommended that the M and K Gerard's **submission point 424.155 is rejected** as Standard 4.3.8.10 is an appropriate response to the objectives and policies around the protection of Significant Wetland values.

Submissions on conservation planting and carbon sequestration forestry planting provisions

182. It is recommended that the Forest and Bird's **submission point 496.93 is rejected** as no information has been provided that would enable the writers to conclude that the Standards with the amendments sought would be preferable to the Standards as currently written in the MEP.
183. It is recommended that the G Mehlhopt's **submission point 456.64 is rejected** and J Hickman's **submission point 455.64 is rejected** as Standard 19.3.2.4 is an appropriate response to the objectives and policies around the protection of Significant Wetland values, particularly for an activity related to conservation and in a zone with conservation purposes.

Submissions on non-indigenous vegetation clearance provisions

184. It is recommended that the Fish and Game's submission **point 509.427 is rejected** as its concerns are already addressed through other provisions in the MEP.
185. It is recommended that J Hickman's submission **point 455.70 is accepted** as the writers agree with the submitter. It is recommended that the Standard 3.3.12.3 is amended as follows:

***“Vegetation clearance must not be in, or within 8m of a Significant Wetland..., except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case vegetation clearance may occur up to the fenced boundary.”***

186. It is recommended that C Tozer's **submission point 319.26 is rejected** as the exception sought is not appropriate and in conflict with other provisions in Volume 2 with regards to work conducted by the Council.
187. It is recommended that the Nelson Forests Limited **submission points 990.98 and 990.134 are rejected** as commercial forestry harvesting is a separate activity and is not caught by the non-indigenous vegetation clearance rules so the amendment sought is not appropriate.
188. It is recommended that the Transpower **submission points 1198.88 and 1198.99 are rejected** as the concerns held are addressed through Network Utility provisions in the General Rules in Volume 2 of the MEP.
189. It is recommended that the C Shaw's **submission points 423.40 and 423.41 are accepted in part** and the Standards are amended as follows. The amendments incorporate the writer's recommendations with regards to Appendix 25, covered elsewhere in this report. It is also noted that Standard 3.3.12.3 has another part to it regarding Water Resource Units with a Natural State classification, which will be covered in a separate hearing topic that will have to be mindful of any changes as a result of this hearing.

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

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

190. It is recommended that the Transpower **submission points 1198.111, 1198.131 and 1198.139 are rejected** as the concerns held are addressed through Network Utility provisions in the General Rules in Volume 2 of the MEP.
191. It is recommended that G Mehlhopt's **submission point 456.59**, J Hickman's **submission point 455.59** and B Pattie's **submission point 380.6 are accepted** as the writers agree with the submitter. It is recommended that Standard 3.3.12.7 is amended as follows:

*“Wheeled or tracked machinery must not be operated in, or within 8m of a Significant Wetland...., **except where the wetland is fenced in accordance with the wetland boundaries mapped in the Plan, in which case wheeled or tracked machinery may be operated up to the fenced boundary.**”*

192. It is recommended that the S and R Adams **submission point 321.2 is rejected** as the amendment sought to Standard 3.3.12.7 is not appropriate in the context Significant Wetlands and the protection of their values.
193. It is recommended that the C Tozer's **submission point 319.28 is rejected**, T and S Wadworth's **submission point 1121.5 is rejected** and the Tempello Partnership **submission point 429.4 is rejected** as Significant Wetland values would not be better protected by the removal of Standard 3.3.12.7 from the MEP.
194. It is recommended that the M and K Gerard's **submissions point 424.161 and 424.162 are rejected** as the submitters concerns appear to relate to vegetation removal associated with forestry and forestry has its own set of provisions separate from the non-indigenous vegetation removal.
195. It is recommended that the QCS Residents' **submission point 504.82 is rejected** as the submitters concerns do not appear to relate to non-indigenous vegetation clearance.
196. It is recommended that the Nelson Forests Limited **submission points 990.102 and 990.138 are rejected** as no information has been provided that would enable the writers to conclude that the Standards with the amendments sought would be preferable to the Standards as currently written in the MEP.

Submissions on removal of vegetation provisions

197. It is recommended that C Shaw's **submission point 423.39**, the QEII Trust **submission point 1265.14** and T Stein's **submission point 1179.36** are **rejected** as it is preferable to add species to Appendix 25 rather replace the identification of species with a blanket enablement for all non-indigenous plant species, even in the context of wetland enhancement.

Submissions on cultivation provisions

198. It is recommended that the S and R Adams' **submission point 321.3** is **rejected** as amending Standard 3.3.13.4 as requested would not protect the values of Significant Wetlands as sought by the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.
199. It is recommended that M and K Gerard's **submission point 424.163** is **accepted** as the retention of Standard 4.3.12.4 appropriately implements the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.
200. It is recommended that the Dairy NZ **submission point 676.131** is **rejected** as it is unclear the specific relief sought with regards to Standard 4.3.11.4.
201. It is recommended that the Federated Farmers' **submission point 425.797** is **rejected** as removing Standard 19.3.5.3 would not protect the values of Significant Wetlands as sought by the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.

Submissions on excavation and filling provisions

202. It is recommended that the Environment Centre **submission points 1193.118 and 1193.122**, Rarangi Residents **submission point 1089.27** and K Loe **submission points 454.92 and 454.98** are **accepted** as the retention of Standards 3.3.14.3 and 3.3.14.9 appropriately implement the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.
203. It is recommended that the G Mehlhopt **submission points 456.61, 456.62 and 456.72**, B Pattie **submission point 380.8**, J Hickman **submission points 455.61, 455.62, 455.65 and 455.66** and Fish and Game **submission point 509.429** are **rejected** as the submitters concerns are addressed through existing use rights.
204. It is recommended that the Federated Farmers' **submission points 425.545, 425.550, 425.555, 425.731 and 425.822** are **rejected** as removing Standards 3.3.14.3, 3.3.14.9, 3.3.16.8, 4.3.12.4 and 19.3.6.4 would not protect the values of Significant Wetlands as sought by the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.
205. It is recommended that the Nelson Forest **submission point 990.143** is **rejected** as amending Standard 4.3.12.4 as requested would not protect the values of Significant Wetlands as sought by the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.
206. It is recommended that the Port Marlborough **submission point 433.191** is **accepted** as the writers agree with the submitter that the Standard is appropriate for managing the actual and potential effects of excavation activities.
207. It is recommended that I Bond's **submission point 469.16** is **rejected** as not enough information has been provided to enable the writers sufficiently understand the submitters concerns around Standard 3.3.14.9, and how the amendments alluded to would be preferable to the Standard as currently written in the MEP.
208. It is recommended that the Nelson Forests Limited **submission points 990.109 and 990.144** are **rejected** as no information has been provided that would enable the writers to conclude that the Standards with the amendments sought would be preferable to the Standards as currently written in the MEP.

209. It is recommended that the Federated Farmers **submission point 425.738 is rejected** as not enough information has been provided to enable the writers sufficiently understand the submitters concerns around Standard 19.3.5.12.
210. It is recommended that the Fish and Game **submission point 509.309 is accepted** as the retention of Standard 3.3.16.8 appropriately implements the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.

## Matter 2: Standards with 20m setbacks to Significant Wetlands

### Submissions and Assessment

211. In some circumstances the standard 8m setback between activities and Significant Wetlands is not considered to be sufficient to protect wetland values and a 20m setback is used in the provisions. Relative to this, the Council received submissions requiring assessment only on these types of standards in relation to the activity of making compost or silage in a pit or stack or stockpiling agricultural solid waste, the application of compost or solid agricultural waste into or onto land, and discharge of agricultural liquid waste (except dairy farm effluent) to land.
212. While some of the wording and configuration of rules for these activities may have changed between previous planning documents and the MEP, in essence the 20m setback is a continuation of an approach that has been operating in Marlborough for two decades now.
213. There are many similar standards in the MEP that did not receive submissions, or received only supportive submissions, therefore are not assessed further in this report. This includes 20m setbacks from disposal of farm rubbish into a pit, disposal of offal or a carcass into an offal pit, discharge of dairy farm effluent to land, and storage of compost not in a pit or stack. A careful approach has been taken in the development of the MEP to ensure consistency throughout Volume 2, therefore it is recommended that should changes to any standards be made, that consideration be given to making consequential changes to all similar provisions to maintain that consistent approach. It is noted however, that there are many submissions in support of the rules as notified so this may not be possible.
214. Below is an assessment of the submissions relating to the 20m setback to Significant Wetlands by activity. The recommendations for each of the submissions for the whole of Matter 2 are at the end of the Matter 2 section.

#### Submissions on making compost or silage in a pit or stack or stockpiling agricultural solid waste provisions

215. Standards 3.3.33.3, 4.3.32.1 and 19.3.22.3 are standards that apply to the Permitted Activity of making compost or silage in a pit or stack or stockpiling agricultural solid waste in the Rural Environment (Rule 3.1.33), Coastal Environment (Rule 4.1.32) and Open Space 3 (Rule 19.1.24) Zones and read as follows – “*The pit, stack or stockpile must not be located within: (a)....(b) 20m of a....Significant Wetland....*”.
216. Standard 3.3.33.3 has attracted two submissions in support from the Environment Centre (1193.102) and Federated Farmers (425.603) but seeking amendment of the Standard.
217. Standards 4.3.32.1 and 19.3.22.3 each attracted a submission in support from Federated Farmers (425.810 and 425.845 respectively) but seeking amendment of the Standard.
218. Federated Farmers received the same three further submissions on all of its submission points, two in opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further. Forest & Bird do not support Federated Farmer’s submission as it seeks to remove controls on activities that would have implications for the protection of wetlands. No further submissions were received on the Environment Centre submission point.
219. Consideration of the submissions on Standards 3.3.33.3, 4.3.32.1 and 19.3.22.3 should bear in mind that the overriding Rule 3.1.33 received 11 submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP, the overriding Rules 4.1.32 and 19.1.24 received no submissions seeking retention or removal of the Rules.
220. The Environment Centre’s submission does not specify a decision requested, however it is of the view that the wording of Standard 3.3.33.3 is inadequate to achieve the objective of keeping leachate out of wetlands. No further information is provided as to why the submitter does not believe a 20m setback is appropriate, what a more adequate setback or other measure would be, or exactly how the potential adverse effects of the activity would not be resolved under the Standard as currently worded. Nothing

in the submission leads the writers to conclude an amendment to the Standard would be more appropriate than the Standard as notified.

221. Federated Farmers seek an amendment of Standards 3.3.33.3, 4.3.32.1 and 19.3.22.3 to reduce the setback from 20m to 5m. Federated Farmers advise in its submissions that it is not clear why a pit or stack needs to be 20m from a Significant Wetland, and submits that 5m is sufficient. Through the plan review process 20m was determined to be an appropriate setback to ensure that the making of compost or silage in a pit or stack, or the stockpiling agricultural solid waste, did not adversely impact on the values of Significant Wetlands. There is no information in Federated Farmers' submissions to explain its view that a 5m setback is sufficient, or to demonstrate that 20m is unnecessarily restrictive.

#### Submissions on the application of compost or solid agricultural waste into or onto land provisions

222. Standards 3.3.25.1 and 4.3.24.1 are standards that apply to the Permitted Activity of applying compost or solid agricultural waste into or onto land in the Rural Environment (Rule 3.1.25) and Coastal Environment (Rule 4.1.24) Zones and read as follows – “*The application must not occur within: (a)....(b) 20m of a....Significant Wetland....*”.
223. Standard 3.3.25.1 has attracted two submissions in support, one from the NZ Pork (998.50) seeking retention of the Standard as notified, and one from Forest and Bird (715.397) but seeking amendment of the Standard.
224. Standard 4.3.24.1 has attracted two submissions in support, one from the Dairy NZ (676.141) seeking retention of the Standard as notified, and one from Forest and Bird (715.439) but seeking amendment of the Standard.
225. It should be noted that Forest and Bird appear to have made errors in their submission points 715.397 and 715.439 as they only refer to seeking setbacks for the application of fertiliser, which is covered by separate submission points. In considering all Forest and Bird's submissions it has been determined that points 715.397 and 715.439 should be interpreted as seeking 20m setbacks between the application of compost or solid agricultural waste into or onto land and a Significant wetland. The further submitters may have responded to what was written in the Forest and Bird submissions, rather than what was intended by the submitter.
226. Forest and Bird received three further submissions, all in opposition, from Ravensdown Limited, Nelson Forests Limited/Nelson Management Limited and Federated Farmers. Ravensdown Limited is of the view that the 20m setback sought by the submitter is inappropriate, unnecessary and random, Nelson Forests Limited state that imposing additional restrictions is unjustifiable and will impose costs that outweigh the benefits, and Federated Farmers refers back to the relief sought in its own submission on the Rule itself. NZ Pork and Dairy NZ did not receive any further submissions.
227. Consideration of the submissions on Standards 3.3.25.1 and 4.3.24.1 should bear in mind that the overriding Rule 3.1.25 received 11 submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP, and the overriding Rule 4.1.24 received no submissions seeking retention or removal of the Rule as notified.
228. NZ Pork and Dairy NZ seek to retain Standards 3.3.25.1 and 4.3.24.1, respectively, as notified and note support for the Standards as their reasons.
229. Forest and Bird support Standards 3.3.25.1 and 4.3.24.1 but seek the an amendment to require a setback of 20m between the application of compost or solid agricultural waste into or onto land and a Significant Wetland. The amendments sought reflect the current wording of the Standards, therefore there is nothing to assess.

#### Submissions on the discharge of agricultural liquid waste (except dairy farm effluent) to land provisions

230. Standards 3.3.26.2 and 4.3.25.1 are standards that apply to the Permitted Activity of the discharging of agricultural liquid waste (except dairy farm effluent) to land in the Rural Environment (Rule 3.1.26) and Coastal Environment (Rule 4.1.25) Zones and read as follows – “*The discharge must not occur within: (a)....(b) 20m of a....Significant Wetland....*”.



231. Standard 3.3.26.2 has attracted two submissions in support, one from the NZ Pork (998.53) seeking retention of the Standard as notified, and one from Forest and Bird (715.398) but seeking amendment of the Standard.
232. Standard 4.3.25.1 has attracted one submission in support from Forest and Bird (715.440) but seeking amendment of the Standard.
233. Consideration of the submissions on Standards 3.3.26.2 and 4.3.25.1 should bear in mind that the overriding Rule 3.1.26 received 9 submissions in support seeking retention of the Rule as notified, and two submissions opposing the Rule and seeking its removal from the MEP, the overriding Rule 4.1.25 received no submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP.
234. It should be noted that Forest and Bird appear to have made errors in their submission points 715.398 and 715.440 as they only refer to seeking setbacks for the application of fertiliser, which is covered by separate submission points. On reviewing Forest and Bird's original submission document the writers are of the view that the submitter intended that 715.398 and 715.440 should be interpreted as seeking 20m setbacks between the discharge of agricultural liquid waste (except dairy farm effluent) to land and a Significant wetland. The further submitters may have responded to what was written in the Forest and Bird submissions, rather than what was intended by the submitter.
235. Forest and Bird received three further submissions, all in opposition, from Ravensdown Limited, Nelson Forests Limited/Nelson Management Limited and Federated Farmers. Ravensdown Limited is of the view that the 20m setback sought by the submitter is inappropriate, unnecessary and random, Nelson Forests Limited state that imposing additional restrictions is unjustifiable and will impose costs that outweigh the benefits, and Federated Farmers refers back to the relief sought in its own submission on the Rule itself. NZ Pork did not receive any further submissions.
236. NZ Pork seeks to retain Standard 3.3.25.1 as notified and note support for the Standard as their reason.
237. Forest and Bird support Standards 3.3.26.2 and 4.3.25.1 but seek the an amendment to require a setback of 20m between the discharge of agricultural liquid waste (except dairy farm effluent) to land and a Significant Wetland. The amendments sought reflect the current wording of the Standards, therefore there is nothing to assess.

## Recommendations

### Submissions on making compost or silage in a pit or stack or stockpiling agricultural solid waste provisions

238. It is recommended that the Environment Centre **submission point 1193.102 is rejected** as there is no information in the submission leads the writers to conclude an amendment to Standard 3.3.33.3 would be more appropriate than the Standard as notified.
239. It is recommended that the Federated Farmers' **submission points 425.603, 425.810 and 425.845 are rejected** as there is no information in the submission leads the writers to conclude that a 5m setback would be a more appropriate setback than a 20m setback to address the potential effects of the activity on the values of Significant Wetlands.

### Submissions on the application of compost or solid agricultural waste into or onto land provisions

240. It is recommended that the NZ Pork **submission point 998.50 is accepted** and the Dairy NZ **submission point 676.141 is accepted** as the retention of Standards 3.3.25.1 and 4.3.24.1 appropriately implement the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.
241. It is recommended that the Forest and Bird **submission points 715.397 and 715.439 are accepted** as the amendments sought reflect the current wording of the Standards, therefore there is no change.

Submissions on the discharge of agricultural liquid waste (except dairy farm effluent) to land provisions

242. It is recommended that the NZ Pork **submission point 998.53 is accepted** as the retention of Standard 3.3.26.2 appropriately implements the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.
243. It is recommended that the Forest and Bird **submission points 715.398 and 715.440 are accepted** as the amendments sought reflect the current wording of the Standards, therefore there is no change.

## Matter 3: Depositions in or onto Significant Wetlands containing water.

### Submissions and Assessment

244. For some activities controls are proposed to ensure there are no depositions of substances in or onto Significant Wetlands containing water that could impact on wetland values. Relative to this, the Council received submissions on these types of standards for the activities of – application of an agrichemical (discharge to air), application of an agrichemical into or onto land, and application of fertiliser or lime into or onto land.
245. While some of the wording and configuration of rules for these activities may have changed between previous planning documents and the MEP, in essence these types of standards are a continuation of an approach that has been operating in Marlborough for two decades now.
246. There are many similar standards in the MEP that did not receive submissions, or received only supportive submissions, therefore are not assessed further in this report. A careful approach has been taken in the development of the MEP to ensure consistency throughout Volume 2, therefore it is recommended that should changes to any standards be made, that consideration be given to making consequential changes to all similar provisions to maintain that consistent approach. It is noted however, that there are many submissions in support of the rules as notified so this may not be possible.
247. Below is an assessment of the submissions relating to the deposition of substances in or onto Significant Wetlands containing water by activity. The recommendations for each of the submissions for the whole of Matter 3 are at the end of the Matter 3 section.

### Submissions on application of an agrichemical (discharge to air) provisions

248. Standard 2.22.1.2 is a standard that applies to the Permitted Activity of applying an agrichemical (discharge to air) within road and railway corridors identified on the zoning maps (Rule 2.21.1) and reads as follows – *“The application must not result in the agrichemical being deposited on a....Significant Wetland....that contains water”*.
249. Standard 2.22.1.2 has attracted six submissions, one in support from Trelawne Farm Limited (445.4) and seeking retention of the Standard as notified, two in opposition from W Esson (336.5) and Windermere Forests Limited (1238.43) and seeking removal of the Standard from the MEP, three in opposition from the MFIA (962.141), Nelson Forests Limited (990.34) and Reade Family Holdings (318.5) but seeking amendment of the Standard.
250. Nelson Forests Limited received three further submissions on submission point 990.34, two in support from the MFIA and Ernslaw One Limited, and one in opposition from Forest & Bird. Ernslaw One Limited supports all submission points of Nelson Forests Limited, the MFIA stated the submission point was “reasonable” and Forest & Bird opposes all submission points of Nelson Forests Limited on Volume 2, in particular those seeking to reduce controls over the effects of forestry operations on the natural environment. No other further submissions were received for the remaining submissions.
251. Consideration of the submissions on Standard 2.22.1.2 should bear in mind that the overriding Rule 2.21.1 received no submissions seeking retention or removal of the Rule as notified.
252. Trelawne Farm Limited seeks to retain Standard 2.22.1.2 as notified and simply notes support for the Standard as their reason.
253. W Esson and Windermere Forests Limited seek removal of Standard 2.22.1.2 from the MEP. W Esson is of the view that the Permitted Activity of discharge of an aquatic agrichemical into a waterbody (Rule 2.16.2/Heading 2.17.2) negates the need for Standard 2.22.1.2, however the provisions are for different activities and different types of activities. Rule 2.16.2 is specific to aquatic agrichemicals, it is a discharge to water, it applies everywhere and it is an enabling Rule. Standard 2.22.1.2 applies to agrichemicals in general, it is a discharge to air, applies only to the road/railway corridor and it is a Standard that limits a Rule.

254. Windermere Forests Limited state that the Standard is impossible to comply with but does not elaborate as to why it holds that view. It is noted that neither NZTA or KiwiRail, the most likely users of these provisions, have not submitted any concerns regarding the Standard, or lodged any further submissions for or against submissions relating Standard 2.22.1.2.
255. The MFIA and Nelson Forests Limited state that the Standard is a nonsense as it could not be achieved given the broad definition of river in the RMA. At this point it could be considered that these submissions do not relate specifically to Significant Wetlands and therefore will be covered in another hearing topic, however the submitters do see specific amendments that also would relate to Significant Wetlands. The MFIA seek the following wording change to the Standard – *“The application must not result in the agrichemical being deposited ~~on~~ in a....Significant Wetland....that contains water”*. Nelson Forests Limited seek the following wording change to the Standard – *“The application must not result in the agrichemical being deposited ~~on~~ in water in a....Significant Wetland....~~that contains water~~”*. The changes are inappropriate as the Standard is associated with a discharge to air activity, if agrichemical was being deposited “in” or “in water in” a Significant Wetland then the activity would have to be a discharge to water. The comments in the preceding paragraph regarding NZTA or KiwiRail are relevant to this submission too.
256. Reade Family Holdings also reference the broad nature of the definition of river in the RMA, however the link to Significant Wetlands in its submission is harder to identify. The submitter seeks that the Standard be amended to not allow a chemical to be discharged over flowing or static water. It is not clear how this is really different from the Standard as notified – chemical/agrichemical, discharged over/deposited on, flowing or static water/contains water. The submitter may be able to clarify at the hearing, perhaps it is more relevant in the context of a river.

Submissions on application of an agrichemical into or onto land provisions

257. Standards 3.3.22.3 and 4.3.21.2 are standards that apply to the Permitted Activity of applying an agrichemical into or onto land in the Rural Environment (Rule 3.1.22) and Coastal Environment (Rule 4.1.21) Zones and read as follows – *“The application must not result in the agrichemical being deposited in or on a....Significant Wetland.... that contains water”*.
258. Standard 3.3.22.3 has attracted seven submissions, three in support from Trelawne Farm Limited (445.9), Rarangi Golf Club Incorporated (591.6) and Rarangi Residents (1089.28) and seeking retention of the Standard as notified, two in support from the MFIA (962.188) and PF Olsen Limited (149.39) but seeking amendment of the Standard, and two in opposition from W Esson (336.19) and Windermere Forests Limited (1238.44) and seeking removal of the Standard from the MEP. PF Olsen Limited’s submission point 149.39 received a further submission in support from the MFIA stating the submission point was “sensible”. No other further submissions were received for the remaining submissions.
259. Standard 4.3.21.2 attracted one submission in support from PF Olsen Limited (149.56) but seeking amendment of the Standard, it did not receive any further submissions.
260. Consideration of the submissions on Standards 3.3.22.3 and 4.3.21.2 should bear in mind that the overriding Rule 3.1.22 received 15 submissions in support seeking retention of the Rule as notified, and two submissions opposing the Rule and seeking its removal from the MEP, and the overriding Rule 4.1.21 received no submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP.
261. Trelawne Farm Limited, the Rarangi Golf Club Incorporated and the Rarangi Residents all seek retention of Standard 3.3.22.3 as notified. Trelawne Farm Limited simply notes support for the Standard as their reason, the Rarangi Golf Club Incorporated notes that this is a Standard that it has, and will continue to, comply with, and the Rarangi Residents notes that there are not many wetlands left so it is important to protect them. The Rarangi Residents submission also references including the use of recycling sprayers to avoid spray drift onto Significant Wetlands, it is not clear how this comment relates specifically to Standard 3.3.22.3 but the submitter may elaborate at the hearing.
262. The MFIA submission is not clear, a statement is made that the Standard defaults to discretionary, and there is no decision requested. There is nothing to assess in this submission.

263. PF Olsen Limited seek the following wording change to both Standards 3.3.22.3 and 4.3.21.2 – “*The application must not result in the agrichemical being deposited in or on a....Significant Wetland.... that contains water unless the waterbody is fully covered by vegetative material or slash*”. It is possible that the submitter is referring more to the Standards in the context of a river, which will be dealt with under a separate hearing topic, however it is not clear, so it is appropriate to assess the submission. In the context of a Significant Wetland, if it was fully covered by slash that would be of concern and would suggest non-compliance at some point with plan provisions, and if it was fully covered with vegetative material it is likely to be wetland species (assuming the submitter is referring to living material), either way an exception that enables the deposition of agrichemical in or on a Significant Wetland containing water would be inappropriate and adversely impact wetland values.
264. W Esson and Windermere Forests Limited seek removal of Standard 3.3.22.3 from the MEP. W Esson is of the view that the Permitted Activity of discharge of an aquatic agrichemical into a waterbody (Rule 2.16.2/Heading 2.17.2) negates the need for Standard 3.3.22.3, however the provisions are for different activities and different types of activities. Rule 2.16.2 is specific to aquatic agrichemicals, it is a discharge to water, it applies everywhere and it is an enabling Rule. Standard 3.3.22.3 applies to agrichemicals in general, it is a discharge to land, applies only to the Rural Environment Zone and it is a Standard that limits a Rule. Windermere Forests Limited states that Standard 3.3.22.3 is impossible to comply with but does not elaborate as to why it holds that view.

Submissions on application of fertiliser or lime into or onto land provisions

265. Standards 3.3.23.3, 4.3.22.2 and 19.3.17.3 are standards that apply to the Permitted Activity of applying fertiliser or lime into or onto land in the Rural Environment (Rule 3.1.23), Coastal Environment (4.1.22) and Open Space 3 (Rule 19.1.19) Zones and read as follows – “*The application must not result in the fertiliser being deposited in or on a....Significant Wetland.... that contains water*”.
266. Standard 3.3.23.3 has attracted ten submissions, five in support from K Loe (454.109), Dairy NZ (676.93), Ravensdown Limited (1090.68), Rarangi Golf Club Incorporated (591.11) and Rarangi Residents (1089.29) and seeking retention of the Standard as notified, four in support from the PF Olsen (149.40) MFIA (962.189), Federated Farmers (425.570) and Forest and Bird (715.396) but seeking amendment of the Standard, and one in opposition from M Chapman (348.23) and seeking removal of the Standard from the MEP.
267. Ravensdown Limited received one further submission in opposition from Te Ātiawa, however for the reasons explained in paragraph 23, the further submission is not discussed further. Federated Farmers received three further submissions, two in opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further. Forest & Bird do not support Federated Farmer’s submission as it seeks to remove controls on activities that would have implications for the protection of wetlands. Forest and Bird received four further submissions, all in opposition, from Dairy NZ, Ravensdown Limited, Nelson Forests Limited/Nelson Management Limited and Federated Farmers. Dairy NZ states it would be more preferable to refer to the Spreadmark Code of Practice 2014, Ravensdown Limited is of the view that the 20m setback sought by the submitter is inappropriate, unnecessary and random, Nelson Forests Limited state that imposing addition restrictions is unjustifiable and will impose costs that outweigh the benefits, and Federated Farmers refers back to the relief sought in its own submission as being adequate.
268. Standard 4.3.22.2 has attracted six submissions, two in support from Dairy NZ (676.137) and Ravensdown Limited (1090.95) and seeking retention of the Standard as notified, three in support from the Federated Farmers (425.804), PF Olsen Limited (149.57) and Forest and Bird (715.438) but seeking amendment of the Standard, and one in opposition from S Parkes (339.10) and seeking removal of the Standard from the MEP.
269. Ravensdown Limited received one further submission in opposition from Te Ātiawa, however for the reasons explained in paragraph 23, the further submission is not discussed further. Federated Farmers received three further submissions, two in opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further. Forest & Bird do not support Federated Farmer’s submission as it seeks to remove controls on activities that would have implications for the protection of wetlands. Forest and Bird received two further submissions in

opposition Nelson Forests Limited/Nelson Management Limited and Federated Farmers. Nelson Forests Limited state that imposing addition restrictions is unjustifiable and will impose costs that outweigh the benefits, and Federated Farmers refers back to the relief sought in its own submission as being sufficient to address concerns.

270. Standard 19.3.17.3 has attracted one submission in support from the Federated Farmers (425.834) but seeking amendment of the Standard. Federated Farmers received three further submissions, two in opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further. Forest & Bird do not support Federated Farmer's submission as it seeks to remove controls on activities that would have implications for the protection of wetlands.
271. Consideration of the submissions on Standards 3.3.23.3, 4.3.22.2 and 19.3.17.3 should bear in mind that the overriding Rule 3.1.23 received 16 submissions in support seeking retention of the Rule as notified, and two submissions opposing the Rule and seeking its removal from the MEP, the overriding Rule 4.1.22 received one submission in support seeking retention of the Rule as notified, and the overriding Rule 19.1.19 received two submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP.
272. K Loe, Dairy NZ, Ravensdown Limited, Rarangi Golf Club Incorporated and Rarangi Residents all seek retention of Standard 3.3.23.3 as notified, and Dairy NZ and Ravensdown Limited both seek retention of Standard 4.3.22.2 as notified. All of the submitters simply note support for the Standards as their reason.
273. PF Olsen Limited seeks the same changes to Standards 3.3.23.2 and 4.3.22.2 as sought for Standard 3.3.22.3, which in effect means they seek the following change (in bold) – *“The application must not result in the fertiliser being deposited in or on a....Significant Wetland.... that contains water **unless the waterbody is fully covered by vegetative material or slash**”*. It is possible that the submitter is referring more to the Standards in the context of a river, which will be dealt with under a separate hearing topic, however it is not clear, so it is appropriate to assess the submission. In the context of a Significant Wetland, if it was fully covered by slash that would be of concern and would suggest non-compliance at some point with plan provisions, and if it was fully covered with vegetative material it is likely to be wetland species (assuming the submitter is referring to living material), either way an exception that enables the deposition of fertiliser in or on a Significant Wetland containing water would be inappropriate and adversely impact wetland values.
274. The reasons for MFIA submission are not clear, a statement is made that the Standard defaults to discretionary. The decision requested is “Treat in the same manner as 2.22.1.2”. Standard 2.22.1.2 states - *“The application must not result in the agrichemical being deposited on a....Significant Wetland....that contains water.”* As this is essentially the exact same wording as Standard 3.3.23.3 it is assumed that the MFIA actually support the Standard as notified.
275. Federated Farmers support Standards 3.3.23.3, 4.3.22.2 and 19.3.17.3 but seek the following amendment (in bold) - *“The application must not result in the fertiliser being **intentionally** deposited in or on a....Significant Wetland.... that contains water.”* In the submission on Standard 4.3.22.2, Federated Farmers submits that agrichemicals are already regulated by HSNO, the Agrichemical Standard NZS8409 and fertilisers in particular under the Fertilisers (Subsidiary Hazard) Group Standards. The writers are not experts on these instruments, however note that the Fertiliser Association advises that while HSNO is relevant, the RMA is the principal legislation affecting the application of fertiliser, the writers observe that NZS8409 does not appear to apply to fertilisers (Section 1.1.2), and further that the Fertilisers (Subsidiary Hazard) Group Standard does not appear to cover the use of fertilisers around wetlands. In the writers view the amendment is likely to render the Standard somewhat redundant as anyone who deposits fertiliser in or on a Significant Wetland could simply say it was not intentional to avoid any compliance action. The Standard if amended as sought by Federated Farmers would not support the higher provisions seeking the protection of wetland values.
276. Forest and Bird support Standards 3.3.23.3 and 4.3.22.2 but seek the an amendment to require a setback of 20m between the application of fertiliser and a Significant Wetland. The submitter offers no information to support the amendments sought. As the Standards were mindfully drafted by the authors of the MEP as the result of an extensive review process, without some argument as to why

the Standards as notified are not effective and amendments to include a 20m buffer are necessary, it is not possible for the writers to conclude that the amended Standards would better implement the Volume 1 provisions around the protection of wetland values.

277. M Chapman seeks the removal of Standard 3.3.23.3 from the MEP. M Chapman explains in his submission that aerial topdressing is the backbone of pastoral hill country farming and it would be non-compliant due to extensive waterway systems. The writers agree with submitter that aerial topdressing would not be able to comply with Standard 3.3.23.3, it would therefore be a Discretionary Activity under Rule 3.6.12. The requirement for a resource consent to be obtained for the aerial application of fertiliser where it will be deposited in or on a Significant Wetland that contains water is purposeful, and a continuation of the existing approach under the WARMP, which also requires a resource consent. High country wetlands have unique and vulnerable ecosystems that are very susceptible to changes in nutrients. The deposition of fertiliser onto a wetland containing water could have a significant impact on its indigenous biodiversity values.
278. S Parkes opposes Standard 4.3.22.2 and it has been inferred from her submission that she seeks the removal of the Standard from the MEP. S Parkes expresses the view that farmers do not want to waste their money but with precision placement from machinery they can now be very accurate. It is not clear what the submitters concerns are with this Standard as farmers operating as S Parkes describes will be compliant with the Standard at no additional cost to them.

## Recommendations

### Submissions on application of an agrichemical (discharge to air) provisions

279. It is recommended that Trelawne Farm Limited's **submission point 445.4 is accepted** as the retention of Standard 2.22.1.2 appropriately implements the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.
280. It is recommended that the W Esson's **submission point 336.5 is rejected** as Rule 2.16.2 does not negate Standard 2.22.1.2 as submitted.
281. It is recommended that the Windermere Forests Limited's **submission point 1238.43 is rejected** as there is insufficient information in the submission for the writers to conclude that the removal of Standard 2.22.1.2 would protect wetland values as sought through the provisions of Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.
282. It is recommended that the MFIA **submission point 962.141 is rejected** and Nelson Forest **submission point 990.34 is rejected** as the changes sought are inappropriate as the Standard is associated with a discharge to air not a discharge to water.
283. It is recommended that the Reade Family Holdings' **submission point 318.5 is rejected** as there is insufficient information in the submission for the writers to conclude that amendments alluded to would protect wetland values as sought through the provisions of Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP better than the Standard as notified.

### Submissions on application of an agrichemical into or onto land provisions

284. It is recommended that Trelawne Farm Limited's **submission point 445.9 is accepted**, the Rarangi Golf Club Incorporated **submission point 591.6 is accepted**, and the Rarangi Residents **submission point 1089.28 is accepted** as the retention of Standard 3.3.22.3 appropriately implements the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.
285. It is recommended that the MFIA **submission point 962.188 is rejected** as the submission is not clear and there is no decision requested.

286. It is recommended that the PF Olsen Limited **submission points 149.39 and 149.56 are rejected** as an exception that enables the deposition of agrichemical or fertiliser in or on a Significant Wetland containing water would be inappropriate and adversely impact wetland values.
287. It is recommended that the W Esson's **submission point 336.19 is rejected** as Rule 2.16.2 does not negate Standard 3.3.22.3 as submitted.
288. It is recommended that the Windermere Forests Limited's **submission point 1238.44 is rejected** as there is insufficient information in the submission for the writers to conclude that the removal of Standard 3.3.22.3 would protect wetland values as sought through the provisions of Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.

Submissions on application of fertiliser or lime into or onto land provisions

289. It is recommended that K Loe's **submission point 454.109**, the Dairy NZ **submission points 676.93 and 676.137**, the Ravensdown Limited **submission points 1090.68 and 1090.95**, the Rarangi Golf Club Incorporated **submission point 591.11** and the Rarangi Residents **submission point 1089.29 are accepted** as the retention of Standard 3.3.23.3 appropriately implements the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.
290. It is recommended that the PF Olsen Limited **submission points 149.40 and 149.57 are rejected** as an exception that enables the deposition of agrichemical or fertiliser in or on a Significant Wetland containing water would be inappropriate and adversely impact wetland values.
291. It is recommended that the MFIA **submission point 962.189 is accepted** on the basis that no actual amendment is sought in the submission point and the retention of Standard 3.3.23.3 appropriately implements the provisions in Chapter 8 (Indigenous Biodiversity) in Volume 1 of the MEP.
292. It is recommended that the Federated Farmers **submission points 425.570, 425.804 and 425.834 are rejected** as the Standard if amended as sought would not support the higher provisions seeking the protection of wetland values.
293. It is recommended that the Forest and Bird **submission points 715.396 and 715.438 are rejected** as it is not possible, with the lack of information in the submission, for the writers to conclude that the amended Standard would better implement the Volume 1 provisions around the protection of wetland values.
294. It is recommended that M Chapman's **submission point 348.23 is rejected** as the notified provisions are appropriate to ensure the protection of the indigenous biodiversity values of Significant Wetlands.
295. It is recommended that S Parkes' **submission point 339.10 is rejected** as if farmers operate as the submitter describes they will be compliant with the Standard at no additional cost to them. If appliers of fertiliser do not operate as S Parkes' indicates then this Standard will remain an effective tool in protecting wetland values.



## Matter 4: Standards relating to tree felling and Significant Wetlands.

### Submissions and Assessment

296. The woodlot forestry harvesting and non-indigenous vegetation clearance rules include standards around felling trees and managing felled trees, in relation to Significant Wetlands.
297. While some of the wording and configuration of rules for these activities may have changed between previous planning documents and the MEP, in essence the standards represent a continuation of an approach that has been operating in Marlborough for two decades now.
298. There are many similar standards in the MEP that did not receive submissions, or received only supportive submissions, therefore are not assessed further in this report. A careful approach has been taken in the development of the MEP to ensure consistency throughout Volume 2, therefore it is recommended that should changes to any standards be made, that consideration be given to making consequential changes to all similar provisions to maintain that consistent approach. It is noted however, that there are many submissions in support of the rules as notified so this may not be possible.
299. Below is an assessment of the submissions relating to tree felling and Significant Wetlands by activity. The recommendations for each of the submissions for the whole of Matter 4 are at the end of the Matter 4 section.

### Submissions on woodlot forestry harvesting provisions

300. Standard 4.3.8.7 is a standard that applies to the Permitted Activity of woodlot forestry harvesting in the Coastal Environment Zone (Rule 4.1.8) and reads as follows – “*All trees must be felled away from a....Significant Wetland....*”, and Standard 4.3.8.8 is a standard that applies to the Permitted Activity of woodlot forestry harvesting in the Coastal Environment Zone and reads as follows – “*No tree or log must be dragged through the bed of a....Significant Wetland....*”.
301. Standards 4.3.8.7 and 4.3.8.8 have each attracted one submission in support from M and K Gerard (424.152 and 424.153) but seeking amendment of the Standards. No further submissions were received on either submission point.
302. Consideration of the submissions on Standard 4.3.8.7 should bear in mind that the overriding Rule 4.1.8 received one submission in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP.
303. M and K Gerard are of a view that there needs to some flexibility to allow the ability to remove wood that has mistakenly fallen into, or within 8m of, waterways. Submission points 424.152 and 424.153 make no specific reference to felling trees away from wetlands or the dragging of a tree through a wetland. M and K Gerard have lodged the same submission against Standard 4.3.8.10, which is about operating machinery within 8m of a Significant Wetland, the reason given for their submission suggests their concerns would be better addressed relative to Standard 4.3.8.10, so submission points 424.152 and 424.153 are not assessed further.

### Submissions on non-indigenous vegetation clearance provisions

304. Standards 3.3.12.5, 3.3.12.6, 4.3.11.5 and 4.3.11.6 are standards that apply to the Permitted Activity of non-indigenous vegetation clearance in the Rural Environment (Rule 3.1.12) and Coastal Environment (Rule 4.1.11) Zones. Standards 3.3.12.5 and 4.3.11.5 read as follows – “*All trees must be felled away from a....Significant Wetland....*”. And Standards 3.3.12.6 and 4.3.11.6 read as follows – “*No tree or log must be dragged through the bed of a....Significant Wetland....*”.
305. Standard 3.3.12.5 has attracted two submissions in support from Nelson Forests Limited (990.100) and Ernslaw One (505.34) but seeking amendment of the Standard. Nelson Forests Limited received two further submissions, one in general support from Ernslaw One Limited, and one from Forest and Bird that opposes all submission points of Nelson Forests Limited on Volume 2. Ernslaw One

received one further submission from Trustpower Limited that opposes the submitter's proposed revision of Standard 3.3.12.5 as it does not consider the revision to be appropriate for a Permitted Activity standard due to the uncertainty with the revision.

306. Standard 3.3.12.6 has attracted two submissions, one in support from S and R Adams (321.2) but seeking amendment of the Standard, and one in opposition from Nelson Forests Limited (990.96) but seeking amendment of the Standard. Nelson Forests Limited received two further submissions, one in general support from Ernslaw One Limited, and one from Forest and Bird that opposes all submission points of Nelson Forests Limited on Volume 2. S and R Adams received no further submissions.
307. Standard 4.3.11.5 has attracted two submissions in support from M and K Gerard (424.159) and Nelson Forests Limited (990.136) but seeking amendment of the Standard. And Standard 4.3.11.6 has attracted one submission in support from M and K Gerard (424.160) but seeking amendment of the Standard. Nelson Forests Limited received two further submissions, one in general support from Ernslaw One Limited, and one from Forest and Bird that opposes all submission points of Nelson Forests Limited on Volume 2. M and K Gerard received no further submissions.
308. Consideration of the submissions on Standards 3.3.12.5, 3.3.12.6, 4.3.11.5 and 4.3.11.6 should bear in mind that the overriding Rule 3.1.12 received three submissions in support seeking retention of the Rule as notified, and one submission opposing the Rule and seeking its removal from the MEP, and the overriding Rule 4.1.11 received two submission in support seeking retention of the Rule as notified, and no submissions opposing the Rule and seeking its removal from the MEP.
309. Nelson Forests Limited seek to extend Standards 3.3.12.5 and 4.3.11.5 (or add new standards) that state – *“Notwithstanding 3.3.12.5 (or 4.3.11.5), where trees are leaning over a....Significant Wetland...., they must be felled in accordance with industry safety practices.”* Nelson Forests Limited is of the view that the Standards lack the sound provision of Standard 3.3.7.10 (associated with commercial forestry harvesting), and that this is required to provide for leaning trees to be safely felled and extracted, and provide a practical approach to vegetation clearance. Similarly, Nelson Forests Limited seek to amend Standard 3.3.12.6 to state – **“Except for trees felled in accordance with 3.3.12, no tree or log ~~must~~ may be dragged through the bed of a....Significant Wetland...”**. Nelson Forests Limited of the view that an exception needs to be provided for the removal of trees felled in accordance with industry safety practices.
310. In a similar vein to Nelson Forests Limited, forestry company Ernslaw One seek to amend Standard 3.3.12.5 as follows – *“All trees must be felled away from a....Significant Wetland...., **where safe and practicable to do so**”*. The submitter provides no reason for the amendment sought.
311. The provisions of the MEP relating to commercial (plantation) forestry are to be reviewed in response to the NESPF. The NESPF includes vegetation clearance provisions therefore, it is recommended that the submissions of Nelson Forests Limited and Ernslaw One Limited on Standards 3.3.12.5, 3.3.12.6 and 4.3.11.5 are deferred and considered at a later time as part of the forestry hearing topic..
312. M and K Gerard are of a view that there needs to some flexibility to allow the ability to remove wood that has mistakenly fallen into, or within 8m of, waterways. Submission point 424.159 on Standard 4.3.11.5 and submission point 424.160 on Standard 4.3.11.6 make no specific references to felling trees away from wetlands or the dragging of a tree through a wetland as part of non-indigenous vegetation removal. M and K Gerard have lodged the same submission against Standard 4.3.8.10, which is about operating machinery within 8m of a Significant Wetland, the reason given for their submission suggests theirs concerns would be better addressed relative to Standard 4.3.8.10, so submission points 424.159 and 424.160 are not assessed further.
313. S and R Adams seek to amend Standard 3.3.12.6 as follows – *“No tree or log must be dragged through the bed of a....Significant Wetland...**except for the removal of flood debris**”*. S and R Adams are of the view that there is a need to be able to clear vegetation that has been deposited as the result of a flood event and, if such debris is not removed, flooding of productive land routinely occurs. As in its full text this Standard also applies to the beds of rivers, it seems likely that this submission is relevant more in that context, however the amendment affects the whole Standard so is considered. It is unlikely that debris deposited into a Significant Wetland during a flood would in itself cause flooding, and it may be that the impact of removing the debris on the values of the wetland may be greater than the impact of leaving the debris where it landed. Therefore, it would be appropriate to

assess the effects of removing the debris through a resource consent process if it could not be removed through Permitted Activity provisions.

## Recommendations

### Submissions on woodlot forestry harvesting provisions

314. It is recommended that the M and K Gerard's **submission points 424.152 and 424.153 are rejected** as the Standards are an appropriate response to the objectives and policies around the protection of Significant Wetland values.

### Submissions on non-indigenous vegetation clearance provisions

315. It is recommended that the S and R Adams **submission point 321.2 is rejected** as the amendment sought to Standard 3.3.12.6 is not appropriate in the context Significant Wetlands and the protection of their values.
316. It is recommended that the M and K Gerard's **submission points 424.159 and 424.160 are rejected** as the Standards are an appropriate response to the objectives and policies around the protection of Significant Wetland values.
317. It is recommended that the consideration of Nelson Forests Limited **submission points 990.96, 990.100 and 990.136**, and the Ernslaw One **submission point 505.34 are deferred** until the forestry hearing topic due to the NESPF to come into force on 1 May 2018.

## Matter 5: Pest plant removal from Significant Wetlands.

### Submissions and Assessment

318. In some zones the removal of pest plants from Significant Wetlands by chemical means has been enabled through Permitted Activity rules for the discharge of aquatic herbicide and glyphosate to land.
319. While some of the wording and configuration of rules for these activities may have changed between previous planning documents and the MEP, in essence the standards represent a continuation of an approach that is currently operating in Marlborough, or greater enablement than the existing approach.
320. Some submissions have been received on the Heading number that relates to a rule, in these cases all of the points on the rule number and the heading number are combined and considered together.
321. There are many similar standards in the MEP that did not receive submissions, or received only supportive submissions, therefore are not assessed further in this report. A careful approach has been taken in the development of the MEP to ensure consistency throughout Volume 2, therefore it is recommended that should changes to any standards be made, that consideration be given to making consequential changes to all similar provisions to maintain that consistent approach. It is noted however, that there are many submissions in support of the rules as notified so this may not be possible.
322. Below is an assessment of the submissions relating to pest plant removal by chemical discharge to land in a Significant Wetlands. The recommendations for each of the submissions for the whole of Matter 5 are at the end of the Matter 5 section.

### Submissions on pest plant removal by chemical discharge to land provisions

323. Rules 3.1.27, 4.1.26 and 19.1.18 are Permitted Activity rules for the “*discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland*”. These rules are in the Rural Environment, Coastal Environment and Open Space 3 Zones, respectively. The associated Headings numbers are 3.3.27, 4.3.26 and 19.3.16. Each rule has four associated standards, the submissions on these will be assessed separately in Matter 5, after the rules.
324. Federated Farmers submitted in opposition to Rule 3.1.27 (425.575), Heading 4.3.26 (425.673) and Rule 19.1.18 (425.745) and seeking removal of the provisions from the MEP. In each instance, Federated Farmers received three further submissions, two in opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further. Forest & Bird do not support Federated Farmer’s submissions as they seek to remove controls on activities in the rural zones that would have implications for the protection of wetlands.
325. The content of Federated Farmers submissions suggests its main issue is with the use of Appendix 25. They have submitted directly on Appendix 25, therefore this aspect of the submissions is dealt with under Matter 6. Federated Farmers do however, go further and state that aquatic herbicides are already regulated by HSNO and applications have to be made to the EPA for permission to use aquatic herbicides, therefore these provisions should be removed from the MEP. These are enabling Permitted Activity provisions and, if they were removed, people would have to apply for a resource consent to carry out these discharge to land activities. The plan review process has determined that, with standards being met, these activities can be conducted without an unacceptable impact on wetland values and the writers remain comfortable with that position.
326. Rule 19.1.18 also received a submission in opposition from P Rene (1024.1) seeking the addition of a new standard. P Rene received a further submission from Te Ātiawa as they support the protection of cultural and spiritual recognitions being include outside of Volume 1, Chapter 3. P Rene seek the addition of the following Standard – “*The discharge must not be in or on a Significant Wetland on D’Urville Island*”. P Rene explains that the Significant Wetlands on D’Urville Island are used for customary harvesting by Māori and the use of any toxins as a means of pest control are opposed. Customary harvesting (eeling) is an existing activity that has been occurring since before the MSRMP, the Significant Wetlands are also upstream of a drinking water source.

327. Exclusions of this nature are not elsewhere in the plan with regards to Significant Wetlands, however to the writer's knowledge it has not been requested before. It would be useful to get clarification from the submitter as to whether the new standard proposed is truly meant to apply to all Significant Wetlands on D'Urville Island, or select wetlands. Of particular note, is that there are many Significant Wetlands on D'Urville Island and a lot of them are within the Coastal Environment Zone but P Rene has not lodged the same submission on the corresponding rule in the Coastal Environment Zone. This may be deliberate as it has the effect of limiting the impact of the standard sought, but this along with the very specific reference to drinking water sources downstream suggests perhaps specific wetlands are the focus rather than them all. It would be useful to have this clarified before commenting further on P Rene's submission, however if no further information is forthcoming it is recommended that the new standard is not added to Rule 19.1.18.
328. Heading 3.3.27 attracted submissions in support from Horticulture NZ (769.107) and Rarangi Residents (1089.13) but seeking amendment of the Standard. Horticulture NZ have lodged the same submission in point 769.137 against Appendix 25, therefore both of these submission points are dealt with under Matter 6 and submission point 769.107 is not assessed further here. The Rarangi Residents submission will be dealt with in a later hearing topic on water quality as their concerns in this particular submission point are around the potential contamination of the Rarangi Shallow Aquifer.
329. Standards 3.3.27.1 and 4.3.26.1 are standards that apply to the Permitted Activity of the discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland in the Rural Environment (Rule 3.1.27) and Coastal Environment (Rule 4.1.26) Zones and reads as follows – "*Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard are the only vegetation that may be sprayed.*"
330. Standards 3.3.27.1 attracted one submission in support from Forest and Bird (496.98) but seeking amendment of the Standard. A further submission was received in opposition from Nelson Forests Limited stating that imposing additional restrictions is unjustifiable and it imposes costs that outweigh the benefits.
331. Forest and Bird seek the addition of Chinese Privet and Banana Passion Vine to the Pest Plants in the Standard. It has been recommended elsewhere in this report that all relevant species of plant that it is desirable to remove from Significant Wetlands are listed in Appendix 25 rather than some listed there and some in the standards. The details of this are discussed under Matter 6. In essence the submitters request to add two species of Pest Plants is supported, although it is preferable they are added to Appendix 25 rather than Standard 3.3.27.1.
332. Standards 4.3.26.1 attracted one submission in opposition from M and K Gerard (424.165) but seeking amendment of the Standard. No further submissions were received. M and K Gerard seek the amendment of the wording of Standard 4.3.26.1 to read as follows – "~~*Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man's beard*~~ **Exotic species** are the only vegetation that may be sprayed."
333. M and K Gerard are of a view that the list of Pest Plants is not comprehensive enough to cover all the exotic weeds they have occurring in their wetlands and which they need to control. It would also preclude them spraying pasture grass for spot spraying for the planting of natives in a restoration project. This issue is fully discussed under Matter 6, and in particular the writers view that it would be inappropriate to enable the clearance of all exotic species from wetlands. This approach is not recommended as many of the delicate ecosystems within wetlands are supported by some lesser known and less obvious species that are exotic.
334. Consideration of the submissions on Standards 3.3.27.1 and 4.3.26.1 should bear in mind that the overriding Rules 3.1.27 and 4.1.26 received no submissions seeking retention or removal of the Rules from the MEP.
335. Standard 19.3.16.3 is a standard that applies to the Permitted Activity of the discharge of aquatic herbicide and glyphosate into or onto land for the purposes of removing pest plants in a Significant Wetland in the Open Space 3 Zone (Rule 19.1.18) and reads as follows – "*The application must be undertaken in accordance with the manufacturer's instructions, if consistent with any requirements of the Environmental Protection Authority.*"

336. In effect Standard 19.3.16.3 attracted one submission in support from DOC, however technically DOC lodged two submissions (479.255 and 479.256) against Rule 19.1.18 and Heading 19.3.16 but seeking an outcome specific to Standard 19.3.16.3. The DOC submissions received further submissions in support from Te Ātiawa.
337. Consideration of the submissions on Standard 19.3.16.3 should bear in mind that the overriding Rule 19.1.18 received no submissions seeking retention or removal of the Rules from the MEP.
338. DOC is of the view that Standard 19.3.16.3 should be deleted given the wording of Standards 19.3.16.2 and 19.3.16.4. Standard 19.3.16.2 states the following – *“The aquatic herbicide or glyphosate must be approved for aquatic use by the Environmental Protection Authority”*, and Standard 19.3.16.4 states the following – *“Application rates must not exceed those required by the Environmental Protection Authority or, if none, those stated on the most recent product label for the relevant application equipment or method and target species”*. No reason or further information is provided to explain the rationale for the decision sought.
339. Looking at Standards 19.3.16.2 and 19.3.16.3, they do not say the same thing, just because an aquatic herbicide or glyphosate is approved, does not in of itself mean a user will undertake the application of the aquatic herbicide or glyphosate in accordance with the manufacturer’s instructions. Looking at Standards 19.3.16.3 and 19.3.16.4, there are similarities in these two standards and perhaps they could be combined and refined but that may be out of scope given DOC seek deletion of Standard 19.3.16.3. Without a better understanding of DOC’s concern about the Standards as they are, it is difficult to appreciate the issue that it seeks to resolve by deleting the Standard, it is assumed it is likely to be more than simply pointing out superfluous text.

## Recommendations

340. It is recommended that the Federated Farmers **submission points 425.575, 425.673 and 425.745 are rejected** as the plan review process has determined that, with standards being met, these activities can be conducted without an unacceptable impact on wetland.
341. It is recommended that P Rene’s **submission point 1024.1 is rejected** in the absence of further information to clarify the scope of the issues the new standard seeks to address.
342. On the basis that it is within the scope of the decision sought by Forest and Bird to implement the changes through Appendix 25 instead of Standard 3.3.2.1, it is recommended that the Forest and Bird **submission point 496.98 is accepted**.
343. It is recommended that M and K Gerard’s **submission point 424.165 is rejected** as the replacement of specified Pest Plants with a general enablement for all exotic species would not support the intent of the provisions of Volume 1, Chapter 8 (Indigenous Biodiversity) to protect the values of Significant Wetlands.
344. It is recommended that the DOC **submission points 479.255 and 479.256 are rejected** in the absence of further information to clarify the amendment to Standard 19.3.16.3 sought.

## Matter 6: Appendix 25 – Pest Plants

### Submissions and Assessment

345. Appendix 25 contains a list of eight pest plants. With the exception of Standard 2.17.2.1, the only references to Appendix 25 in the MEP are in standards for rules in Volume 2 relating to the removal of plants from Significant Wetlands. Specifically, Standards 3.3.27, 4.3.26.1, 7.3.8.3, 8.3.10.1, 17.3.3.3, 18.3.4.3 and 19.3.4.3. Standard 2.17.2.1 is associated with a discharge to water rule and will be considered under a different hearing topic. If changes are made to Appendix 25 as a result of this report on Significant Wetlands, then that will need to be taken into consideration at a later stage relative to Standard 2.17.2.1.
346. Appendix 25 has attracted six submissions, five from Fish and Game (509.405), Horticulture NZ (769.137), KCSRA (869.44), Ngāti Kuia (501.87) and W Lissaman (255.22) seek amendments to the Appendix and one from Federated Farmers (425.776) seeks deletion of Appendix 25.
347. Fish and Game received one further submission in opposition from Pernod Ricard which, for the reasons explained in paragraph 22, is not discussed further. Fish and Game seek the addition of 10 further plants to Appendix 25 but provide no explanation for the decision sought.
348. Horticulture NZ received one further submission in opposition from Te Ātiawa which, for the reasons explained in paragraph 23, is not discussed further. Horticulture NZ seek the addition to Appendix 25 of plants that are unwanted organisms, or infected by unwanted organisms as declared by MPI Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993 but provide no explanation for the decision sought. Horticulture NZ lodged the same submission under point 769.107 against Heading 3.3.27, this assessment under Matter 6 can be considered to cover both submission points. There is concern about the uncertainty created by specifying “*unwanted organisms*” in the Appendix, even with the detail about how or by whom they would be identified. The Biosecurity Act gives the Council the power to declare and implement small scale management programmes that contain measures to eradicate or control an unwanted organism if the Council is satisfied that the organisms presence in the region could cause serious adverse and unintended effects unless early action is taken to control it. In the writer’s view it would be preferable to rely on these powers rather than create uncertainty within the provisions associated with Appendix 25.
349. W Lissaman received no further submissions to his submission. Mr Lissaman seeks the addition of Chilean Needle Grass to Appendix 25 as is by far Marlborough’s biggest pest plant in his view.
350. KCSRA received no further submissions to its submission. The KCSRA seek the addition of Old Mans Beard (*Clematis vestalba*), Banana Passionfruit (*Passiflora sps*) and Gorse (*Ulex europeans*) to Appendix 25. The focus of the reasons for the submission is the poor state of the Council’s reserves in some parts of the Sounds, in the view of the submitter. It would appear that the submitter has taken Appendix 25 out of context and considered it to be relevant to plant pest control outside of a Significant Wetland setting, KCSRA may clarify its submission in this regard at the hearing.
351. Ngāti Kuia received one further submission in support from Te Ātiawa. Ngāti Kuia did not request a specific decision, however the reason provided suggests that they are concerned about not being consulted on the development of Appendix 25. Ngāti Kuia were not specifically consulted on Appendix 25 but were on higher level provisions, particularly the Indigenous Biodiversity provisions (Chapter 8) in Volume 1 of the MEP. Ngāti Kuia may be able to advise any changes sought to Appendix 25 at the hearing.
352. Federated Farmers received three further submissions, two in opposition from Te Ātiawa and Forest & Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further. Forest & Bird do not support Federated Farmer’s submission as it seeks to remove controls on activities in the rural zone that would have implications for the protection of wetlands. Federated Farmer’s seek removal of the Appendix and for landowners to be able to remove exotic species from Significant Wetlands without limitation.
353. The plants identified in Appendix 25 are those introduced species that are potentially found in wetlands and that are included in the Regional Pest Management Plan for Marlborough. In preparing

the MEP and seeking to set parameters around plant removal from Significant Wetland's, alignment with the Regional Pest Management Plan was considered an appropriate approach. However, this did result in the plant species in Appendix 25 being limited as under the Biosecurity Act 1993, under which the Regional Pest Management Plan was prepared, pest plants have a specific meaning. This is the reason why there are additional plant species that have been listed in standards as being acceptable for removal that are not included in Appendix 25 (i.e. willow, blackberry, broom, gorse and old man's beard).

354. Given that the use of Appendix 25 is very specifically associated with Significant Wetland related standards, we propose that references to "*pest plants*" in the standards be replaced with "*plants*" and that the heading for Appendix 25 be changed to "*Plants unwanted in Significant Wetlands*". These would be appropriate consequential changes from the submissions seeking changes to the content of Appendix 25. In effect this would break the link back to the Regional Pest Management Plan and the restriction in relation to the meaning of pest plants under the Biosecurity Act 1993. This then enables all appropriate plants to be listed in Appendix 25 and for the relevant standards to simply reference the Appendix, for example, standard would be amended to read – "~~*Pest Plants identified in the Appendix 25 and willow, blackberry, broom, gorse and old man's beard*~~ are the only vegetation that may be...".
355. All of the specific plant species identified by submitters that are sought to be included in Appendix 25 are appropriate additions, and the Appendix should be amended accordingly (see below). The submission of Federated Farmers, which seeks the removal of Appendix 25 completely in favour of enabling the clearance of all exotic species from wetlands has been considered. This approach is not recommended as many of the delicate ecosystems within wetlands are supported by some lesser known and less obvious species that are exotic. It is also unrealistic to expect landowners to have knowledge of all plants that may be around a wetland and whether they are exotic or not, this uncertainty also creates a risk that "*if in doubt*" plants will be removed through real or convenient ignorance. If the plant species that can be removed from in and around Significant Wetlands are explicit in an appendix then all parties know where they stand, and if landowners/contractors are uncertain about particular plants, they know exactly which ones to educate themselves about.

## Recommendations

356. The following amendments are recommended to Appendix 25 –

### Appendix 25

#### **Pest Plants unwanted in Significant Wetlands**

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



Common Name	Scientific Name
Purple Loosestrife	<i>Lythrum salicaria</i>
<b>Willow</b>	<b><i>Salix sp</i></b>
<b>Blackberry</b>	<b><i>Rubus fruticosus agg</i></b>
<b>Broom</b>	<b><i>Cytisus scoparius</i></b>
<b>Gorse</b>	<b><i>Ulex europeans</i></b>
<b>Old Man's Beard</b>	<b><i>Clematis vestalba</i></b>
<b>Chilean Needle Grass</b>	<b><i>Nassella neesiana</i></b>
<b>Banana Passionfruit</b>	<b><i>Passiflova sps</i></b>
<b>Hawthorn</b>	<b><i>Crataegus monogyna</i></b>
<b>Briar rose</b>	<b><i>Rosa rubiginosa</i></b>
<b>Pampass</b>	<b><i>Cortaderia selloana and Cortaderia jubata</i></b>
<b>Yellow flag iris</b>	<b><i>Iris pseudacorus</i></b>
<b>Alders</b>	<b><i>Alnus glutinosa</i></b>
<b>Wattles</b>	<b><i>Acacia sp</i></b>
<b>Wilding conifers</b>	
<b>Wilding kiwifruit</b>	<b><i>Actinidia sp</i></b>
<b>Chinese Privet</b>	<b><i>Ligustrum sinense</i></b>

357. It is recommended that consequential changes are made, should the Panel accept the writer's recommendations for Matter 6, to amend all standards in the MEP that reference Appendix 25 (except Standard 2.17.2.1) as follows – "~~Pest Plants identified in the Appendix 25 and willow, blackberry, broom, gorse and old man's beard~~ are the only vegetation that may be....".
358. It is recommended that the Fish and Game **submission point 509.405 is accepted** as the plant species sought to be added to Appendix 25 are appropriate.
359. It is recommended that the Horticulture NZ **submission point 769.107 and 769.137 is rejected** as the plant species sought to be added to Appendix 25 have not been specifically identified.
360. It is recommended that the KCSRA **submission point 869.44 is accepted** as the plant species sought to be added to Appendix 25 are appropriate.
361. It is recommended that the Ngāti Kuia **submission point 501.87 is rejected** as no specific decision is sought, although the submitters concerns around consultation are noted.
362. It is recommended that W Lissaman's **submission point 255.22 is accepted** as the species of plant sought to be added to Appendix 25 is appropriate.

363. It is recommended that the Federated Farmers **submission point 425.776 is rejected** as the removal of Appendix 25 would not support the intent of the provisions of Volume 1, Chapter 8 (Indigenous Biodiversity) to protect the values of Significant Wetlands.
364. On the basis that it is within the scope of the decision sought by Forest and Bird to implement the changes through Appendix 25 instead of Standard 3.3.2.1, it is recommended that the Forest and Bird **submission point 496.98 is accepted**.

## Matter 7: Mapping - general.

### Submissions and Assessment

365. The following submitters all seek the protection of Significant Wetlands and the retention of the mapped Significant Wetlands in the MEP. No further submissions were received on these submission points, with the exception of the QEII Trust submission point 1265.4 that had a further submission in support from Federated Farmers, however the content of the further submission is not relevant to the Zoning Maps.
366. R and L Hill (378.16), Millen Associates Limited (972.15), A Doole (524.15), A Parr (529.15), A Millen (532.15), C McBride (594.15), C McLean (598.15), C Soderberg (599.15), D McBride (662.15), F Chaytor (701.15), J Rossell (827.15), J Tillman (833.15), K Raeburn (861.15), K Walshe (865.15), M Dewar (915.15), Silverwood Partnership (1049.15), T Stein (1179.16), The Sunshine Trust (1194.15), V Frei (1209.15), W Oliver (1228.15), W Tillman (1230.15), R Heta (1066.15), S Browning (1109.15) and QEII Trust (1265.4).
367. Forest and Bird's submission point 715.429 also seeks the protection of Significant Wetlands and the retention of the mapped Significant Wetlands in the MEP, however it received two further submissions in opposition from Nelson Forests Limited and Federated Farmers. Nelson Forest is of the view that the decision the submitter seeks imposes additional restrictions that are unjustifiable and imposes costs that outweigh benefits. Federated Farmers reason for the further submission discusses SNA's at length and indigenous biodiversity generally, however it is not clear what its particular concern is regarding the Forest and Bird's submission on the mapping of Significant Wetlands.
368. Federated Farmer's submission point 425.779 seeks that the Council undertake to ground-truth all sites through a comprehensive wetlands assessment before they are included in the MEP, and that the Council delete the mapped wetlands until landowner consultation and the ground-truthing assessment has been adequately completed. Federated Farmer's submission received three further submissions, two in opposition from Te Ātiawa and Forest and Bird, and one in support from Pernod Ricard. For the reasons explained in paragraphs 22 and 23, the further submissions from Te Ātiawa and Pernod Ricard are not discussed further. Forest & Bird do not support Federated Farmer's submission as it seeks to remove controls on activities in the rural zone that would have implications for the protection of wetlands and indigenous biodiversity.
369. As discussed elsewhere in this report, there was a Significant Wetland landowner consultation process that took place prior to the final mapping of Significant Wetlands in the MEP, this gave all landowners several opportunities to request site visits to "ground-truth" the Significant Wetlands identified on their property. The communication during the process also made it very clear that if a site visit was not done then the Significant Wetlands as initially mapped would be included in the MEP. The potential loss to indigenous biodiversity if the Council had not included all the wetlands that met the significance criteria, but for which a site visit was not requested, was considered unacceptable. In addition, many landowners showed their support for the inclusion of the Significant Wetland on their property as initially mapped by not requesting a site visit, therefore if all Significant Wetlands that had not been visited were left out of the MEP, then many that were supported by landowners would not be protected.
370. NZTA's submission point 1002.279 seeks the reassessment and clarification of the mapped extent of Significant Wetlands. Its reasons indicate that the concerns are specifically with Significant Wetlands that overlap, or are within, the road network corridor. NZTA seeks the Council reassess the accuracy of these wetlands, however has supplied no information specifically identifying which of the Significant Wetlands mapped in the MEP it considers to be inaccurately mapped. Like all landowners, NZTA were given opportunities to request site visits during the landowner consultation process but chose not to take up those opportunities. Should more specific information be provided by NZTA at the hearing, and if the Panel wishes, I (Peter) am available to visit any Significant Wetlands within the road network corridor to do an on-site assessment to confirm whether they meet the criteria and the wetland boundaries.
371. Nelson Forest submission point 990.260 was lodged against Zoning Maps in general however the decisions sought are all covered in submissions on the specific Zoning Maps discussed under Matter 8 in this report.

## Recommendations

372. It is recommended that the **submission points from R and L Hill (378.16), Millen Associates Limited (972.15), A Doole (524.15), A Parr (529.15), A Millen (532.15), C McBride (594.15), C McLean (598.15), C Soderberg (599.15), D McBride (662.15), F Chaytor (701.15), J Rossell (827.15), J Tillman (833.15), K Raeburn (861.15), K Walshe (865.15), M Dewar (915.15), Silverwood Partnership (1049.15), T Stein (1179.16), The Sunshine Trust (1194.15), V Frei (1209.15), W Oliver (1228.15), W Tillman (1230.15), R Heta (1066.15), S Browning (1109.15), QEII Trust (1265.4), and Forest and Bird (715.429) are all accepted** as they support the retention of the mapping of Significant Wetlands in the MEP.
373. It is recommended that Federated Farmer's **submission point 425.779 is rejected** as the potential loss to indigenous biodiversity if the Council does not include all the wetlands that meet the significance criteria, but for which a site visit was not requested, is considered unacceptable, and in many cases would not reflect the wishes of the landowner.
374. It is recommended that NZTA's **submission point 1002.279 is rejected** as there is insufficient information in the submission to specifically respond to the decision sought.
375. It is recommended that Nelson Forest's **submission point 990.260 is rejected** as the decisions sought are duplicated in submissions on specific Zoning Maps.

## Matter 8: Mapping - specific.

376. Some of the Significant Wetlands identified in the MEP were also identified as Significant Natural Areas (SNAs) during the Significant Natural Areas Project. The SNA project was a non-regulatory approach to identifying and protecting significant natural areas of indigenous biodiversity on private land within Marlborough. Of particular relevance here is that some of the Significant Wetlands in the MEP and in the SNA Project have received submissions challenging the boundaries of those wetlands. The information obtained through the SNA Project would be of assistance to the report writers, and most likely the Panel, in considering those submissions however, due to the commitment the Council made to landowners to keep the SNAs confidential, the writers are unable to disclose this information, or identify the Significant Wetlands concerned, for their assessment.

### Submissions and Assessment

377. There are 37 submission points on specific Significant Wetlands identified in the MEP. All of these submission points have been assessed by the writers, and the recommendations reflect this joint input. The assessments within the Matter 8 section of this report are ordered by Zoning Map number.

#### 378. Zoning Map 36 – Port Marlborough – Submission Point 433.210

Port Marlborough submitted in opposition to the extent of the boundaries of Significant Wetland W991 in the MEP. It sought that the boundaries be reduced to reflect only an area identified in a Conservation Covenant (formed under the Reserves Act 1977 in August 2006 between the Port Marlborough and The Minister of Conservation) as shown in Annexure C of its submission. Subsequent to receiving submission point 433.210 from Port Marlborough, I (Peter) carried out a desktop review of the boundaries of W991 as mapped in the MEP and agree that some amendments are appropriate, although not to the extent sought by the submitter. The area to the south of Queen Charlotte Drive, which the submitter seeks to be completely removed from W991, is an impound area that retains elevated groundwater levels and hence is dominated by wetland vegetation. In my view the wetland boundaries in this area should be amended to reflect the wetland area only (see Appendix 1, Photograph 1). The area to the north of Queen Charlotte Drive has also been identified as having significant indigenous biodiversity values, therefore it is appropriate to retain it as a Significant Wetland. The boundaries in this area could also be amended slightly (see Appendix 1, Photo 1). The amendments suggested do not directly satisfy the decision sought by the submitter and therefore maybe be out of scope and better suited to a future variation or plan change to the MEP. Should the Panel wish, and with the permission of the landowner, I (Peter) am available to visit Significant Wetland W991 to do an onsite assessment to confirm the boundaries.

379. Port Marlborough have expressed the view that W991 as mapped does not depict the actual size of the Significant Wetland but have not provided any information explaining how the areas they want removed do not meet the criteria.

380. Port Marlborough received two further submissions, one in opposition from Te Ātiawa, and one in support from MFA/AQNZ. For the reasons explained in paragraphs 23 and 24, the further submissions from Te Ātiawa and MFA/AQNZ are not discussed further.

#### Zoning Map 36 – Te Ātiawa – Submission Point 1186.226

381. Te Ātiawa submitted in support of the identification of Significant Wetland W991 in the MEP, however it sought an extension of the mapped area to include the eel grass beds at the head of Shakespeare Bay. The identification of Significant Wetlands did not include features below mean sea level therefore sea grass areas have not been identified as Significant Wetlands, however they are identified as an Ecologically Significant Marine Site. Ecologically Significant Marine Sites are the subject of a separate hearings topic and therefore not covered any further here.

382. Te Ātiawa received two further submissions, one in support from Elkington Whanau and one in opposition from Port Marlborough. The Elkington Whanau supported the entire submission of Te Ātiawa but it is not clear if there is any specific reason for the support of this particular submission point on Significant Wetland W991. Port Marlborough opposed the submission of Te Ātiawa and preferred the relief sought in its own submission on W991.

Zoning Map 57 – T Marshall – Submission Point 137.2

383. T Marshall submitted in opposition to the identification of Significant Wetland W363 in the MEP and sought that the wetland be changed from a “Significant Wetland” to “Coastal Marine Zone”. The current zoning of the wetland is a mix of Open Space 3 and no zone (road reserve). Consideration of the submitters requested to change the zoning of the land occupied by W363 to Coastal Marine Zone will be covered under a separate topic (Open Space). In addition, the submitter referenced a letter sent to him as part of the Significant Wetland landowner consultation. The letter advises the submitter that the Significant Wetland, as identified on his property, has been removed. The boundaries of W363 as mapped in the MEP reflect this consultation, i.e. the boundaries of wetland W363 do not encroach upon the submitter’s property.
384. Subsequent to receiving submission point 137.2 from T Marshall, I (Peter) reviewed the identification of W363 as a Significant Wetland. W363 is part of the Havelock Estuary Complex and quite clearly meet the criteria of Significant Wetlands (see Appendix 1, Photographs 2). The road has cut through the wetland and created these little pockets of wetland that were once part of the whole area.
385. No further submissions were received on submission point 137.2.

Zoning Map 60 – J Timms – Submission Point 475.1

386. J Timms submitted in opposition to the boundaries of Significant Wetlands W220 and W799 as mapped in the MEP and sought that the wetland boundaries be amended. During the wetland consultation the submitter requested a site visit and I (Peter) discussed the wetlands with onsite. We agreed that the boundaries of the wetlands should be amended, unfortunately not all of the agreed amendments made it into the MEP. It is appropriate to amend the boundaries further, as shown in (see Appendix 1, Photographs 3 and 4). It is appropriate that the Significant Wetland boundaries for W220 and W799 in the MEP reflect the outcome of the landowner consultation process.
387. No further submissions were received on submission point 475.1.

Zoning Maps 61 and 167 – Delegat Limited – Submission Points 335.1, 473.54, 473.55, 473.72 and 473.73

388. Delegat Limited lodged five submissions relating to Significant Wetland W226, two in support and seeking retention of the wetland in the MEP and three in opposition seeking removal of W226 from the MEP. It appears that there has been some confusion relating to multiple parties completing submissions for the company but, all things considered, it would appear that the three opposing submissions reflect the true position of Delegat Limited.
389. Subsequent to receiving these submissions from Delegat Limited, I (Peter) reviewed the records around the identification of W226 and it is appropriate that this wetland is removed from the MEP as it no longer exists. During the initial survey of wetlands in 2012 the area was a wetland and did meet the significance criteria, and therefore was included in the MEP. The landowner at the time, G Moleta, was involved in the consultation process. Subsequent to the initial identification, the wetland was destroyed through fire and drainage by the new landowner, Delegat Limited. Retrospective resource consent was sought and granted to divert the water away from the area. As a result, Significant Wetland W226 no longer exists.
390. No further submissions were received on submission points 473.54, 473.55, 473.72 and 473.73. One further submission was received in support of submission point 335.1 from AWUG, however it was a general submission supporting the whole of Delegat Limited’s submission 335.

Zoning Map 61 – Trustpower Limited – Submission Point 1201.170

391. Trustpower Limited submitted in opposition to the inclusion of Significant Wetlands W52 and W53 in the MEP, and sought the removal of W52 and W53 from the MEP. W52 and W53 were identified as meeting the criteria for significance during consultation, however a site visit was not requested by the landowner (Lansdowne Lifestyle Limited). Subsequent to receiving submission point 1201.170 from Trustpower Limited, I (Peter) reviewed the identification of W52 and W53 as Significant Wetlands and aerial photography shows that these two wetlands have very little riparian vegetation that can be seen but they contain water for most of the year. It is considered that the wetlands would meet the

significance criteria as natural open water wetlands associated with the main fault line, which are unusual nationally. The wetlands would be great candidates for riparian enhancement given their association with the earthquake fault line. Trustpower Limited have not provided any information in its submission regarding the presence or absence of wetland values. And it is noted that the landowner, Lansdowne Lifestyle Limited, has not submitted any concerns about the Significant Wetland being identified on its property. Should the Panel wish, and with the permission of the submitter and landowner, I (Peter) am available to visit Significant Wetlands W52 and W53 to do an on-site assessment to confirm that they meet the criteria.

392. Trustpower Limited received one further submission in opposition from Te Ātiawa, however for the reasons explained in paragraph 23 the further submission from Te Ātiawa.

Zoning Map 84 – AE Sadd Limited – Submission Point 1303.1

393. AE Sadd Limited submitted in opposition to the identification of Significant Wetland W48 in the MEP, and it sought that the wetland be removed from the MEP. Subsequent to receiving submission point 1303.1 from AE Sadd Limited, I (Peter) reviewed the identification of W48 as mapped in the MEP, I also conducted a site visit in June 2017 at the request of Mr Price, the current landowner of the property W48 is located on. The owner of the property at the time of the Significant Wetland consultation, Mr McMahon, was involved in that process and did not choose to take up the opportunities provided for a site visit at the time.

394. Significant Wetland W48 is predominantly surrounded by exotic conifers and willows with some small areas of flax and several individual large *Carex secta*'s (1m tall). The wetland is essentially a constructed pond with small vertical banks up to 0.5m tall that has been created where an ephemeral wetland once existed. The wetland is very shaded and the flax plants are very small and straggly in appearance. At the western end of the wetland there is a stand of 5-6 kahikatea's that are estimated to be between 30-50 years old. The majority of the large *Carex secta* are also located at the western end of the wetland. I consider that the area that is identified as W48 in the MEP is very generous and covers quite a bit more area that actually exists, and it is appropriate that the boundaries of the wetland are adjusted (see Appendix 1, Photograph 5) to truly reflect the areas of the wetland that are considered significant. The amendments would not directly satisfy the decision sought by the submitter to remove W48 from the MEP entirely, therefore maybe be out of scope and better suited to a future variation or plan change to the MEP.

395. AE Sadd Limited also submitted in opposition to the boundaries of Significant Wetland W47 as mapped in the MEP, and it sought that the wetland boundaries be amended. Subsequent to receiving submission point 1303.1 from AE Sadd Limited, I (Peter) reviewed the identification of W47 as mapped in the MEP.

396. Significant Wetland W47 is also known as Grovetown Lagoon. The area of Grovetown Lagoon that borders AE Sadd Limited's property is a small inlet to the west of the lagoon. The boundary of the wetland as shown in the MEP does encroach onto AE Sadd Limited's property more than is appropriate and should be adjusted accordingly. There is however, an area of W47 on the AE Sadd Limited property that is part of the Significant Wetland and should remain. The area on the submitter's property that is part of the W47 is approximately 2.5 m wide and 140m long (350m<sup>2</sup>) (see Appendix 1, Photograph 6). It would appear that due to the scale of the Significant Wetland area on the AE Sadd Limited property it was not included in the Significant Wetland consultation process.

397. No further submissions were received on submission points 1303.1.

Zoning Map 113 – R Farley – Submission Point 134.1

398. R Farley submitted in opposition to the boundaries of Significant Wetland W1005 as mapped in the MEP, specifically where the wetland was within his property, and seeks amendment of the boundaries so W1005 is not on his property. Significant Wetland W1005 was identified as meeting the criteria for significance during consultation and, at the request of the Mr Farley, I (Peter) conducted a site visit to confirm the identification and the wetland boundaries. The area is dominated by wetland vegetation including flax and rushes. Considering the loss of wetlands in the Marlborough Sounds on flat land areas, such as this wetland, are now rare and W1005 is representative of what once would have been present, I confirm it does meet the significance criteria and should be retained in the MEP. R Farley

has not provided any information in his submission that changes my assessment. The boundaries were amended as a result of the site visit and the mapped area in the MEP reflects the amendments made following the onsite assessment (see Appendix 1, Photograph 7 for the original boundaries and Photograph 8 for the notified boundaries).

399. No further submissions were received on submission points 134.1.

Zoning Map 121 – Nelson Forests Limited – Submission Points 990.67 and 990.209

400. Nelson Forests Limited submitted in opposition to the inclusion of Significant Wetland W377 in the MEP in both of these submission points, although Council records show the landowners to be L Mason, F Te Miha et al. Nelson Forests Limited seek deletion of W377 from the MEP, however the decision sought goes on to support its inclusion should it meet the criteria for significance as determined by verification on-site. In essence these points are a duplication, although point 990.209 discusses W377 in terms of Significant Natural Areas (SNAs). SNAs are not mapped in the MEP, although some features, including some Significant Wetlands, that are mapped in the MEP may also be SNAs outside of the Plan.

401. Significant Wetland W377 was identified as meeting the criteria for significance during consultation, however a site visit was not requested by the landowner at that time. Subsequent to receiving submission points 990.67 and 990.209 from Nelson Forests Limited, I (Peter) reviewed the identification of W377 as a Significant Wetland and confirm that aerial photography shows there are wetland values present that meet the criteria (see Appendix 1, Photograph 9). Nelson Forests Limited has not provided any information in its submission to the contrary. Should the Panel wish, and with the permission of the submitter and landowner (L Mason, F Te Miha et al.), I (Peter) am available to visit Significant Wetland W377 to do an on-site assessment.

402. Nelson Forests Limited received two further submissions on submission point 990.67, one in support from Ernslaw One Limited and one in opposition from Forest & Bird. Ernslaw One Limited supports all submission points of Nelson Forests Limited and does not express a specific view with regards to Significant Wetland W377. Forest & Bird opposes all submission points of Nelson Forests Limited on the zoning maps and does not express a specific view with regards to Significant Wetland W377. No further submissions were received on submission point 990.209.

Zoning Map 134 – Nelson Forests Limited – Submission Points 990.66 and 990.207

403. Nelson Forests Limited submitted in opposition to the inclusion of Significant Wetland W989 in the MEP, although Council records the landowner to be S Paine, V Ede et al. Nelson Forests Limited seek the deletion of W989 from the MEP, however the decision sought goes on to support its inclusion should it meet the criteria for significance as determined by verification on-site. In essence these points are a duplication, although point 990.207 discusses W989 in terms of Significant Natural Areas (SNAs). SNAs are not mapped in the MEP, although some features, including some Significant Wetlands, that are mapped in the MEP may also be SNAs outside of the Plan.

404. Significant Wetland W989 was identified as meeting the criteria for significance during consultation, however a site visit was not requested by the landowner at that time. Subsequent to receiving submission points 990.66 and 990.207 from Nelson Forests Limited, I (Peter) reviewed the identification of W989 as a Significant Wetland and am unable to confirm there are still wetland values present that meet the criteria without conducting a site visit. Nelson Forests Limited has not provided any assessment of the values, or lack of values, for this wetland. Should the Panel wish, and with the permission of the submitter and landowner (S Paine, V Ede et al.), I (Peter) am available to visit Significant Wetland W989 to do an on-site assessment.

405. No further submissions were received on submission points 990.66 and 990.207.

Zoning Map 140 – NZ Forest Products Limited – Submission Point 995.38

406. NZ Forest Products Limited submitted in opposition to the “*significant ecological area at Opihi Bay*”, stating it “*should be deleted from the maps*”. The submission did not include a specific map identifying the significant ecological area of concern and so, as there are no significant ecological areas mapped in the MEP, it has been inferred that the submitter is referring to Significant Wetland W1044. If this



inference is incorrect the submitter may be able to clarify its decision sought at the hearing. It is noted that submission point 995.38 also discusses zoning in Opihi Bay, this part of the submission will be assessed under a different hearing topic.

407. Significant Wetland W1044 was identified as meeting the criteria for significance during consultation and the landowner at the time (Underwood Farms Limited) did not take up any of the opportunities offered to request a site visit to confirm the identification and/or wetland boundaries. Subsequent to receiving submission point 995.38 from NZ Forest Products Limited, I (Peter) reviewed the identification of W1044 as and noted that in 2016 Underwood Farms Limited was granted a resource consent for a subdivision of the property. As part of the subdivision process the wetland area is to be designated as a reserve. The wetland area meets the significance criteria significant (see Appendix 1, Photograph 10). Given this land status and the wetland values the area is significant and Significant Wetland W1044 should remain in the MEP. NZ Forest Products Limited has not provided any information in its submission to explain why it is seeking the removal of the Significant Wetland.
408. No further submissions were received on submission point 995.38.

Zoning Map 149 – C Tozer – Submission Points 319.24 and 319.25

409. C Tozer (submission point 319.25) submitted in opposition to the boundaries of Significant Wetlands W69 and W261 as mapped in the MEP and sought that the wetland boundaries be amended. Subsequent to the final drafting of the MEP Mr Tozer requested a site visit, which I (Peter) conducted. I agree with Mr Tozer that it is appropriate to amend the boundaries of W69 and W261 to the mapped areas as shown in (see Appendix 1, Photographs 11 and 12).
410. C Tozer (submission point 319.25) also submitted in partial support of Zoning Map 149, however the content of his submission did not relate specifically to the mapping of wetlands on that map. His submission was generally that landowners should be incentivised to actively improve biodiversity in Significant Wetlands, and he gave the incentive of not requiring a resource consent as an example. There are Permitted Activity rules within the MEP that enable planting and removal of pest plants in Significant Wetlands so it is not clear what specific relief the submitter is seeking. Subject to Mr Tozer providing clarification at the hearing, this submission point has not been assessed any further.
411. No further submissions were received on submission point 319.24 and 319.25.

Zoning Map 149 – Windermere Forests Limited – Submission Point 1238.47 and R Parkes – Submission Point 324.3

412. Windermere Forests Limited submitted in support of the inclusion of Significant Wetlands W108, W805 and W820 in the MEP but sought a review and clarification of the wetlands. R Parkes submitted in opposition to the Significant Wetland on his property but did not identify his property or the Significant Wetland number, it is believed to be the same wetlands as in the Windermere Forests Limited submission (R Parkes is a Director) but this may be confirmed at the hearing. Significant Wetlands W108, W805 and W820 were identified as meeting the criteria for significance during consultation, however a site visit was not conducted at that time. After the consultation period the submitter did request a site visit however attempts by Council staff to set this up were unsuccessful and an onsite assessment has not taken place.
413. Subsequent to receiving submission point 1238.47 from Windermere Forests Limited and submission point 321.3 from R Parkes, I (Peter) reviewed the identification of W108, W805 and W820 as Significant Wetlands and confirm that aerial photography shows there are wetland values present that meet the criteria (see Appendix 1, Photographs 13, 14 and 15). Windermere Forests Limited has not provided any information in its submission to the contrary. R Parkes has submitted that it is not a swamp, he grazes it and that it is only wet when the Tuamarina River is high. It is noted that, with the improvements in aerial photography resolution since the original identification of Significant Wetlands W108, W805 and W820, refinement of the wetland boundaries can be made. Should the Panel wish, and with the permission of the submitter/landowner, I (Peter) am available to visit Significant Wetlands W108, W805 and W820 to do an onsite assessment to confirm the boundaries.
414. No further submissions were received on submission point 1238.47.

Zoning Map 150 – Rarangi Residents – Submission Point 1089.18 and 1089.31

415. Rarangi Residents submitted in opposition to and in support (with amendment) of the Significant Wetland mapping in Zoning Map 150, specifically Significant Wetlands W55, W132, W133, W134, W135, W136 and W138. Both submission points seek formal protection of the Rarangi wetland complex.
416. As the wetlands identified have been mapped in the MEP as Significant Wetlands, it is not clear what the submitters are seeking. There may be instruments, such as covenants, that the submitters have in mind however establishing any protection of that nature is outside of the MEP process.
417. No further submissions were received on submission points 1089.18 and 1089.31.

Zoning Map 155 – Coatbridge Limited – Submission Point 356.3

418. Coatbridge Limited submitted in opposition to the identification of Significant Wetland W88 in the MEP, specifically seeking it be removed from the MEP. Significant Wetland W88 was identified as meeting the criteria for significance during consultation and, at the request of the landowners (Coatbridge Limited), I (Peter) conducted a site visit to confirm the identification and the wetland boundaries. I met with the submitter on site and discussed the values of the wetland. When onsite the boundaries were adjusted from the original proposal with agreement from the landowners as shown in (see Appendix 1, Photograph 16). It is my view that the area as mapped in the MEP is a Significant Wetland. Coatbridge Limited should be acknowledged for managing the area to retain the wetland and keeping the area free of weeds.
419. No further submissions were received on submission points 356.3.

Zoning Map 155 – Nelson Forests Limited – Submission Points 990.62 and 990.202

420. Nelson Forests Limited submitted in opposition to the inclusion of Significant Wetland W87 in the MEP, although Council records the landowner to be L Luke, R Thomas et al. Nelson Forests Limited seek deletion of W87 from the MEP, however the decision sought goes on to support its inclusion should it meet the criteria for significance as determined by verification on-site. In essence these points are a duplication although point 990.202 discusses W87 in terms of Significant Natural Areas (SNAs). SNAs are not mapped in the MEP, although some features, including some Significant Wetlands, that are mapped in the MEP may also be SNAs outside of the Plan.
421. Significant Wetland W87 was identified as meeting the criteria for significance during consultation, however a site visit was not requested by the landowner at that time. Subsequent to receiving submission points 990.62 and 990.202 from Nelson Forests Limited, I (Peter) reviewed the identification of W87 as a Significant Wetland and confirm that aerial photography shows there are wetland values present that meet the criteria (see Appendix 1, Photograph 17). Nelson Forests Limited has not provided any information in its submission to the contrary. Should the Panel wish, and with the permission of the submitter and landowner (L Luke, R Thomas et al), I (Peter) am available to visit Significant Wetland W87 to do an on-site assessment. It is noted that, with the improvements in aerial photography resolution since the original identification of Significant Wetland W87, refinement of the wetland boundaries would be appropriate but that it would likely result in an increase in the area of W87.
422. No further submissions were received on submission points 990.62 and 990.202.

Zoning Map 155 – Nelson Forests Limited – Submission Points 990.63 and 990.203

423. Nelson Forests Limited submitted in opposition to the inclusion of Significant Wetland W779 in the MEP, although Council records the landowner to be L Luke, R Thomas et al. Nelson Forests Limited seeks the removal of W779 from the MEP, however the decision sought goes on to support its inclusion should it meet the criteria for significance as determined by verification on-site. In essence these points are a duplication although point 990.203 discusses W779 in terms of Significant Natural Areas (SNAs). SNAs are not mapped in the MEP, although some features, including some Significant Wetlands, that are mapped in the MEP may also be SNAs outside of the Plan.

424. Significant Wetland W779 was identified as meeting the criteria for significance during consultation, however a site visit was not requested by the landowner at that time. Subsequent to receiving submission points 990.63 and 990.203 from Nelson Forests Limited, I (Peter) reviewed the identification of W779 as a Significant Wetland and confirm that aerial photography shows there are wetland values present that meet the criteria (see Appendix 1, Photograph 18). This is supported by the lack of planting in this area, which suggests it must have always been wet. Nelson Forests Limited has not provided any information in its submission to the contrary. Should the Panel wish, and with the permission of the submitter and landowner (L Luke, R Thomas et al.), I (Peter) am available to visit Significant Wetland W779 to do an on-site assessment.
425. No further submissions were received on submission points 990.63 and 990.203.

Zoning Map 156 – Coatbridge Limited – Submission Points 356.1 and 356.2

426. Coatbridge Limited submitted in opposition to the identification of Significant Wetlands W762, W781 and W784 in the MEP, specifically seeking they be removed from the MEP. Significant Wetlands W762, W781 and W784 were identified as meeting the criteria for significance during consultation. At the request of the landowners (Coatbridge Limited), I (Peter) conducted a site visit to confirm the identification and the wetland boundaries of W762 and W784. I met with the submitter onsite and discussed the boundaries of the wetlands and the boundaries were adjusted accordingly. The wetlands are in the floor of gullies and are representative of what the bottom of the valleys would have once contained and are now rare in the ecodistrict and therefore meet the criteria to be considered Significant Wetlands. A site visit for Significant Wetland W781 was not requested or conducted, however I am familiar with the wetland as it is the largest freshwater spring on the Northbank of the Wairau River and is habitat for banded kokopu. W781 meets the criteria for significance.
427. No further submissions were received on submission points 356.1 and 356.2.

Zoning Map 156 – Nelson Forests Limited – Submission Points 990.60 and 990.205

428. Nelson Forests Limited submitted in opposition to the inclusion of Significant Wetland W1368 in the MEP, although Council records the landowner to be L Luke, R Thomas et al. Nelson Forests Limited seeks the removal of W1368 from the MEP, however the decision sought goes on to support its inclusion should it meet the criteria for significance as determined by verification on-site. In essence these points are a duplication although point 990.205 discusses W1368 in terms of Significant Natural Areas (SNAs). SNAs are not mapped in the MEP, although some features, including some Significant Wetlands, that are mapped in the MEP may also be SNAs outside of the Plan.
429. Significant Wetland W1368 was identified as meeting the criteria for significance during consultation, however a site visit was not requested by the landowner at that time. Subsequent to receiving submission points 990.60 and 990.205 from Nelson Forests Limited, I (Peter) reviewed the identification of W1368 as a Significant Wetland and confirm that aerial photography shows there are wetland values present that meet the criteria (see Appendix 1, Photograph 19). This is supported by the lack of planting in this area, which suggests it must have always been wet. Nelson Forests Limited has not provided any information in its submission to the contrary. Should the Panel wish, and with the permission of the submitter and landowner (L Luke, R Thomas et al.), I (Peter) am available to visit Significant Wetland W1368 to do an on-site assessment.

430. No further submissions were received on submission points 990.60 and 990.205.

Zoning Map 156 – Nelson Forests Limited – Submission Points 990.61 and 990.204

431. Nelson Forests Limited submitted in opposition to the inclusion of Significant Wetland W1369 in the MEP, although Council records the landowner to be L Luke, R Thomas et al. Nelson Forests Limited seeks the removal of W1369 from the MEP, however the decision sought goes on to support its inclusion should it meet the criteria for significance as determined by verification on-site. In essence these points are a duplication although point 990.204 discusses W1369 in terms of Significant Natural Areas (SNAs). SNAs are not mapped in the MEP, although some features, including some Significant Wetlands, that are mapped in the MEP may also be SNAs outside of the Plan.

432. Significant Wetland W1369 was identified as meeting the criteria for significance during consultation, however a site visit was not requested by the landowner at that time. Subsequent to receiving submission points 990.61 and 990.204 from Nelson Forests Limited, I (Peter) reviewed the identification of W1369 as a Significant Wetland and confirm that aerial photography shows there are wetland values present that meet the criteria (see Appendix 1, Photograph 20). This is supported by the lack of planting in this area, which suggests it must have always been wet. Nelson Forests Limited has not provided any information in its submission to the contrary. It is noted that, with the improvements in aerial photography resolution since the original identification of Significant Wetland W1369, refinement of the wetland boundaries would be appropriate and would likely result in a decrease in the area of W1369. Should the Panel wish, and with the permission of the submitter and landowner (L Luke, R Thomas et al.), I (Peter) am available to visit Significant Wetland W1369 to do an on-site assessment.
433. No further submissions were received on submission points 990.61 and 990.204.

Zoning Map 157 – Nelson Forests Limited – Submission Points 990.59 and 990.206

434. Nelson Forests Limited submitted in opposition to the inclusion of Significant Wetland W92 in the MEP, although Council records the landowner to be L Luke, R Thomas et al. Nelson Forests Limited seeks the removal of W92 from the MEP, however the decision sought goes on to support its inclusion should it meet the criteria for significance as determined by verification on-site. In essence these points are a duplication although point 990.206 discusses W92 in terms of Significant Natural Areas (SNAs). SNAs are not mapped in the MEP, although some features, including some Significant Wetlands, that are mapped in the MEP may also be SNAs outside of the Plan.
435. Significant Wetland W92 was identified as meeting the criteria for significance during consultation, however a site visit was not requested by the landowner at that time. Subsequent to receiving submission points 990.59 and 990.206 from Nelson Forests Limited, I (Peter) reviewed the identification of W92 as a Significant Wetland and confirm that aerial photography shows there are wetland values present that meet the criteria (see Appendix 1, Photograph 21). Nelson Forests Limited has not provided any information in its submission to the contrary. It is noted that, with the improvements in aerial photography resolution since the original identification of Significant Wetland W92, refinement of the wetland boundaries would be appropriate and would likely result in a decrease in the area of W92. Should the Panel wish, and with the permission of the submitter and landowner (L Luke, R Thomas et al.), I (Peter) am available to visit Significant Wetland W92 to do an on-site assessment.
436. No further submissions were received on submission points 990.59 and 990.206.

Zoning Map 158 – Nelson Forests Limited – Submission Points 990.58 and 990.208

437. Nelson Forests Limited submitted in opposition to the inclusion of Significant Wetland W972 in the MEP, although Council records the landowners to be L Luke, R Thomas et al. and McVicar Holdings Limited. Nelson Forests Limited seeks the removal of W972 from the MEP, however the decision sought goes on to support its inclusion should it meet the criteria for significance as determined by verification on-site. In essence these points are a duplication although point 990.208 discusses W972 in terms of Significant Natural Areas (SNAs). SNAs are not mapped in the MEP, although some features, including some Significant Wetlands, that are mapped in the MEP may also be SNAs outside of the Plan.
438. Significant Wetland W972 was identified as meeting the criteria for significance during consultation, however a site visit was not requested by the landowner at that time. However, I (Peter) have visited the site to look at other aspects of the property and am familiar with the Significant Wetland. I also conducted a site visit at the request of an adjacent landowner that has part W972 on their property. I confirm that there are wetland values present that meet the criteria (see Appendix 1, Photograph 22). Nelson Forests Limited has not provided any information in its submission to the contrary. Should the Panel wish, and with the permission of the submitter and landowners (L Luke, R Thomas et al. and McVicar Holdings Limited), I (Peter) am available to revisit Significant Wetland W972 to do a further on-site assessment.
439. No further submissions were received on submission points 990.58 and 990.208.

Zoning Map 165 – Nelson Forests Limited – Submission Points 990.65 and 990.200

440. Nelson Forests Limited submitted in opposition to the inclusion of Significant Wetland W203 in the MEP in both of these submission points, although Council records the landowner to be L Luke, R Thomas et al. Nelson Forests Limited seeks the removal of W203 from the MEP, however the decision sought goes on to support its inclusion should it meet the criteria for significance as determined by verification on-site. In essence these points are a duplication although point 990.200 discusses W203 in terms of Significant Natural Areas (SNAs). SNAs are not mapped in the MEP, although some features, including some Significant Wetlands, that are mapped in the MEP may also be SNAs outside of the Plan.
441. Significant Wetland W203 was identified as meeting the criteria for significance during consultation, however a site visit was not requested by the landowner at that time. Subsequent to receiving submission points 990.65 and 990.200 from Nelson Forests Limited, I (Peter) reviewed the identification of W203 as a Significant Wetland and confirm that aerial photography shows there are wetland values present that meet the criteria (see Appendix 1, Photograph 23). Nelson Forests Limited has not provided any information in its submission to the contrary. Should the Panel wish, and with the permission of the submitter and landowner (L Luke, R Thomas et al.), I (Peter) am available to visit Significant Wetland W203 to do an on-site assessment.
442. No further submissions were received on submission points 990.65 and 990.200.

Zoning Map 165 – J Collett – Submission Point 163.1

443. J Collett submitted in support of the inclusion of Significant Wetland W793 in the MEP, however seeks amendment to the boundaries, although Council records do not show J Collett to be the landowner at this time. Significant Wetland W793 was identified as meeting the criteria for significance during consultation, however a site visit was not requested by the landowner at the time (Follies Limited). Subsequent to receiving submission point 163.1 from J Collett, I (Peter) reviewed the boundaries of W793 and confirm that aerial photography shows there are wetland values present that meet the criteria (see Appendix 1, Photograph 24). With the improvements in aerial photography resolution since the original identification of Significant Wetland W793, refinement of the wetland boundaries would be appropriate and would likely result in a decrease in the area of W793. Should the Panel wish, and with the permission of the submitter and landowner (Trustpower Limited), I (Peter) am available to visit Significant Wetland W793 to do an on-site assessment.
444. No further submissions were received on submission point 163.1.

Zoning Map 165 – Trustpower Limited – Submission Point 1201.171

445. Trustpower Limited submitted in opposition to the inclusion of Significant Wetland W323 in the MEP, and seeks the removal of W323 from the MEP, although Council records do not show Trustpower Limited to be the landowner. Significant Wetland W323 was identified as meeting the criteria for significance during consultation, and a site visit was requested by the landowner, Thomas Farms Limited, and took place. Retention of Significant Wetland W323 as mapped in the MEP was agreed to by the landowner at the site visit. Trustpower Limited has not provided any information in its submission regarding the wetland values, and on what basis it has determined Significant Wetland W323 does not meet the criteria.
446. Trustpower Limited received one further submission in opposition from Te Ātiawa, however for the reasons explained in paragraph 23 the further submission from Te Ātiawa.

Zoning Map 166 – Trustpower Limited – Submission Point 1201.172

447. Trustpower Limited submitted in opposition to the inclusion of Significant Wetland W324 in the MEP, and seeks the removal of W324 from the MEP, although Council records do not show Trustpower Limited to be the landowner. Significant Wetland W324 was identified as meeting the criteria for significance during consultation, however a site visit was not requested by the landowner (A Rogers and A Parr). Subsequent to receiving submission point 1201.172 from Trustpower Limited, I (Peter) reviewed the identification of W324 as a Significant Wetland and note this is the Beverly Hills wetland, which has been identified as a Protected Natural Area (PNA) by DOC. I confirm that there are wetland

values present that meet the criteria (see Appendix 1, Photograph 25). Trustpower Limited have not provided any information in its submission regarding the wetland values, and on what basis it has determined Significant Wetland W324 does not meet the criteria. Should the Panel wish, and with the permission of the submitter and the landowner (A Rogers and A Parr), I (Peter) am available to visit Significant Wetland W324 to do an on-site assessment to confirm whether it meets the criteria through an onsite assessment.

448. Trustpower Limited received one further submission in opposition from Te Ātiawa, however for the reasons explained in paragraph 23 the further submission from Te Ātiawa

Zoning Map 166 – Nelson Forests Limited – Submission Points 990.64 and 990.201

449. Nelson Forests Limited submitted in opposition to the inclusion of Significant Wetland W777 in the MEP in both of these submission points, although Council records do not show Nelson Forests Limited to be the landowner (L Luke, R Thomas et al.). Nelson Forests Limited seeks the deletion of W777 from the MEP, however the decision sought goes on to support its inclusion should it meet the criteria for significance as determined by verification on-site. In essence these points are a duplication, although point 990.201 discusses W777 in terms of Significant Natural Areas (SNAs). SNAs are not mapped in the MEP, although some features, including some Significant Wetlands, that are mapped in the MEP may also be SNAs outside of the Plan.

450. Significant Wetland W777 was identified as meeting the criteria for significance during consultation, however a site visit was not requested by the landowner at that time. Subsequent to receiving submission points 990.64 and 990.201 from Nelson Forests Limited, I (Peter) reviewed the identification of W777 as a Significant Wetland and confirm that aerial photography shows there are wetland values present that meet the criteria (see Appendix 1, Photograph 25). This is supported by the lack of planting in this area, which suggests it must have always been wet. Nelson Forests Limited has not provided any information in its submission to the contrary. Should the Panel wish, and with the permission of the submitter and landowner (L Luke, R Thomas et al.), I (Peter) am available to visit Significant Wetland W777 to do an on-site assessment.

451. No further submissions were received on submission points 990.64 and 990.201.

Zoning Map 169 – Quaildale Farm Limited – Submission Point 346.1

452. Quaildale Farm Limited submitted in opposition to the inclusion of Significant Wetland W191 in the MEP, and sought it be removed from the MEP. Significant Wetland W191 was identified as meeting the criteria for significance during consultation and the landowner, Quaildale Farm Limited, did not take up any of the opportunities offered to request a site visit to confirm the identification and/or wetland boundaries. Subsequent to receiving submission point 346.1 from Quaildale Farm Limited, I (Peter) reviewed the identification of W191 as significant and, although the area does provide habitat for biodiversity, I am satisfied that it is a manmade feature and therefore I support the removal of W191 from the MEP.

453. No further submissions were received on submission point 346.1.

Zoning Map 176 – Trustpower Limited – Submission Point 1201.173

454. Trustpower Limited submitted in opposition to the inclusion of Significant Wetlands W319, W320, W321, W792 and W1382 in the MEP, and sought the removal of all of those Significant Wetlands from the MEP. These Significant Wetlands were identified as meeting the criteria for significance during consultation, however a site visit was not requested by the landowner at the time (Wairau Farm Limited and the Crown).

455. After the notification of the MEP, a site visit was requested in April 2017 by Ron Sutherland who was a representative of the submitter. A site visit took place with Mr Sutherland in attendance and all of the wetlands the subject of this submission were assessed on the ground. The outcome of the onsite assessments was as follows:

- Significant Wetlands W319 and W1382 have been heavily grazed and impacted by stock. The basis and structure of the wetlands however remains and the areas are still dominated by native

vegetation. The areas would naturally recover with the exclusion of stock. They both meet the significance criteria.

- Significant Wetland W792 has been destroyed through stock grazing and therefore it was agreed with Mr Sutherland that it did not meet the criteria for significance.
- Significant Wetland W320 has been incorrectly identified as a Significant Wetland, it is in fact a terrace slope and therefore does not meet the wetland criteria of significance.
- Significant Wetland W321 is an old river channel that has been isolated from the main channel and it retains wetland values that are considered significant. W321 is on Crown land that is zoned Open Space 3.

456. The writers agree with the submitter that Significant Wetlands W320 and W792 should be removed from the MEP.

457. Trustpower Limited received one further submission in opposition from Te Ātiawa, however for the reasons explained in paragraph 23 the further submission from Te Ātiawa.

#### Zoning Map 201 – M Waddy – Submission Point 184.1

458. M Waddy submitted in opposition to the identification of Significant Wetland W49 in the MEP, and appears to be seeking that it be removed from the MEP. Significant Wetland W49 was identified as meeting the criteria for significance during consultation. At the request of the submitter, I (Peter) conducted a site visit with Mr Waddy present to confirm the identification and the wetland boundaries of W49. The wetland area is an old meander channel of the Flaxbourne River that is heavily dominated by flax (*phormium tenax*). The area is not fenced, however, the flax is very dense around the edges and the only grazing that occurs in the area is that of sheep and the sheep do not push into the flaxed area. There is the occasional cabbage tree present along with some *coprosma propinqua* and lots of bush lawyer growing through the flax in places. There are some rose hips and occasional willow present which are a weed issue. Two ponds have been dug in the area in the past to provide stock water. The area meets the significance criteria. The landowner was quite happy with the area being identified and called a Significant Wetland at the time of the site visit.

459. Although the submission suggests removal of W49 from the MEP is sought, reference is also made to limitations under the notified MEP rules. It may be that, given the submitters feedback during the site visit, that the concern is more around limiting his activities within the wetland rather than the identification of the wetland as significant. It is likely that this new limitation is a perception rather than a reality as W49 would have fit the definition of a wetland under the RMA and therefore the current operative plan (WARMP) would have similar rules around activities. The submitter may provide clarity at the hearing around the specific nature of the activities he wishes to conduct however it is likely that, as this wetland does meet the criteria for significance, it may be appropriate that a resource consent is required for his activities.

460. No further submissions were received on submission point 184.1.

## Recommendations

461. It is recommended that Port Marlborough **submission point 433.210 is rejected** as the reduction in the area of Significant Wetland W991 as sought would remove mapped areas that meet the criteria for significance.

462. It is recommended that **submission point 1186.226 from Te Ātiawa is rejected** as the relief sought is satisfied through other provisions in the MEP that are covered under a different hearing topic.

463. It is recommended that T Marshall's **submission point 137.2 is rejected** as there is no change in the determination that Significant Wetland W363 should be identified as a Significant Wetland in the MEP.

464. It is recommended that J Timm's **submission point 475.1 is accepted** as it was an error in mapping that the boundaries of W220 and W799 were not amended in the notified MEP to reflect the site visit made as part of the landowner consultation process for Significant Wetlands.
465. It is recommended that Deleat Limited's **submission points 335.1, 473.72 and 473.73 are accepted** and **submission points 473.54 and 473.55 are rejected** as Significant Wetland W226 no longer exists.
466. It is recommended that Trustpower Limited's **submission point 1201.170 are rejected** as there is no change in the determination that Significant Wetlands W52 and W53 should be identified as a Significant Wetland in the MEP.
467. It is recommended that AE Sadd Limited's **submission point 1303.1 is accepted in part as it relates to Significant Wetland W47** as Significant Wetland W47 should be retained but with the boundaries amended, although not to the extent sought, and **submission point 1303.1 is rejected in part as it relates to Significant Wetland W48** as Significant Wetland W48 as the wetland meets the criteria and should be retained.
468. It is recommended that R Farley's **submission point 134.1 is rejected** as there is no change in the determination that Significant Wetland W1005 should be identified as a Significant Wetland in the MEP.
469. It is recommended that NZ Forest Product's **submission point 995.38 is rejected** as there is no change in the determination that Significant Wetland W1044 should be identified as a Significant Wetland in the MEP.
470. It is recommended that C Tozer's **submission point 319.25 is accepted** as a site visit subsequent to the final drafting of the MEP confirmed the identification and the boundaries, and it is appropriate that the boundaries of W69 and W261 are amended according to the outcome of the onsite assessment. It is recommended that C Tozer's **submission point 319.24 is rejected** as, subject to Mr Tozer providing clarification at the hearing, it is not clear the specific relief sought.
471. It is recommended that Windermere Forests Limited's **submission point 1238.47** and R Parkes **submission point 324.3 are accepted**, subject to an on-site assessment.
472. It is recommended that Rarangi Resident's **submission points 1089.18 and 1089.31 are rejected**, while it is agreed that formal protection of Significant Wetlands W55, W132, W133, W134, W135, W136 and W138 is appropriate, this recommendation is based on the assumption that the submitter is seeking some other outcome than the mapping of these wetlands in the MEP.
473. It is recommended that Coatbridge Limited's **submission points 356.1, 356.2 and 356.3 are rejected** as there is no change in the determination that Significant Wetlands W88, W762, W781 and W784 should be identified as a Significant Wetlands in the MEP.
474. It is recommended that Nelson Forests Limited **submission points 990.58, 990.59, 990.60, 990.61, 990.62, 990.63, 990.64, 990.65, 990.67, 990.200, 990.201, 990.202, 990.203, 990.204, 990.205, 990.206, 990.208 and 990.209 are rejected** as, based on the information currently available, there is no change in the determination that the Significant Wetlands referenced in these submissions should be identified as a Significant Wetland in the MEP.
475. It is recommended that Nelson Forests Limited **submission points 990.66 and 990.207 are rejected** subject to reconsideration if an on-site assessment is conducted.
476. It is recommended that J Collett's **submission point 163.1 is accepted**, subject to an on-site assessment.
477. It is recommended that Trustpower Limited's **submission point 1201.171 is rejected** as there is no change in the determination that Significant Wetland W323 should be identified as a Significant Wetland in the MEP.



478. It is recommended that Trustpower Limited's **submission point 1201.172 is rejected** subject to reconsideration if an on-site assessment is conducted.
479. It is recommended that Quaildale Farm Limited's **submission point 346.1 is accepted** as wetland W191 is a manmade feature that has values but not sufficient to meet the criteria.
480. It is recommended that Trustpower Limited's **submission 1201.173 is accepted in part as it relates to Significant Wetlands W792 and W320** as a site visit subsequent to the notification of the MEP confirmed the identification of these wetlands is not appropriate and they should be removed from the MEP. It is recommended that Trustpower Limited's **submission 1201.173 is rejected as it relates to Significant Wetlands W319, W321 and W1382** as there is no change in the determination that these wetlands should be identified as a Significant Wetlands in the MEP, as confirmed by an onsite assessment.
481. It is recommended that M Waddy's **submission point 184.1 is rejected** as there is no change in the determination that Significant Wetland W49 should be identified as a Significant Wetland in the MEP.

## Matter 9: Definitions.

### Submissions and Assessment

482. C Bowron (88.14) submitted in opposition to the definition for Significant Wetland in the MEP (Volume 2, Chapter 25) and sought it be amended as follows – “~~Significant Wetland as identified on Zone Maps~~ **A wetland area that has been shown to have significant biodiversity value for the location in which it is situated**”. C Bowron did not receive any further submissions.
483. The definition for Significant Wetland is there to assist plan users so that when they see “Significant Wetland” in the plan rules and standards they know exactly which features they do and do not apply to, i.e. only wetlands mapped in the MEP. Although, in the writer’s view, it is not appropriate to change the definition, in essence the definition does reflect the submitter’s words. If a wetland had not been determined to have significant biodiversity values then it would not be mapped in the zone maps of the MEP.

### Recommendations

484. It is recommended that C Bowron’s **submission point 88.14 is rejected** as the amendment sought to the definition of Significant Wetlands is inappropriate, particularly from a plan users perspective and given the purpose of having the definition.

## **Appendix 1: Maps related to submission points assessed under Matter 8**






-  MEP Wetland Boundary
-  Suggested Amendments

Zoning Map 36 – Port Marlborough – Submission Point 433.210

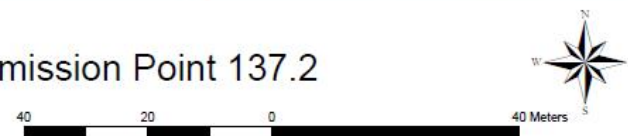




Photograph 2


-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

Zoning Map 57 – T Marshall – Submission Point 137.2





Photograph 3

-  MEP Wetland Boundary
-  Suggested Amendments

Zoning Map 60 – J Timms – Submission Point 475.1





Photograph 4

- MEP Wetland Boundary
- Suggested Amendments

Zoning Map 60 – J Timms – Submission Point 475.1

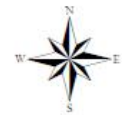


Photograph 5



-  MEP Wetland Boundary
-  Suggested Amendments

Zoning Map 84 – AE Sadd Limited – Submission Point 1303.1



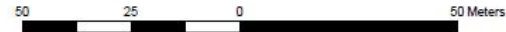




Photograph 6

-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

Zoning Map 84 – AE Sadd Limited – Submission Point 1303.1





**Property Owner:**  
**Farley RG**  
Map page centered upon your property  
Date: 05/10/2012

**Legend**  
ID# Natural Wetland — Road  
Property Extent Parcel

N  
1:3,000



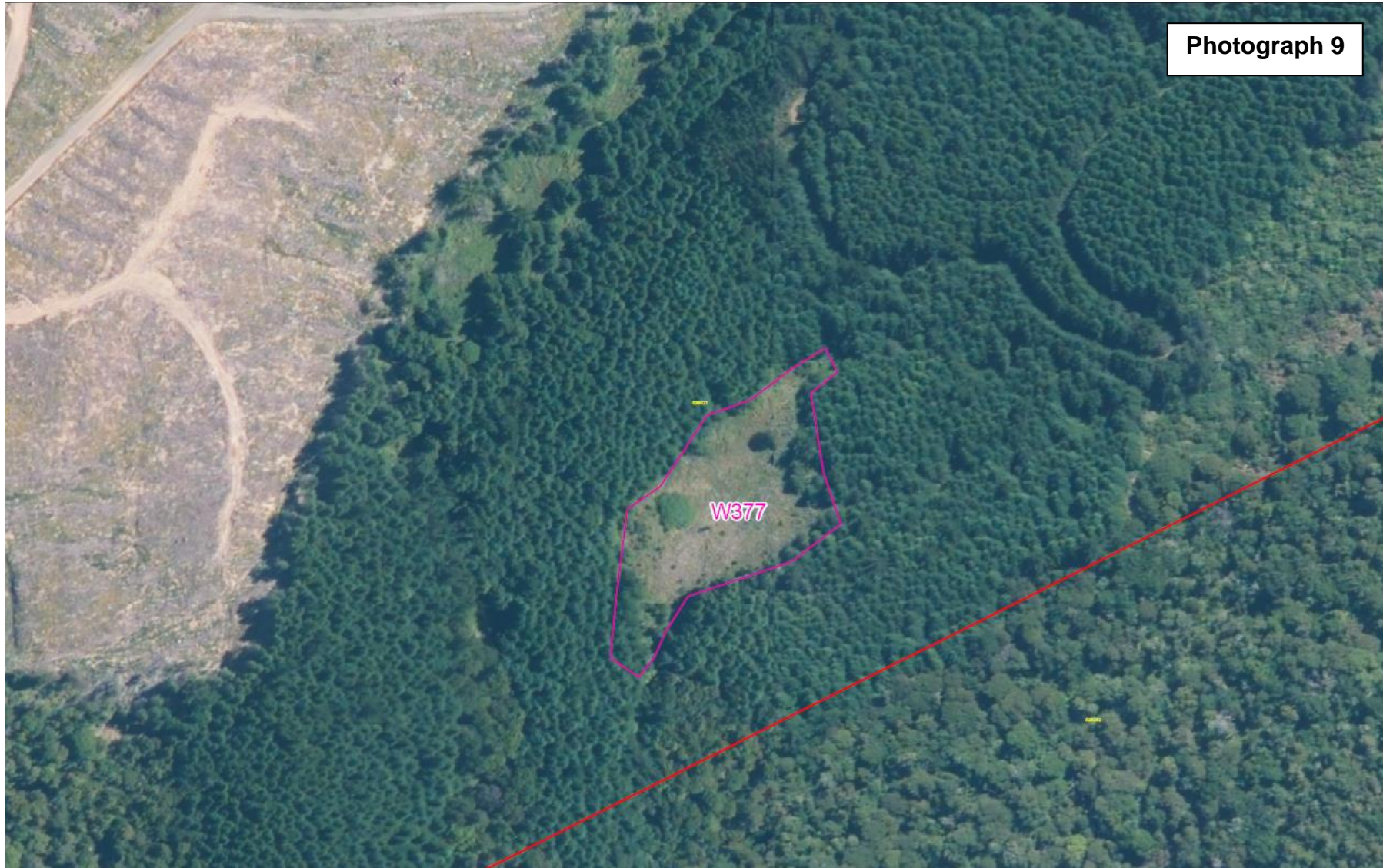
Photograph 8

-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

R Farley – Submission Point 134.1

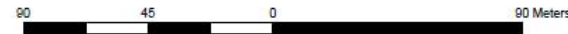


Photograph 9



-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

Zoning Map 121 – Nelson Forests Limited – Submission Points 990.67 and 990.209





-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

Zoning Map 140 – NZ Forest Products Limited – Submission Point 995.38

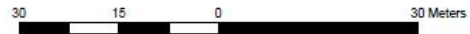




Photograph 11

- MEP Wetland Boundary
- Suggested Amendments
- Property Boundary

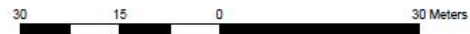
Zoning Map 149 – C Tozer – Submission Points 319.24 and 319.25





-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

Zoning Map 149 – C Tozer – Submission Points 319.24 and 319.25

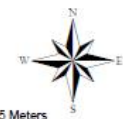
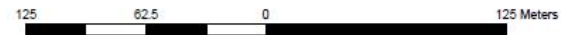




Photograph 13

-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

Zoning Map 149 – Windermere Forests Limited – Submission Point 1238.47

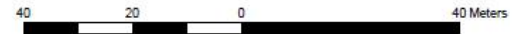




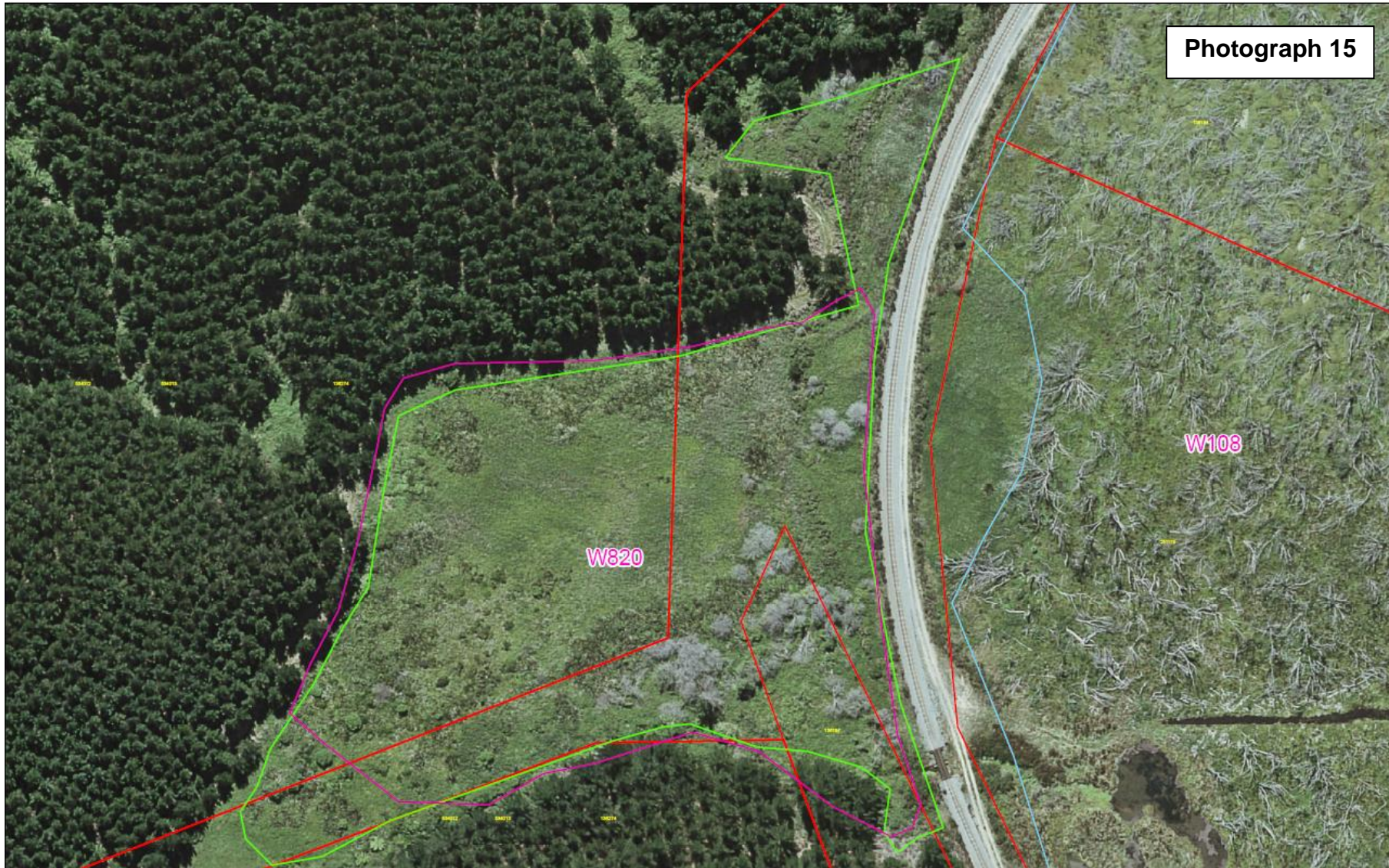


-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

Zoning Map 149 – Windermere Forests Limited – Submission Point 1238.47

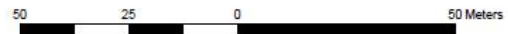


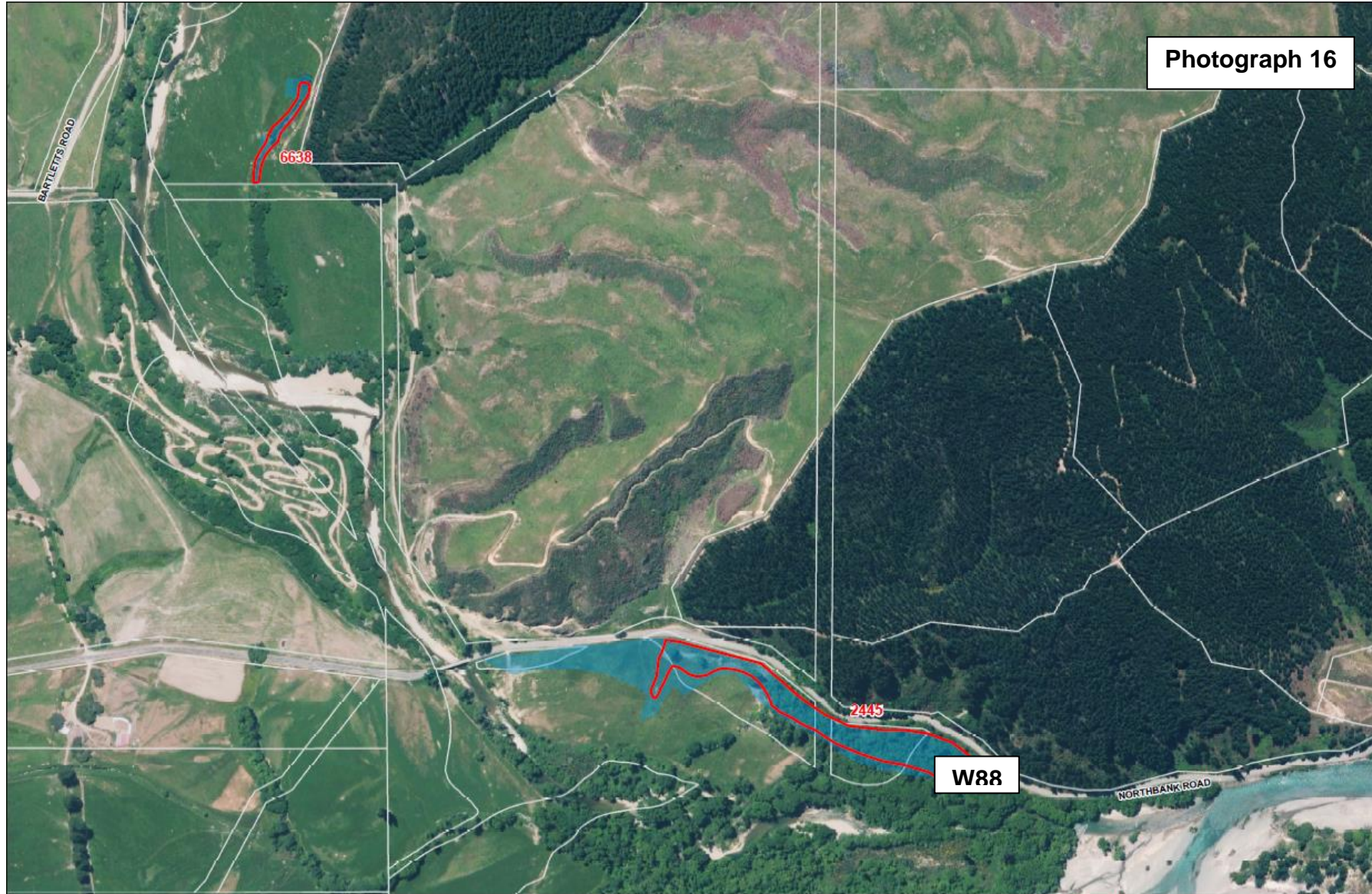
Photograph 15



-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

Zoning Map 149 – Windermere Forests Limited – Submission Point 1238.47



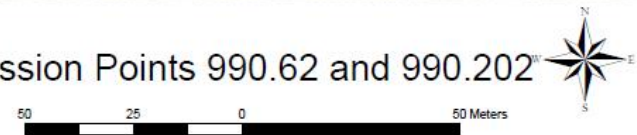


Photograph 17





-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

Zoning Map 155 – Nelson Forests Limited – Submission Points 990.62 and 990.202

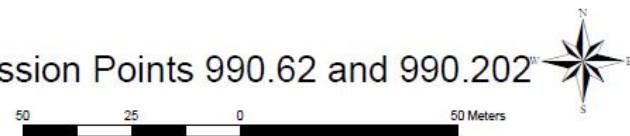


Photograph 18



-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

Zoning Map 155 – Nelson Forests Limited – Submission Points 990.62 and 990.202

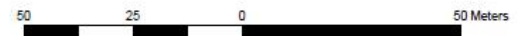


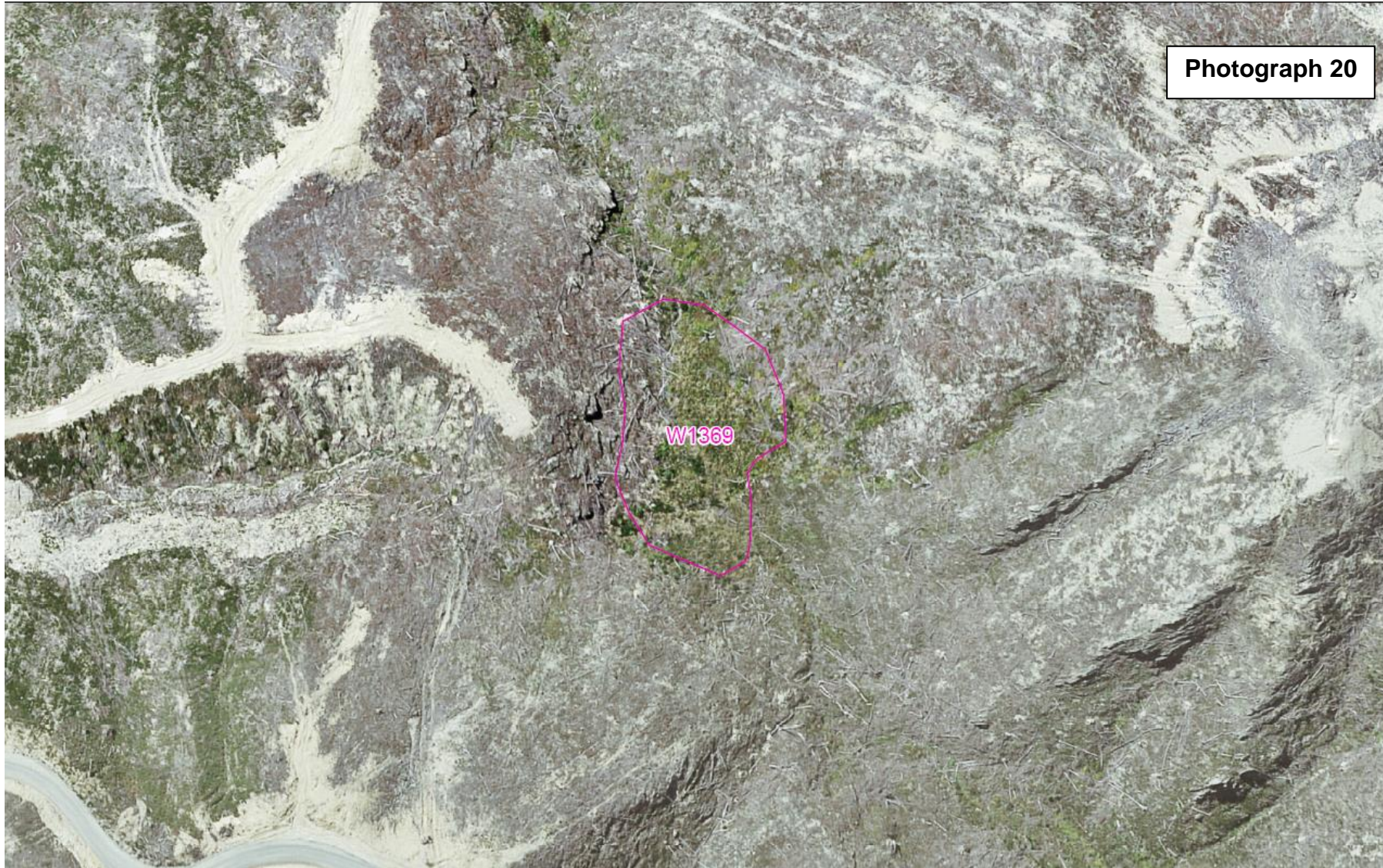
Photograph 19



-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

Zoning Map 156 – Nelson Forests Limited – Submission Points 990.60 and 990.205™

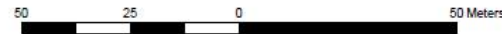





Photograph 20

-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

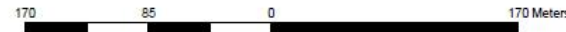
Zoning Map 156 – Nelson Forests Limited – Submission Points 990.61 and 990.204<sup>w</sup>





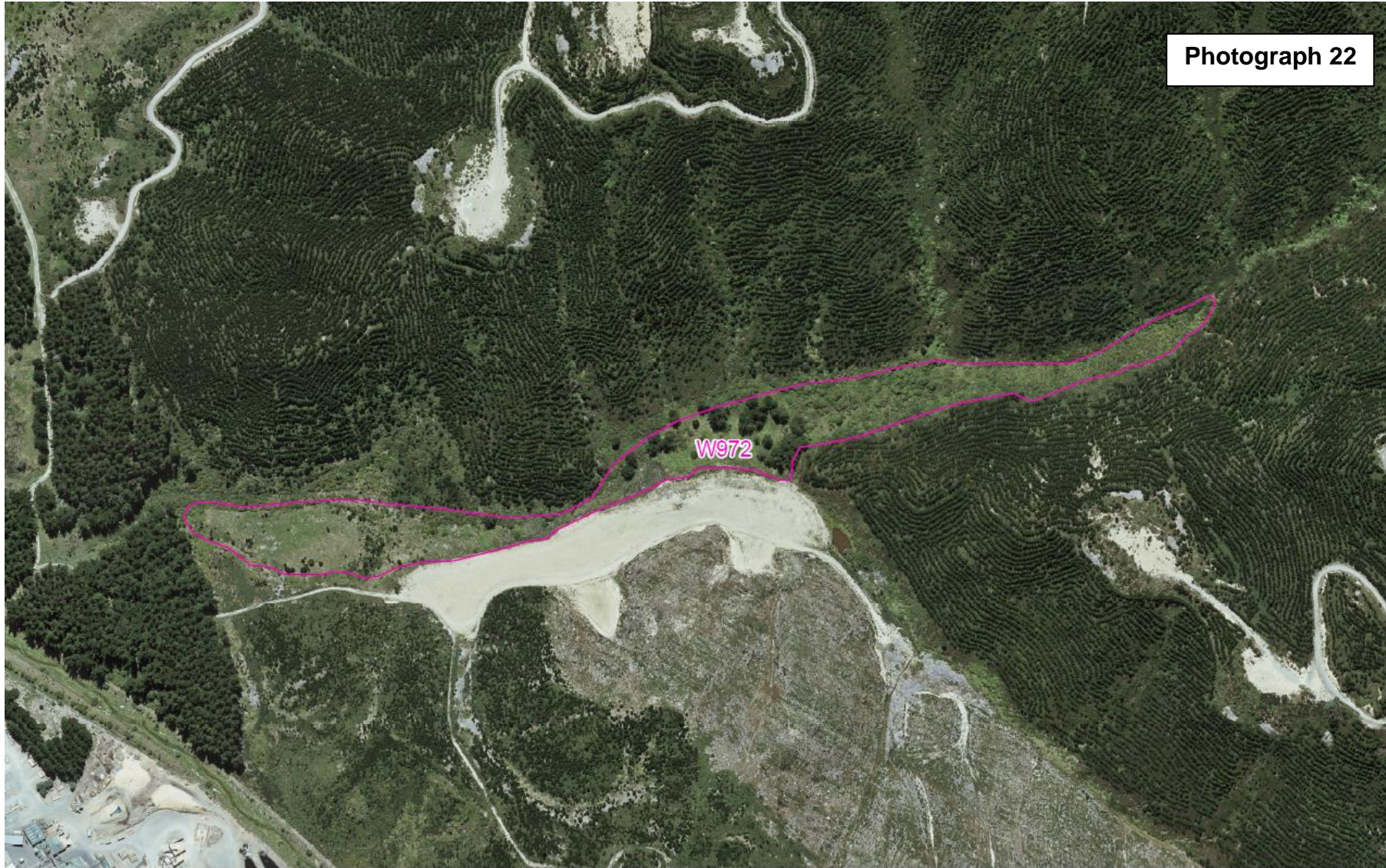
-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary



Zoning Map 157 – Nelson Forests Limited – Submission Points 990.59 and 990.206<sup>W</sup>



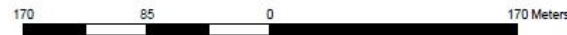


Photograph 22



-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

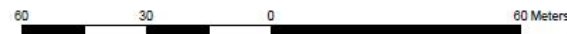
Zoning Map 158 – Nelson Forests Limited – Submission Points 990.58 and 990.208





-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

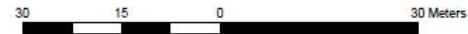
Zoning Map 165 – Nelson Forests Limited – Submission Points 990.65 and 990.200





-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

Zoning Map 165 – J Collett – Submission Point 163.1





-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

Zoning Map 166 – Trustpower Limited – Submission Point 1201.172

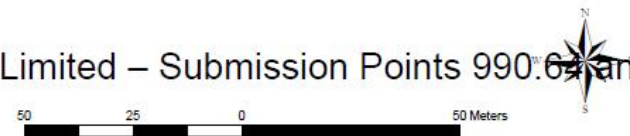


Photograph 26



-  MEP Wetland Boundary
-  Suggested Amendments
-  Property Boundary

Zoning Map 166 – Nelson Forests Limited – Submission Points 990.62 and 990.63



## Appendix 2: Recommended decisions on decisions requested

In some cases the following recommendations may only apply to part of a submission point. This will occur where a single submission point addresses matters covered over multiple topics and therefore the same point will have recommendations against it in two or more s42a reports.

Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
454	55	KF Loe	2	2	2.9.4.3.	Accept
1193	111	Environment Centre	2	2	2.9.4.3.	Accept
1193	120	Environment Centre	2	2	2.9.5.3.	Accept
336	5	W Esson	2	2	2.22.1.2.	Reject
445	4	Trelawne Farm Limited	2	2	2.22.1.2.	Accept
1238	43	Windermere Forests Limited	2	2	2.22.1.2.	Reject
990	34	Nelson Forests Limited	2	2	2.22.1.2.	Reject
318	5	Reade Family Holdings	2	2	2.22.1.2.	Reject
962	141	MFIA	2	2	2.22.1.2.	Reject
464	44	Chorus	2	2	2.39.1.14.	Reject
1158	42	Spark	2	2	2.39.1.14.	Reject
1198	76	Transpower	2	2	2.39.1.14.	Reject
1193	123	Environment Centre	2	2	2.39.2.2.	Accept
1089	20	Rarangi Residents	2	2	2.39.3.5.	Accept
509	309	Fish and Game	2	3	3.1.16.	Accept

Section 42A Hearings Report – Significant Wetlands

Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
425	575	Federated Farmers	2	3	3.1.27.	Reject
425	505	Federated Farmers	2	3	3.2.1.10.	Reject
454	77	KF Loe	2	3	3.3.8.2	Accept
496	88	Forest & Bird	2	3	3.3.8.2	Reject
496	89	Forest & Bird	2	3	3.3.9.1.	Reject
496	90	Forest & Bird	2	3	3.3.9.9.	Reject
496	91	Forest & Bird	2	3	3.3.9.10.	Reject
496	93	Forest & Bird	2	3	3.3.10.5.	Reject
319	26	C Tozer	2	3	3.3.12.3.	Reject
423	41	C Shaw	2	3	3.3.12.3.	Accept in part
455	70	J Hickman	2	3	3.3.12.3.	Accept
990	98	Nelson Forests Limited	2	3	3.3.12.3.	Reject
1198	88	Transpower	2	3	3.3.12.3.	Reject
505	34	Ernslaw One Limited	2	3	3.3.12.5.	Deferred
990	100	Nelson Forests Limited	2	3	3.3.12.5.	Deferred
990	96	Nelson Forests Limited	2	3	3.3.12.6.	Deferred
321	2	S and R Adams	2	3	3.3.12.6	Reject
321	2	S and R Adams	2	3	3.3.12.7	Reject

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Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
319	28	C Tozer	2	3	3.3.12.7.	Reject
380	6	BL Pattie	2	3	3.3.12.7.	Accept
429	4	Tempello Partnership	2	3	3.3.12.7.	Reject
455	59	J Hickman	2	3	3.3.12.7.	Accept
456	59	G Mehlhopt	2	3	3.3.12.7.	Accept
1121	5	TJ and SJ Wadworth	2	3	3.3.12.7.	Reject
990	102	Nelson Forests Limited	2	3	3.3.12.10.	Reject
321	3	S and R Adams	2	3	3.3.13.4	Reject
380	8	BL Pattie	2	3	3.3.14.3.	Reject
425	545	Federated Farmers	2	3	3.3.14.3.	Reject
454	92	KF Loe	2	3	3.3.14.3.	Accept
455	61	J Hickman	2	3	3.3.14.3.	Reject
456	61	G Mehlhopt	2	3	3.3.14.3.	Reject
1089	27	Rarangi Residents	2	3	3.3.14.3.	Accept
1193	118	Environment Centre	2	3	3.3.14.3.	Accept
425	550	Federated Farmers	2	3	3.3.14.9.	Reject
454	98	KF Loe	2	3	3.3.14.9.	Accept
455	62	J Hickman	2	3	3.3.14.9.	Reject



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Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
456	62	G Mehlhopt	2	3	3.3.14.9.	Reject
469	16	I Bond	2	3	3.3.14.9.	Reject
990	109	Nelson Forests Limited	2	3	3.3.14.9.	Reject
1193	122	Environment Centre	2	3	3.3.14.9.	Accept
425	555	Federated Farmers	2	3	3.3.16.8.	Reject
591	6	Rarangi Golf Club	2	3	3.3.22.3.	Accept
1089	28	Rarangi Residents	2	3	3.3.22.3.	Accept
445	9	Trelawne Farm Limited	2	3	3.3.22.3.	Accept
962	188	MFIA	2	3	3.3.22.3.	Reject
336	19	W Esson	2	3	3.3.22.3.	Reject
149	39	PF Olsen Ltd	2	3	3.3.22.3.	Reject
1238	44	Windermere Forests Limited	2	3	3.3.22.3.	Reject
715	396	Forest & Bird	2	3	3.3.23.3	Reject
149	40	PF Olsen Ltd	2	3	3.3.23.3	Reject
454	109	KF Loe	2	3	3.3.23.3.	Accept
962	189	MFIA	2	3	3.3.23.3.	Accept
425	570	Federated Farmers	2	3	3.3.23.3.	Reject
676	93	Dairy NZ	2	3	3.3.23.3.	Accept

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Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
348	23	M Chapman	2	3	3.3.23.3.	Reject
1090	68	Ravensdown Limited	2	3	3.3.23.3.	Accept
591	11	Rarangi Golf Club	2	3	3.3.23.3.	Accept
1089	29	Rarangi Residents	2	3	3.3.23.3.	Accept
715	397	Forest & Bird	2	3	3.3.25.1	Accept
998	50	NZ Pork	2	3	3.3.25.1.	Accept
715	398	Forest & Bird	2	3	3.3.26.2	Accept
998	53	NZ Pork	2	3	3.3.26.2.	Accept
769	107	Horticulture NZ	2	3	3.3.27.	Reject
496	98	Forest & Bird	2	3	3.3.27.1.	Accept (subject to scope)
1090	84	Ravensdown Limited	2	3	3.3.28.10.	Accept
972	9	Millen Associates Limited	2	3	3.3.28.10.	Accept
1193	81	Environment Centre	2	3	3.3.28.10.	Accept
676	98	Dairy NZ	2	3	3.3.28.2.	Accept
1090	76	Ravensdown Limited	2	3	3.3.28.2.	Accept
904	5	Land Vision Limited	2	3	3.3.28.2.	Accept
425	603	Federated Farmers	2	3	3.3.33.3.	Reject
1193	102	Environment Centre	2	3	3.3.33.3.	Reject

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Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
479	218	DOC	2	3	3.7.10.	Accept
509	330	Fish and Game	2	3	3.7.10.	Accept
1089	23	Rarangi Residents	2	3	3.7.10.	Accept
1193	116	Environment Centre	2	3	3.7.10.	Accept
479	219	DOC	2	3	3.7.11.	Accept
509	331	Fish and Game	2	3	3.7.11.	Accept
1089	24	Rarangi Residents	2	3	3.7.11.	Accept
1193	117	Environment Centre	2	3	3.7.11.	Accept
479	216	DOC	2	3	3.7.8.	Accept
509	328	Fish and Game	2	3	3.7.8.	Accept
1089	21	Rarangi Residents	2	3	3.7.8.	Accept
1193	114	Environment Centre	2	3	3.7.8.	Accept
479	217	DOC	2	3	3.7.9.	Accept
509	329	Fish and Game	2	3	3.7.9.	Accept
1089	22	Rarangi Residents	2	3	3.7.9.	Accept
1193	115	Environment Centre	2	3	3.7.9.	Accept
425	628	Federated Farmers	2	4	4.2.1.8.	Reject
716	187	Friends	2	4	4.2.1.8.	Reject

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Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
424	152	M and K Gerard	2	4	4.3.8.7.	Reject
424	153	M and K Gerard	2	4	4.3.8.8.	Reject
424	154	M and K Gerard	2	4	4.3.8.9.	Reject
424	155	M and K Gerard	2	4	4.3.8.10.	Reject
423	40	C Shaw	2	4	4.3.11.3.	Accept in part
990	134	Nelson Forests Limited	2	4	4.3.11.3.	Reject
1198	99	Transpower	2	4	4.3.11.3.	Reject
424	159	M and K Gerard	2	4	4.3.11.5.	Reject
990	136	Nelson Forests Limited	2	4	4.3.11.5.	Deferred
424	160	M and K Gerard	2	4	4.3.11.6.	Reject
424	161	M and K Gerard	2	4	4.3.11.7.	Reject
424	162	M and K Gerard	2	4	4.3.11.10.	Reject
990	138	Nelson Forests Limited	2	4	4.3.11.10.	Reject
424	163	M and K Gerard	2	4	4.3.12.4.	Accept
425	797	Federated Farmers	2	4	4.3.12.4.	Reject
676	131	Dairy NZ	2	4	4.3.12.4.	Reject
990	143	Nelson Forests Limited	2	4	4.3.13.3.	Reject
990	144	Nelson Forests Limited	2	4	4.3.13.7.	Reject

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Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
149	56	PF Olsen Ltd	2	4	4.3.21.2	Reject
715	438	Forest & Bird	2	4	4.3.22.2	Reject
149	57	PF Olsen Ltd	2	4	4.3.22.2	Reject
425	804	Federated Farmers	2	4	4.3.22.2.	Reject
676	137	Dairy NZ	2	4	4.3.22.2.	Accept
1090	95	Ravensdown Limited	2	4	4.3.22.2.	Accept
339	10	S Parkes	2	4	4.3.22.2.	Accept/Accept in part/Reject
715	439	Forest & Bird	2	4	4.3.24.1	Accept
676	141	Dairy NZ	2	4	4.3.24.1.	Accept
715	440	Forest & Bird	2	4	4.3.25.1	Accept
425	673	Federated Farmers	2	4	4.3.26.	Reject
424	165	M and K Gerard	2	4	4.3.26.1.	Reject
676	143	Dairy NZ	2	4	4.3.27.1.	Accept
1090	101	Ravensdown Limited	2	4	4.3.27.1.	Accept
1090	109	Ravensdown Limited	2	4	4.3.27.9.	Accept
425	810	Federated Farmers	2	4	4.3.32.1.	Reject
1198	111	Transpower	2	7	7.3.8.3.	Reject
504	82	QCS Residents	2	7	7.3.8.7.	Reject

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Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
423	39	C Shaw	2	8	8.3.10.1.	Reject
1179	36	TR Stein	2	8	8.3.10.1.	Reject
1265	14	QEII Trust	2	8	8.3.10.1.	Reject
1140	58	Sanford Limited	2	13	13.3.17.3.	Accept
1140	59	Sanford Limited	2	13	13.3.17.5.	Accept
1198	131	Transpower	2	18	18.3.4.3.	Reject
479	255	DOC	2	19	19.1.16.3	Reject
425	745	Federated Farmers	2	19	19.1.18.	Reject
1024	1	P Rene	2	19	19.1.18.	Reject
433	188	Port Marlborough	2	19	19.2.1.3.	Accept
455	64	J Hickman	2	19	19.3.2.4.	Reject
456	64	G Mehlhopt	2	19	19.3.2.4.	Reject
509	427	Fish and Game	2	19	19.3.4.1	Reject
1198	139	Transpower	2	19	19.3.4.3.	Reject
425	731	Federated Farmers	2	19	19.3.5.3.	Reject
433	191	Port Marlborough	2	19	19.3.5.3.	Accept
455	65	J Hickman	2	19	19.3.5.3.	Reject
456	72	G Mehlhopt	2	19	19.3.5.3.	Reject

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Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
509	429	Fish and Game	2	19	19.3.5.3	Reject
509	429	Fish and Game	2	19	19.3.5.12	Reject
425	738	Federated Farmers	2	19	19.3.5.12.	Reject
455	66	J Hickman	2	19	19.3.5.12.	Reject
425	822	Federated Farmers	2	19	19.3.6.4.	Reject
479	256	DOC	2	19	19.3.16.3	Reject
425	834	Federated Farmers	2	19	19.3.17.3.	Reject
425	845	Federated Farmers	2	19	19.3.22.3.	Reject
88	14	C Bowron	2	25	Definitions	Reject
255	22	W Lissaman	3		Appendix 25	Accept
425	776	Federated Farmers	3		Appendix 25	Reject
501	87	Ngāti Kuia	3		Appendix 25	Reject
509	405	Fish and Game	3		Appendix 25	Accept
769	137	Horticulture NZ	3		Appendix 25	Reject
869	44	KCSRA	3		Appendix 25	Accept
378	16	RE and LJ Hill	4		Zoning Maps	Accept
425	779	Federated Farmers	4		Zoning Maps	Reject
524	15	A Doole	4		Zoning Maps	Accept

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Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
529	15	AJ Parr	4		Zoning Maps	Accept
532	15	APV Millen	4		Zoning Maps	Accept
594	15	C McBride	4		Zoning Maps	Accept
598	15	CR McLean	4		Zoning Maps	Accept
599	15	CR Soderberg Jr	4		Zoning Maps	Accept
662	15	D McBride	4		Zoning Maps	Accept
701	15	FAC Chayter	4		Zoning Maps	Accept
715	429	Forest & Bird	4		Zoning Maps	Accept
827	15	J Rossell	4		Zoning Maps	Accept
833	15	J Tillman	4		Zoning Maps	Accept
861	15	K Raeburn	4		Zoning Maps	Accept
865	15	K Walshe	4		Zoning Maps	Accept
915	15	MC Dewar	4		Zoning Maps	Accept
972	15	Millen Associates Limited	4		Zoning Maps	Accept
990	260	Nelson Forests Limited	4		Zoning Maps	Reject
1002	279	NZTA	4		Zoning Maps	Reject
1049	15	Silverwood Partnership	4		Zoning Maps	Accept
1066	15	R Heta	4		Zoning Maps	Accept



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Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
1109	15	S Browning	4		Zoning Maps	Accept
1179	16	TR Stein	4		Zoning Maps	Accept
1194	15	The Sunshine Trust	4		Zoning Maps	Accept
1209	15	V Frei	4		Zoning Maps	Accept
1228	15	WR Oliver	4		Zoning Maps	Accept
1230	15	W Tillman	4		Zoning Maps	Accept
1265	4	QEII Trust	4		Zoning Maps	Accept
433	210	Port Marlborough	4		Zoning Map 36	Reject
1186	226	Te Ātiawa	4		Zoning Map 36	Reject
137	2	T Marshall	4		Zoning Map 57	Reject
475	1	J Timms	4		Zoning Map 60	Accept
473	54	Delegat Limited	4		Zoning Map 61	Reject
473	72	Delegat Limited	4		Zoning Map 61	Accept
1201	170	Trustpower Limited	4		Zoning Map 61	Reject
1303	1	A E Sadd Limited	4		Zoning Map 84 (W47)	Accept in part
1303	1	A E Sadd Limited	4		Zoning Map 84 (W48)	Reject in part
134	1	R Farley	4		Zoning Map 113	Reject
990	67	Nelson Forests Limited	4		Zoning Map 121	Reject

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Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
990	209	Nelson Forests Limited	4		Zoning Map 121	Reject
990	66	Nelson Forests Limited	4		Zoning Map 134	Reject
990	207	Nelson Forests Limited	4		Zoning Map 134	Reject
995	38	NZ Forest Products	4		Zoning Map 140	Reject
319	24	C Tozer	4		Zoning Map 149	Reject
319	25	C Tozer	4		Zoning Map 149	Accept
1238	47	Windermere Forests Limited	4		Zoning Map 149	Accept
324	3	R Parkes	4		Zoning Map 149	Accept
1089	18	Rarangi Residents	4		Zoning Map 150	Reject
1089	31	Rarangi Residents	4		Zoning Map 150	Reject
356	3	Coatbridge Limited	4		Zoning Map 155	Reject
990	62	Nelson Forests Limited	4		Zoning Map 155	Reject
990	63	Nelson Forests Limited	4		Zoning Map 155	Reject
990	202	Nelson Forests Limited	4		Zoning Map 155	Reject
990	203	Nelson Forests Limited	4		Zoning Map 155	Reject
356	1	Coatbridge Limited	4		Zoning Map 156	Reject
356	2	Coatbridge Limited	4		Zoning Map 156	Reject
990	60	Nelson Forests Limited	4		Zoning Map 156	Reject

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Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
990	61	Nelson Forests Limited	4		Zoning Map 156	Reject
990	204	Nelson Forests Limited	4		Zoning Map 156	Reject
990	205	Nelson Forests Limited	4		Zoning Map 156	Reject
990	59	Nelson Forests Limited	4		Zoning Map 157	Reject
990	206	Nelson Forests Limited	4		Zoning Map 157	Reject
990	58	Nelson Forests Limited	4		Zoning Map 158	Reject
990	208	Nelson Forests Limited	4		Zoning Map 158	Reject
163	1	J Collett	4		Zoning Map 165	Accept
990	65	Nelson Forests Limited	4		Zoning Map 165	Reject
990	200	Nelson Forests Limited	4		Zoning Map 165	Reject
1201	171	Trustpower Limited	4		Zoning Map 165	Reject
990	64	Nelson Forests Limited	4		Zoning Map 166	Reject
990	201	Nelson Forests Limited	4		Zoning Map 166	Reject
1201	172	Trustpower Limited	4		Zoning Map 166	Reject
335	1	Delegat Limited	4		Zoning Map 167	Accept
473	55	Delegat Limited	4		Zoning Map 167	Reject
473	73	Delegat Limited	4		Zoning Map 167	Accept
346	1	Quaildale Farm Limited	4		Zoning Map 169	Accept

**Section 42A Hearings Report – Significant Wetlands**

Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
1201	173	Trustpower Limited	4		Zoning Map 176 (W319, W321, W1382)	Reject
1201	173	Trustpower Limited	4		Zoning Map 176 (W320, W792)	Accept
184	1	MB Waddy	4		Zoning Map 201	Reject