

Proposed Marlborough Environment Plan

**Section 42A Hearings Report for Hearing Commencing 13
March 2018**

Report dated February 9 2018

**Report on submissions and further submissions
Topic 7: Public Access and Open Space**

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List of Abbreviations

Submitters

Submitter Number	Abbreviation	Full Name of Submitter
91	MDC	Marlborough District council
280	NMDHB	Nelson Marlborough District Health Board
401	Aquaculture NZ	Aquaculture New Zealand
426	MFA	Marine Farmers Association Incorporated
433	PMNZ	Port Marlborough New Zealand Limited
479	DOC	Department of Conservation
481	NZWAC	New Zealand Walking Access Commission
509	NMFG	Nelson Marlborough fish and Game
710	FIS	The Fishing Industry Submitters
716	Friends of NH and TB	Friends of Nelson Haven and Tasman Bay Incorporated
768	HNZ	Heritage New Zealand Pouhere Taonga
922	NZDF	New Zealand Defence Force
962	MFIA	Marlborough Forestry Industry Association Incorporated
993	NZFS	New Zealand Fire Service
996	NZIS	New Zealand Institute of Surveyors
990	NFL	Nelson Forests Limited
1002	NZTA	New Zealand Transport Agency
1189	TRONT	Te Runanga o Ngai Tahu

Others

MEP	Proposed Marlborough Environment Plan
NZCPS	New Zealand Coastal Policy Statement
RMA	Resource Management Act 1991
WARMP	Wairau Awatere Resource Management Plan

Introduction

1. My name is Paul Whyte, and I hold the qualification of a Bachelor of Town Planning from Auckland University. I am a full member of the New Zealand Planning Institute. I have practised in the field of town planning/resource management since 1985, primarily working for both local government and planning consultants in Dunedin and Christchurch. Currently, I am a Senior Planner (Senior Associate) with Beca Ltd (Beca) in Christchurch. I have prepared district and regional plans and plan changes in Southland, Otago, West Coast, Marlborough, Canterbury and the Chatham Islands and I have prepared Section 42A reports for district and regional councils on plans and plan changes.
2. In particular I have prepared Section 42A reports for Marlborough District Council on the following plan changes- Plan Changes 26/61 Minor Amendments, Plan Changes 27/62 New Dairy Farms, Plan Change 47 Tremorne Avenue Rezoning, Plan Change 59 Colonial Vineyards, Plan Change 60 Maxwell Hills, Plan Changes 64-71 Urban Growth Areas and Plan Change 72 Marlborough Ridge Rezoning.
3. I was not involved with the preparation of the MEP. I was contracted by the Marlborough District Council (Council) in July 2017 (after the MEP submission period had closed) to evaluate the relief requested in submissions and to provide recommendations in the form of a Section 42A report.
4. Beca Ltd have prepared submissions to the MEP on behalf New Zealand Fire Service (NZFS)¹ and Transpower New Zealand Limited (Transpower). I was not involved in the preparation of these submissions in any way. However to avoid any perception of conflict I have not made any recommendation on a submission or further submission made by NZFS or Transpower or where that recommendation is contrary to the relief sought by NZFS or Transpower. Where this situation has arisen in this report the recommendation is made by Liz White of Incite Ltd. This situation applies to Transpower submission 1198.22 and NZFS submissions 993.7, .79, .80, and .82.
5. A number of other Transpower submissions 1198.125 – 129, .132-137 and .140-.144, are dealt with in Topic 10 Utilities.

Code of Conduct

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

Scope of Hearings Report

9. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA).
10. In this report I assess and provide recommendations to the Hearing Panel on submissions under Topic 7 Public Access and Open Space.
11. 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.
12. 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.

¹ now called Fire and Emergency New Zealand (FENZ)

Overview of Provisions

13. This report assesses submissions to Public Access and Open Space provisions of the MEP including:
- (i) Volume 1 Chapter 9 Public Access and Open Space
 - (ii) Volume 2 Chapter 17 Open Space 1 Zone Rules
 - (iii) Volume 2 Chapter 18 Open Space 2 Zone Rules
 - (iv) Volume 2 Chapter 19 Open Space 3 Zone Rules
 - (v) Volume 2 Chapter 20 Open Space 4 Zone Rules
 - (vi) Volume 2 Chapter 24 Subdivision Rules
 - (vii) Volume 4 Overlay Maps
 - (viii) Volume 4 Planning Maps

14. The Introduction to Chapter 9 Public Access and Open Space sets the scene where in the opening paragraph the following is stated:

Two regionally significant elements of community wellbeing in Marlborough are the ability for the public to gain access to our rivers, lakes, high country and coast (including the coastal marine area) and enjoy areas of open space for recreation and other purposes, whether in urban or rural environments.

15. Accordingly the Chapter addresses both public access and open space, which are generally dealt with separately in the chapter although clearly there is a correlation between these two matters. The Introduction states:

There is a close relationship between providing for public access and areas of open space. This is particularly so where open space areas may only be able to be enjoyed by the wider community through some form of public access. To this extent there are close links between policies for public access and for open space.

16. The Introduction notes that section 6(d) of the RMA is a matter of national importance stating

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers

17. Reference is also made to being able to enjoy and access marine, freshwater and high country areas as important in terms of Section 7(c) of the RMA relating to maintaining and enhancing amenity values.

18. The Introduction notes that in terms of public access:

In Marlborough there is a high public expectation to be able to access and use coastal areas, as there are some 1,800 kilometres of coastline in the district, a large proportion of which occurs in the intricate waterways of the Marlborough Sounds. Public access to the coast in Marlborough is already relatively well established, with over 900 kilometres already accessible through Sounds Foreshore Reserve, legal road and esplanade reserves. Access is generally freely available, though in some areas is difficult because of land ownership or physical constraints. In some areas, public access is restricted for conservation or health and safety reasons.

In high country areas, public access is sometimes through legal routes on land administered by the Crown or the Council. However, often the areas for which access is sought, such as high country parcels, rivers and streams, can only be reached through private property and at the discretion of the landowner.

19. In terms of Open Space the Introduction states:

Areas of open space, including land administered by the Department of Conservation and reserves for recreation and other purposes, also contribute significantly to the quality of life experienced by Marlborough residents. These open space areas (both land and water) range from the relatively undeveloped to the highly modified and managed. Most are in public ownership or control, although some land is privately protected. Collectively or individually, open space areas are valued by people for ecological, amenity, landscape or recreational purposes.

Areas of open space that are more developed are usually readily accessible to the public and include public landscaped areas, playing fields, parks and play areas, legal roads, river reserves in towns. The degree of development is complementary, necessary or appropriate to the use and enjoyment of the open space. For example there may be community facilities that provide for or encourage recreation, such as halls, jetties, clubrooms or pavilions, courts and swimming pools. Other development may also provide amenity, such as footpaths, seating, lighting, monuments and plaques, or help in the management of an area, such as signs and bollards.

However, a significant part of Marlborough's open space comprises areas in a more natural or undeveloped state and include forests, wetlands, waterbodies and waterways. Areas of open space often show high levels of natural character. For example, the substantial open space resources that exists in the Marlborough Sounds and on Molesworth Station are significant contributors to the wellbeing of both residents and visitors.

20. There are two issues identified in the chapter, being Issue 9A and Issue 9B.

21. Issue 9A relates to public access, as follows:

Trying to meet community expectations that public access will be available to rivers, lakes and the coast.

22. To address this matter there are two objectives and 19 policies. These provisions include:

- Enjoyment of amenity and recreational opportunities in terms of access (Objective 9.1)
- Identification of areas of high importance for access and their enhancement (Policy 9.1.1)
- Criteria for enhancing public access and management of adverse effects and conflict (Policies 9.1.2-.3)
- Acknowledgement that access in private ownership can only be granted by the landowner (Policy 9.1.4)
- The expectation of access to the coast by New Zealanders. (Policy 9.1.5)
- Monitoring of the need for access (Policy 9.1.6)
- The role of marinas and jetties in providing access (Policy 9.1.7-.8)
- Means of enhancement(Policy 9.1.9)
- Esplanade Reserve /strip provisions(Policy 9.1.10 -.12)
- Impacts on public access from development(Policy 9.1.13-.14)
- Unformed legal roads relating to their presence and stopping of roads (Policy 9.1.15-.17)
- Identification of circumstances when public access can be restricted (Objective 9.2 and Policies 9.2.1.-.2)

23. Issue 9B relates to open space, as follows:

Ensuring the provision and management of suitable open space meets the present and future recreational, conservation and landscape needs of the community.

24. To address this matter there are two objectives and 14 policies. These provisions include:

- A wide range of reserves and open space are available (Objective 9.3)
- Open space and reserves are equitably distributed and suitably diverse (Policy 9.3.1-.2)
- Management of reserves by strategies and management plans(Policy 9.3.3)
- Identify areas where there are deficiencies of open space and recreational facilities (Policy 9.3.4)
- The community is adequately informed (Policy 9.3.5)
- Use of Council owned land to enhance opportunities (Policy 9.3.6)
- Provide walking and cycling linkages (Policy 9.3.7)
- Creation of allotments to enable protection of features that contribute to open space values (Policy 9.3.8)
- Consider the need for open space and recreation areas in considering development and subdivision (Policy 9.3.9)
- Adverse effects of open space areas and recreational activities (Objective 9.4)
- Manage the scale of buildings and activities on the surrounding environment (Policy 9.4.1-.2)
- Effects of recreational activities that use coastal and river margins (Policy 9.4.3)

- Matters to be considered when considering activities on reserves and the Open Space 4 Zone (Policy 9.4.4-.5)

25. In terms of Methods of Implementation there are four zones as follows:

26. The Open Space 1 Zone generally applies to smaller areas of open space that provide for the amenity of residential areas. These areas provide for amenity because of their open character and the local recreation and community activities they accommodate. Children's play areas are often found in the Open Space 1 Zone.

27. The Open Space 2 Zone applies to those areas of open space that cater to active recreation, including sports fields, tennis courts, indoor recreation/ leisure pursuits and a number of other recreation and community activities.

28. The Open Space 3 Zone applies to open space intended to be retained largely in its natural state for conservation purposes. Included in this zone are areas of native vegetation, natural ecosystems and important habitats, riparian margins and areas of outstanding landscape value that are in public ownership. The Zone also applies to areas identified as Sounds Foreshore Reserve, esplanade reserve or unformed road reserve that abuts the coastline. As such, the zone is predominantly Crown land administered by DOC and includes Molesworth Station (which in the WARMP is zoned Rural 4). In addition the Open Space 3 zoning also applies to those parts of river channels which are contained within cadastral boundaries but are not active. This has largely been determined by aerial photography and comparing it with the cadastral boundaries (the active part of the river channel is unzoned).

29. The Open Space 4 Zone provides for activities in Marlborough's alpine environments where skiing takes place in winter months and other activities, such as mountain biking and walking, occur during summer. This Zone has been applied to Rainbow Skifield and the Mount Lyford Ski Area.

30. The Open Space Zone 1-4 rules are found in Chapters 17-20 respectively and contain provisions relating to the type of activities allowed and standards relating to such matters as buildings, staff accommodation, planting, vegetation clearance and discharges.

31. There are a number of other Methods of Implementation including strategies, investigation, information and liaison.

32. Chapter 24 Subdivision is relevant as it contains Rule 24.1.16 relating to esplanade reserves and strips.

33. The Overlay Maps contain an overlay showing "High priority waterbodies for public access" which show a number of waterways on the lower Wairau Plains.

34. Overall the package of provisions is an extensive one. I note that some of the submitters have requested amendments to policies to include certain matters when they are already included in other policies and in some cases in other chapters. This emphasises the need to read the MEP as a whole document.

Analysis of submissions

35. In terms of the submissions receive to this topic there are:

23 submission points and 11 further submission points common to the Public Access and Open space provisions.

157 submission points and 164 further submission points to the Public Access provisions in Chapter 9.

33 submission points and 33 further submission points to the Open Space provisions in Chapter 9

8 submission points and 5 further submission points on the Chapter 17 Rules Open Space 1 Zone.

10 submission points and 3 further submission points on the Chapter 18 Rules Open Space 2 Zone.

62 submission points and 52 further submission points on the Chapter 17 Rules Open Space 3 Zone.

9 submission points and 6 further submission points on the Chapter 17 Rules Open Space 4 Zone.

3 submission points and 4 further submission points on Rule 24.1.16 of Chapter 24 Subdivision.

3 submission points and 1 further submission point on the Overlay maps.

12 submission points and 5 further submission point on zoning requests.

Key Matters

36. The key matters identified in the report largely reflect the headings of Chapter 9 in respect of Issues, Objectives, Policies, Methods of Implementation: Chapters 17-20 and 24 in respect of rules; Overlay Maps; and Planning Maps.
37. There are also a number of submissions that are better dealt by other topics given their specificity and similarity to the submissions dealt with by those topics. The Section 42A report identifies those situations where this arises.
38. The assessment generally refers to submitters but not further submitters in all cases.

Recommendation

39. Recommended amendments to the MEP are shown underlined and deleted text or provisions are shown ~~struckthrough~~ under the Recommendation heading in the report.
40. The submissions are accepted, accepted in part, rejected, or deferred (in the case of submissions dealt with in other topics) in accordance with Appendix 1.

Statutory Documents

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

Pre-hearing meetings

42. There have been no pre-hearing meeting for this topic.

General Submissions-Public Access and Open Space

Key Matter - General

Submissions and Assessment

43. Ten submissions have raised some general matters. Kevin Wilson (210.5) requests additional reference to “cycling” in the chapter. I do not consider this is necessary as a number of the policies already refer to it and the examples given by the submitter tend to be generic in terms of modes of transport which is considered appropriate in its context. In respect of Murray Chapman (348.11) the additional words in relation to providing for the control of weeds in 9.M.3 Regional Rules are in my view superfluous as the relevant provision is referring to a method of implementation only.
44. Federated Farmers (425.152) requests that the chapter is edited to be more concise and succinct although no specific changes are identified. While there are a number of objectives and policies the chapter covers a wide range of topics in respect of public access and open space as indicated in “Overview of Provisions” on page 2 of this report. Given public access is a matter of national importance in the RMA, and is referred to in the NZCPS and the obligations in respect of esplanade reserves I believe that overall the chapter content is reasonable.
45. George Elkington (727.1) has requested a number of matters in respect of the Ngati Koata rohe including consultation, Council providing information on riparian rights and written approvals in respect of mooring sites. Consultation with Iwi is set out in Chapter 3 of the MEP and Method of implementation 9.M.8 includes Information on public access issues. In terms of riparian rights, it is recognised that some landowners own land to MHWS in which there is no right of public access. These riparian rights of the landowner cannot be altered without some kind of statutory process, such as if the landowner chose to subdivide. On the other hand setback rules from MHWS for buildings and other activities can be imposed under Section 9 of the RMA (and which are contained in the MEP), but this does not derogate from the riparian rights of the landowner in terms of public access.
46. In respect of mooring sites, a mooring generally requires resource consent as a restricted discretionary activity under Rule 16.5.1 or a discretionary activity under Rule 16.6.2, which potentially provides for the involvement of Ngati Koata in any resource consent application. While moorings are referred to in Chapter 9 there is a far more comprehensive objective and policy framework in Chapter 13 Use of the Coastal Environment. Accordingly, it appears the issues raised by the submitter are addressed in the MEP.
47. NZ Forest Products Ltd (995.15 and .44) seeks relief in a number of areas as follows:
- The objectives and policies, particularly (but not limited to) Policy 9.1.1 should recognise that there is sufficient public access to Port Underwood in a number of locations and it should not be a priority for public access. Furthermore enhancing public access in this area could create health and safety issues with the extent of logging trucks on the road;
48. I note that the Section 32 Report sets out the background for identifying public access priorities which includes Port Underwood. In my view the presence of logging trucks does not override the provision and enhancement of public access under Section 6(d) of the RMA and is a situation that can be managed. I also note the policy is relatively high level with the type of public access not specified so there is likely to be further discussion with affected parties before any changes are implemented.
- The objectives and policies, particularly (but not limited to) Policy 9.1.12 should recognise that some types of subdivision and development (including transport and infrastructure), which require an operational connection between the land and the sea, cannot provide esplanade reserves and achieve operational requirements (including health and safety) and that in such situations the Council should properly take account of those operational issues, alternative access to (or from point to point) the CMA proposed by the applicant so that overall a net improvement in public access is achieved (in a similar way to Policy 9.1.14) along with any other relevant factors.
49. The type of matters specified by the applicant in respect of determining if an esplanade reserve should be provided are set out in Policy 9.1.12. In particular clause (g) of the policy refers to health and safety as a

reason for waiving the requirement while Policy 9.2.1 also sets out circumstances for restricting access. In addition Esplanade Reserves are generally only taken through the subdivision process and where the allotment is less than 4ha.

- The objectives and policies should seek to avoid zoning land as open space where it is privately held and the owner does not consent to such zoning, otherwise the zoning may be in breach of section 85 of the Act.

50. I understand that there is very little land, if any, that is private that has been zoned as Open space and that no submissions have been received on specific parcels of private land zoned Open Space. The submitter should provide details of the land considered to be inappropriately zoned.

- The Open Space zoning of land not owned by the Council or the Department of Conservation, or that neither of them have agreement with the owners to zone as open space is opposed.

51. I refer to my comments above.

- Open Space Zones should not be applied to private land without the consent of the landowner. In the event that Open Space Zones are applied to private land, commercial forestry harvesting, replanting and optimisation of existing commercial forestry should be provided for as a permitted activity in the Open Space Zones.

52. I refer to my comments above.

- Add new rules, or modify existing rules to give effect to the objective and policy modifications sought.

53. I do not recommend any changes and no specific rules are suggested by the submitter.

54. Flaxbourne Settlers Assoc (712.19, 20 and 24-.29) and KF Lowe (454.13-.18 and .30-.31) have made a number of submissions on the policies in respect of freedom camping. I note that freedom camping has its own legislation (the Freedom Camping Act 2011) and is dealt with by a Council bylaw - Marlborough District Council Freedom Camping Control Bylaw 2012 which is currently under review. I do not see any reason to include any provisions beyond the existing references in the MEP as it will result in overlap and confusion between the documents. No specific amended provisions are provided in the submissions and accordingly the submissions are recommended to be rejected.

(There are also submissions on Rules 18.1.3 and 19.1.3 in respect of freedom camping which are referred to later on in the report).

55. P. Rene (1023.18) states that public access is not supported by whanau who hold riparian rights in private ownership. This is noted but any public access over riparian rights requires a statutory process to be followed if such a proposal is implemented.

56. A number of the submissions including Aitken Taylor Ltd (266.1), AM and LM Campbell Family Trust (530.2), Marlborough Chamber of Commerce (961.20) either have not requested any amendment or it is unclear what they are seeking.

Recommendation

57. That there is no change to the MEP.

Public Access Submissions

Key Matter – Issue 9A Trying to meet community expectations that public access will be available to rivers, lakes and the coast.

Submissions and Assessment

58. Submissions in support of Issue 9A which relates to meeting community expectations of public access to rivers, lakes and the coast, include NZWAC (481.10) and NMFG (509.136). Queen Charlotte Residents Assoc (504.40) suggest a minor amendment which in my view does not add anything while Forest and Bird (715.209) suggests the policies are amended so that public access does not affect ecological corridors. It is not practicable to amend all policies but in any event this matter is specifically referred to in Policies 9.2.1 and 9.2.2. I therefore do not recommend any changes to the Issue.

Recommendation

59. That there is no change to the MEP.

Key Matter – Objective 9.1 and Policies 9.1.1-9.1.17

Submissions and Assessment

Objective 9.1

60. In respect of Objective 9.1 relating to the public enjoying the opportunities of Marlborough's coast, rivers, lakes and high country there is support or part support from NZWAC (481.2), NMFG (509.137) and Trustpower Ltd (1201.90)). Some amendments are suggested including from Federated Farmers (425.154) who request that words relating to safety and appropriateness and landowner permission are added to the objective. In my view this amendment detracts from the thrust of the objective and the matters referred to are picked up in the introduction, Issue 9A and subsequent policies. Some of the submitters request changes to other provisions rather than the objective itself being K Lowe (454.12), Aquaculture NZ (401.113), MFA (426.118)) and Flaxbourne Residents Assoc (712.23)), TRONT (1189.85) requests a new objective as follows:

The relationship of Tangata Whenua Iwi with their ancestral lands, water, wahi tapu and wahi taonga are enabled through opportunities to provide for customary access.

61. Generally this matter appears to have been addressed in Chapter 3 and in particular Issue 3E and I do not consider it requires repeating in this chapter. Te Runanga o Toa Rangatira (166.54) request reference to iwi history which should be protected. Again this matter is addressed in subsequent policies and also Chapter 3 and it is not considered necessary to add to the objective.

Identification and Enhancement of areas

62. Policy 9.1.1 identifies areas that have a high degree of importance for public access and in which MDC will enhance public access. A number of submissions suggest amendments including Federated Farmers (425.149) who suggest that public access will be by way of esplanade reserves and strips; PMNZ (433.42) who request that only the coastal marine area that has a Coastal Marine Zone is included in Policy 9.1.1(c) for safety reasons; Te Runanga o Toa Rangatira (166.53) seeks the addition of "Iwi specific areas"; and BR Stanton (366.2) seeks the addition of White Bluffs.

63. Bike Walk Marlborough Trust (471.1) and NZWAC (481.3) request the public access policy and clauses are included within the River Management Section of the MEP and to include the Opawa River stop bank network between Blenheim and Renwick as part of an overall cycle network. Te Runanga O Ngati Kahu (501.37) seek the addition of (f) conservation land. ME Taylor 472.9 seeks clarification as to whether the policy relates to rivers which only flow intermittently and who is liable for damages caused by fire and its control, animal disturbance and general safety issues.

64. Friends of NH and TB (716.135) request the following amendment "Policy 9.1.1 The following areas are identified as having a high degree of importance for public access, protecting conservation values, mitigating natural hazards and enabling public recreational use and the Marlborough District Council will as a priority focus on enhancing access to and within these areas; and Fonterra Cooperative Ltd (1251.300) requests that the plan (whether by introducing a new definition, or a table in an appendix, or as map overlays) identify those parts of water bodies that are considered "high priority" for public access.

65. In respect of these submissions the following is noted:

- I do not consider that access should be restricted to esplanade reserves and strips as there may be other methods used such as other legislation and negotiation (refer to 9.M.6 Other Legislation and 9.M.8 Liaison in Chapter 3). The explanation also refers to physical works.
- I do not believe that Policy 9.1.1(c) needs to be restricted to the coastal marine zone as it is a generic policy referring to areas and there are other sufficient policies to address issues such as safety. Similarly “conservation land” is too generic particularly as the policy focusses on geographical areas and features. I note that the focus of the chapter is on public access and suggested “conservation values” and “natural hazards” are referred to in other policies and other chapters.
- Clarification is sought from the respective submitters on the number and extent of “Iwi Specific Areas” and reference to the “River Management Section” as there is no such section.
- The policy does not distinguish between intermittently flowing rivers and others and could include the former while liability for damages is not addressed in this policy and is likely to depend on the circumstances of each individual case.
- In respect of the identification of waterbodies I understand that when the MEP was notified reference to the overlay “High Priority waterbodies for public access” was omitted from the policy. The reference was inserted under Clause 16 of the First Schedule to the RMA on 13 December 2017 so Policy 9.1.1 now reads:

Policy 9.1.1 – The following areas are identified as having a high degree of importance for public access and the Marlborough District Council will as a priority focus on enhancing access to and within these areas:

(a) Wairau River from State Highway 63 bridge to the sea;

(b) high priority waterbodies for public access on the Wairau Plain (as shown in the overlay map) and in close proximity to Picton, Waikawa, Havelock, Renwick, Seddon, Ward and Okiwi Bay;

...

66. I do not consider there is a need for other maps of the areas as the policy generally is a generic one and the areas are self-explanatory.
67. In respect of the Opaoa River network this is shown on the overlay map referred to above.
68. Policy 9.1.2 which relates to the criteria for enhanced public access. NZWAC (481.4) and NMFG (509.138) support the policy. Federated Farmers (481.4) suggests restricting the public access to esplanade reserves and strips while Friends of NH and TB (716.136) also suggest amendments in respect of esplanade reserves relating to wildlife values.
69. Trustpower Ltd (1201.87) supports Policy 9.1.2 in part, but considers that the scope of the policy should be limited to applications for subdivision or development that may have an impact on public access and the adverse effects of the subdivision or development on public access.
70. Te Runanga o Kaikoura and Te Runanga o Ngai Tahu (1189.86) also supports the policy but also wants an additional policy relating to customary access to sites.
71. In respect of these submissions I do not consider that access should be restricted to esplanade reserves and strips as there may be other methods used and access may be to waterways or the coast rather than along these features. The matters in the submission from Friends of NH and TB are addressed in Policies 9.1.10 - 9.1.12 and the amendment would “clutter” Policy 9.1.2. However, I consider some of the amendments from Trustpower Ltd improve the readability of the policy, although I note there is already reference to subdivision and development in the policy. In respect of customary access and as indicated above, I believe this matter appears to have been addressed in Chapter 3 and in particular Issue 3E. I also understand it was discussed at the hearing for Chapter 3 and that the term “customary access” may require further clarification.
72. In respect of Policy 9.1.3 which relates to minimising the effects of public access on the wider environment and conflicts between users, H Thomson (111.1), J Wilson (231.3), NZWAC (481.5), KiwiRail Holdings Ltd (873.5) and NMFG (509.139) support the policy.
73. MDC (91.201) requests the inclusion of the wording “where necessary” given that in all circumstances it is not appropriate to provide for disposal of litter or for the disposal of human waste. This is opposed by

further submissions as it weakens the policy. I note that the policy is strongly worded in terms of the word “ensure” but given that the policy includes the words “steps shall be taken” I believe this provides some flexibility and that the requested words are not necessary, and which as indicated by the further submitters are somewhat uncertain.

74. Other suggested amendments include Federated Farmers (425.156) who request further provisos relating to trespass, landowner access and effects on neighbouring land use and PMNZ (433. 44) who request the policy is amended to delete Port, Port Landing and Marina Zones, but does not say why.
75. It appears this policy is directed at cumulative effects that may arise from the actions of individuals relating to increased littering, damage etc once the access is enhanced. I agree that reference should be made to trespassing as this effect could arise but landowner access does not fit with the intent of the policy. I do not believe that the Port, Port Landing and Marina Zones need to be exempt, particularly as the policy appears to be favourable to “operators” of the facilities in these zones.

Access over private land and to the coast

76. Policy 9.1.4 relating to the acknowledgement that access over private land can only be granted by the landowner is supported by C Bowron (88.3), C Tozer (319.10), M and K Gerard (424.38), Federated Farmers 425.157), PMNZ (433.45), ME Taylor (472. 8), NZWAC (481. 6), NMFG (509.1400, P Rene (1023.2), Ragged Point Ltd (1086.1), Trustpower Ltd (1201. 93) and Fonterra Ltd (1251.93).
77. Rangiruhia Elkington Whanau Trust #1 and # 2 (1088.1) while supporting in part does not appear to suggest any amendments to the policy.
78. Policy 9.1.5 relates to the acknowledgment of the importance of free and unrestricted access to the coast. The policy is supported by M and K Gerard (424.39).
79. A number of parties request amendments including MFA (426.116) and Aquaculture NZ (401.111) who request that the policy should state that aquaculture does not impede public access to and along the coast. Friends of NH and TB (716.137) request reference “to and along the coastal marine area”. MFIA (962.73) requests that public safety is provided for in the policy. Federated Farmers (425.158) submits that this policy and its explanation are creating an unrealistic expectation, and contradicts Objective 9.2.
80. These policies are “acknowledgement” or statement policies rather than policies guiding development or management of resources. As such it could be argued they are not vital for inclusion in the MEP but as such the policies provide context in the Marlborough district particularly given the extent of the coastal area. Given the generic nature of the policies I do not favour any amendment and specificities relating to safety and aquaculture, matters which are generally covered by other policies.

Provide/enhance public access

81. Policy 9.1.6 is for the continuation of the need to assess enhancing public access along the coastal marine area, lakes and rivers. The policy is supported by Federated Farmers (425.159), NZWAC (9481.7), Queen Charlotte Residents Assoc (504.41) and NMFG (509.141). The policy is opposed by BR Stanton (366. 1) who states public access to southern half of Cloudy Bay (Wairau River Mouth to White Bluffs) needs to be opened. This request does not fit in with the generic nature of the policy and is more appropriate in respect of Policy 9.1.1 which provides for this given that reference is made to “Rarangi to the Wairau River mouth” in Policy 9.1.1(c).

Marinas and Jetties

82. Policy 9.1.7 recognises existing facilities such as marinas and launching ramps make a significant contribution to providing public access. This policy is supported by Port Marlborough (433.43) while Aquaculture NZ (401.112) and MFA (426.117) want specific reference to launching ramps at Elaine Bay, Oyster Bay and Okiwi Bay). Salvador Delgado Oro Laprida (218.13) raises the issue of parking associated with marinas and whether this should be free or not.

83. The policy is relatively generic in terms of examples of facilities and I do not believe there is a need to become more specific as there are likely to be other examples. I do not consider the parking matter is directly relevant to the policy and is more of a Council administration issue.
84. Policy 9.1.8 refers to the public use of jetties enabling access to the Sounds Foreshore Reserve and legal road. This policy is supported by M and K Gerard (424.40) and Friends of NH and TB (716.38) while Queen Charlotte Residents Assoc (504.42) request that the policy includes a setback in the Sounds Foreshore Reserves such that buildings should be a minimum of 30 metres from the CMA; public access to and along the Coastal Margin Area for foot traffic is maintained and enhanced; a policy for vehicular traffic inclusive of ATV vehicles; and historic "paper roads" in the Sounds Admin Area should specifically exclude vehicular traffic.
85. The matters raised by the Residents Association are not directly relevant to the policy which is about public use of jetties. However in respect of the matters raised buildings are not a permitted activity in the Open Space 3 zone which applies to the Sounds Foreshore Reserve and unformed legal road and so if application is made conditions can be imposed (setbacks also apply to buildings in adjoining zones). I understand that vehicular use and access policy is considered on a case by case basis by MDC and which can be enforced by the Transport Bylaw (rather than the MEP) which allows the Council to restrict vehicle access to beaches for public safety or environmental reasons.
86. However there are provisions in the MEP that do refer to vehicle access such as Policy 9.2.1, and 9.M.9 Liaison in respect of liaising with DOC over vehicle access. In this respect under 9.M.9 Liaison (see below) I have recommended that adjoining land owners and interest groups are included when discussing such matters as vehicle use and public facilities.

Cycling and walking networks

87. Policy 9.1.9 refers to enhancing public access through the development of networks for cycling and walking and facilitating public access by the use of MDC land. The policy is supported by Bike Walk Marlborough Trust (471.2), MOE (974.1), and NZWAC (481.8). Te Runanga o Ngati Kuia (501.38) supports the policy but wants reference to legal roads.
88. Aitken Taylor Ltd (266.2) wants the policy to be more explicit; Federated Farmers (425.160) suggest "recreational opportunities" rather than "public access" should be enhanced; Friends of NH and TB (716.139) requests changes to take account of adverse effects; NMFG (509.142) requests reference to consultation on the routes; and Queen Charlotte Residents Assoc (504.43) requests reference to priority of walking and the need for monitoring.
89. In respect of these matters legal roads are clearly referred to in the explanation to the policy. Aitken Taylor Ltd does not say how the policy should be more explicit. I also consider the reference to "public access" is more appropriate than "recreational opportunities" given the chapter is about public access. Recreational use is referred to in Policy 9.1.9 (b).
90. The Queen Charlotte Residents Assoc submission appears more focussed on specific monitoring of the Queen Charlotte Track which I do not consider appropriate in a generic policy such as this. The other submissions refer to consultation and having regard to adverse effects. I consider these matters are covered in the other policies in the chapter and reference to them here tends to undermine the thrust of the policy.

Esplanade Reserves and Strips

91. Policy 9.1.10 refers to the creation of esplanade reserves and strips and access strips as a significant means of enhancing public access.
92. The policy is supported by Federated Farmers (425.161), NZWAC (481.9), and NMFG (509.143). ME Taylor Ltd (472.9) appears to refer to Policy 9.1.1 and is dealt with under that provision.
93. C.Tozer (319.11) suggests that a "tougher stance" on requiring open space is not required in the section 32 report.

94. I note that the reference to a “tougher stance” in the Section 32 report relates to Objective 9.3 and refers to open space areas rather than access to the rivers, lakes and the coastal marine area. As such I consider it of limited relevance with the Section 32 report on Policy 9.1.10 of greater applicability.
95. Policy 9.1.11 refers to the circumstances of taking an esplanade reserve rather than an esplanade strip.
96. DOC (479.98) supports the policy while NZWAC (481.10) requests an additional standard is added in respect of where the site adjoins a river to recognise the requirements of s229(c) of the RMA. NMFG (509.144) requests the addition of “rivers used for angling” in Policy 9.1.11(b). Queen Charlotte Residents Assoc (504.44) requests the deletion of the transfer of ownership of an esplanade reserve from the Crown to Council in the policy as it relates to the Sounds Foreshore Reserves.
97. In respect of “adding in a river”, while it is acknowledged this is contained in Section 229(c) of the RMA the Council has determined that the policy does not apply to rivers in a local context and it can therefore be assumed that rivers are not a priority, except in the circumstances identified in Policy 9.1.1(a) and (c). However, I agree additional wording should be added to the explanation to clarify this situation.
98. Similarly I am not aware that “rivers used for angling” are a priority. In respect of the transfer of the Sounds Foreshore Reserves from the Crown, this appears an overreaction to the explanation where it refers to reserves being transferred from the Council to the Crown (such as the Sounds Foreshore Reserves) and in my view does not justify any amendment.
99. Policy 9.1.12 refers to the circumstances of waiving/reducing/increasing the requirement for esplanade reserves/strips. Federated farmers (425.162) request the following amendments (shown in **bold**):
-
- (h) whether the provision of public access along the esplanade reserve or esplanade strip would result in health or safety risks to the public using the reserve or strip **or landowner or facility involved, for example, where there are defence lands, existing road reserve, sensitive machinery, network utilities or works; and***
- (j) the subdivision involves only a minor boundary adjustment; and***
- (k) where the land is protected in perpetuity, provided that public access is secured along the margins of the coast, river or lake concerned.***
100. I believe that (h) should remain generic rather than specifying certain examples as it can narrow the force of the policy while in terms of (j) the term “minor boundary adjustment” is not defined and could result in an allotment substantially smaller than 4ha. However I consider there should be some reference to land that is already protected (k). Queen Charlotte Residents Assoc (504.45) infers reference should be made to climate change and sea level rise. I agree these are potential issues but I note that Chapter 19 Climate Change addresses this matter and the MEP should be read as a whole.

Impacts on public access

101. Policy 9.1.13 refers to the matters that public access should be assessed against in the consideration of resource consents. DOC (479.99), and KiwiRail Holdings Ltd (873.26) support the policy. Queen Charlotte Residents Assoc (504.46) opposes the policy for reasons of consistency but does not suggest amendments.
102. NMFG (509.145) requests that the policy be amended to ensure that there is no reduction in public access to rivers unless this is unavoidable and the criteria are amended to reflect its application to areas adjacent to rivers and not just to the riverbed.
103. Totaranui Ltd (233.27) requests amendments to take account of the presence of marine farms in terms of coastal occupation, provision of public access and new marine farms.
104. Federated Farmers (425.163) request the following the addition of the following criterion:

(j) the positive impacts of the activity, subdivision or structure from locating the development in that location.

105. Similarly Trustpower Ltd (1201.88) seeks a further matter be added as follows:

(j) the benefits of the activity/structure that is to be located in the coastal marine area or river bed.”

106. Transpower (1198.22) seeks a further matter be added in respect of the Cook Strait electricity cable as follows:

(x) whether there are restrictions on activities or access imposed by other legislation including the Submarine Cables and Pipelines Protection Act 1996.

107. Many of the submissions are not relevant to the thrust of the policy which is the criteria for assessing effects on public access. In this respect, I do not believe the positive aspects of a proposal should be included in the policy (but can be considered as part of an application). Similarly the reference to “unavoidable” is not relevant to the criteria while “riverbed” areas can be covered by water. The particular characteristics of marine farms can be considered in terms of the existing criteria. However I agree that the Transpower amendment can be included as it is a matter that may impact on public access and is not readily covered by other criteria.

108. Policy 9.1.14 relates to providing alternative access if existing access is lost through development. Trustpower Ltd (1201.94) supports the policy while NZWAC (481.11) and NMFG (509.146) seek an amendment that requires alternative access to be provided rather than “may” be provided.

109. I agree to the extent that alternative access must be considered (rather than “provided”) as this will depend on individual circumstances) as this gives the policy more force in circumstances when the existing access is lost.

Unformed legal road

110. In respect of Policy 9.1.15 which relates to the benefits of unformed legal roads for public access a number of amendments are suggested. Federated Farmers (425.164) suggests referring to potential incompatibility with adjoining activities; NZWAC (481.12) proposes to delete waterbodies as not all roads are adjacent to these; Te Runanga o Ngati Kuia (501.39) and NFL (990.214) suggest that reference to safety should be added; and Queen Charlotte Residents Assoc (504.47) requests provisions relating to the stopping of roads. NMFG (509.147) supports the policy.

111. In respect of these submissions the suggestion of adding “safety” and “incompatibility” matters detracts from the thrust of the policy which is to recognise the benefits of unformed legal roads for access which may not always be apparent. Reference is made to “public land” in the policy so there is no need to delete waterbodies and the current wording as it adds specificity to the policy. The suggested changes from the Queen Charlotte Residents Assoc do not appear to be related to the policy and some may be better placed in Policy 9.1.16 but it is not clear if the stopping of roads is supported or opposed, and clarification from the submitter is required. It is noted that the stopping of roads is undertaken in accordance with the Local Government Act, in which involves a public process, rather than under the Resource Management Act (as acknowledged in Policy 9.1.16 explanation).

112. G and C Robbins (640.5), GV Robb (738.8) and MJ Robb (935.5) oppose the policy and consider that the roads should be left alone unless the landowner on whose land the road is on agrees and wishes to open it. This is noted but it is not up to the landowner to “open” the road as it is already public.

113. In relation to Policy 9.1.16 which refers to matters Council will consider in the stopping of unformed legal roads M and K Gerard (424.41) support the policy. NZWAC (481.13) also supports the policy but suggest deleting the criteria (a) – (e) and essentially replacing them with the form of a public notice. NMFG (509.148) also suggests deleting the policy as it is a Local Government Act matter rather than an RMA matter and accordingly is unnecessary.

114. Te Runanga Toa Rangatira (166.52) requests consideration of whether the road is on or near culturally significant sites as a new policy where sites that are not currently protected by other means.
115. Federated Farmers (425.165) request the following additional criteria:
- (f) whether there is public access to the other end of the unformed legal road; and
 - (g) the existing land use and the degree of disruption provided to legitimate activities occurring on the land surrounding the paper road.
116. In my view the policy is focussed on the “access” factors in any stopping of unformed legal roads, and which in my view can sit comfortably in the “Public Access” chapter. Again matters other than access such as cultural matters and adjoining activities can be dealt with under the processes for stopping roads under the Local Government Act. In terms of Federated Farmers Item (f) this situation appears to be covered by the policy and in particular (a).
117. Policy 9.1.17 relates to the circumstances where MDC will not stop an unformed legal road unless there is an equal or better alternative. The policy is supported by K Wilson (210.18). M and K Gerard (424.42 support in part but do not suggest any amended wording.
118. Te Runanga Ngati Kuia (501.49) requests “other reserve land” should be replaced with “other public land” in (c).
119. NMFG (509.149) also suggests deleting the policy as it is a Local Government Act matter rather than an RMA matter and accordingly is unnecessary.
120. Generally I believe the policy is satisfactory, and while there is overlap with the Local Government Act I am of the view the provisions can sit in the MEP given the role of legal roads in Marlborough in providing a means of access to waterbodies and the coast.

Recommendation

121. That Policy 9.1.2 is amended as follows:

In addition to the specified areas in Policy 9.1.1, the need for public access to be enhanced to and along the coastal marine area, lakes and rivers will be considered at the time of subdivision or development, in accordance with the following criteria:

(a) the effect of the subdivision and development on public access;

(a b) there is existing public recreational use of the area in question, or improving access would promote outdoor recreation;

(b c) connections between existing public areas would be provided;

(c d) physical access for people with disabilities would be desirable; and

(e) providing access to areas or sites of cultural or historic significance is important.²

122. That Policy 9.1.3 is amended by the following:

Policy 9.1.3 – Where public access is enhanced in priority locations, steps shall be taken to ensure this does not result in:

(a) cumulative adverse effects on the wider environment of that location from littering, trespassing, unsanitary disposal of human waste or damage to vegetation; or³

² Trustpower Ltd (1201.187)

(b) conflicts between users that would detract from public enjoyment of the area.

123. That Policy 9.1.11 explanation is amended by the following:

...This ownership enables the Department to manage in an integrated manner access to the foreshore for the general public as well as for residents and bach owners with adjoining land. Council will give priority to taking esplanade reserves adjacent to rivers and lakes where (a) and (c) above apply.⁴

124. That Policy 9.1.12 is amended by the following:

Policy 9.1.12 – In considering whether to waive the requirement for, or to reduce/increase the width of an esplanade reserve or esplanade strip of 20 metres in width, the Marlborough District Council shall have regard to:

...

*(i) whether there is an existing mechanism in place that provides for public access*⁵

125. That Policy 9.1.13 is amended by the addition of the following:

*(j) whether there are restrictions on activities or access imposed by other legislation including the Submarine Cables and Pipelines Protection Act 1996.*⁶

126. That Policy 9.1.14 is amended by the following:

*Policy 9.1.14 – Where existing public access to or along the coastal marine area, lakes and rivers is to be lost through a proposed use, development or structure, alternative access ~~may~~ shall be considered as a means to mitigate that loss.*⁷

Key Matter – Objective 9.2 and Policies 9.2.1 and 9.2.2

Submissions and Assessment

Objective 9.2

127. Objective 9.2 relates to the identification of the circumstances where public access to and along the coast and the margins of lakes and rivers can be restricted.

128. Trustpower Ltd (1201.92), NZDF (992.14), KiwiRail Holdings Ltd (873.27) PMNZ (433.46) and Federated Farmers (425.167) support the objective although Federated Farmers (425.168) suggest adding a new policy under the objective relating to waiving requirements for esplanade reserves, but I note this is dealt with under Policy 9.1.12, and in my view an amendment is not required.

129. NMFG (509.150) request the objective is amended to ensure that it provides clear direction that that public access is not unnecessarily restricted so that it aligns with Section 6 (d) of the RMA. I agree that the objective should be more outcome focussed and consequently amended in general accordance with the submission. An amendment is also made to the explanation in terms of security.

Policies 9.2.1-9.2.2

130. Policy 9.2.1 sets out the circumstances where public access may be restricted. NZFS (993.7), KiwiRail Holdings Ltd (873.28), Port Marlborough Ltd (433.47) and Te Runanga Ngati Kuia (501.41) support the

³ Federated Farmers (425.156)

⁴ NZWAC (481.10)

⁵ Federated Farmers (425.162)

⁶ Transpower (1198.22)

⁷ NZWAC (481.11)

policy. K Wilson (210.17) opposes the policy but does not seek any specific relief. MFIA (962.74) submits this policy is linked to Policy 9.1.15.

131. Aquaculture NZ (401.114) and MFA (426.119) submit an additional sub-section (h) should be added to allow access to and along the coastal marine area to be restricted to manage threats to biosecurity. NMFG (509.151) request clause (g) relating to “other exceptional circumstances” is deleted.
132. Federated Farmers (425.166) suggests adding a new clause as follows:
- (h) ensure this does not result in trespass over private land, impede landowner access or cause adverse effects on neighbouring land uses.*
133. In my view it is appropriate to include biosecurity as a matter for consideration and that the “exceptional circumstances” clause should be retained to deal with unforeseen matters. The Federated Farmer’s submission is not accepted as it is not relevant to the policy and is covered elsewhere in the policies.
134. Policy 9.2.2 states constraints should not be imposed on public access unless there is no practical alternative and effects are not more than minor. PMNZ (433.48) and NMFG (509.152) support the policy.
135. Aquaculture NZ (401.115) and MFA (426.120) submit that (a) should be replaced with “the constraint is reasonable”. Trustpower Ltd (1201.90) request the policy is deleted as there is no statutory requirement for adverse effects on public access to be no more than minor in order for the sustainable management purpose of the RMA to be achieved.
136. The policy appears to be a “backstop” in terms of Section 6(d) and while expressed somewhat awkwardly I consider it to be appropriate given that public access is a matter of national importance and is in accordance with Objective 9.2 (as recommended to be amended).

Recommendation

137. That Objective 9.2 is amended as follows:

Objective 9.2 – ~~To restrict identification of circumstances when public access to and along the coast and the margins of lakes and rivers can be restricted~~ only where necessary for security, health and safety, conservation, cultural or other similar reasons.

Public access is already restricted in some parts of the Marlborough Sounds to protect special values such as endangered wildlife. The restriction on public access to these locations (generally islands) is governed by legislation other than the RMA. Access can also be restricted to defence areas, including areas used for temporary military training activities, under the provisions of the Defence Act 1990 for security and safety reasons. Port operations in Picton and Havelock may result in restrictions on public access to protect public safety and for security reasons.⁸

138. Public access is already restricted in some parts of the Marlborough Sounds to protect special values such as endangered wildlife. The restriction on public access to these locations (generally islands) is governed by legislation other than the RMA. Access can also be restricted to defence areas, including areas used for temporary military training activities, under the provisions of the Defence Act 1990. Port operations in Picton and Havelock may result in restrictions on public access to protect public safety.
139. That Policy 9.2.1 is amended as follows:

Policy 9.2.1 – Public access to and along the coastal marine area and the margins of lakes and rivers may be restricted to:

(a) ensure a level of security consistent with the purpose of a resource consent or designation;

...

⁸ NMFG (509.150)

(e) protect public health and safety, biosecurity and animal welfare and to manage fire risk;⁹

Open Space Submissions

Key Matter – Issue 9B Ensuring the provision and management of suitable open space meets the present and future recreational, conservation and landscape needs of the community.

Submissions and Assessment

140. Te Runanga Toa Rangatira (166.51) and Forest and Bird (715.210) generally support Issue 9B which relates to ensuring there is adequate open space, although the former submitter appears to request that cultural values are added to the issue while the latter submitter states there needs to be clear recognition that where reserve land is used for recreation it is important that vegetation and wildlife habitats are not adversely affected; any assessment to enhance access along the coast, lakes and rivers should include wetlands; and Council should also liaise with DOC to identify areas along the Marlborough coast where vehicles on the foreshore and seabed are not appropriate.
141. In respect of the first submission, while Issue 9B refers to “historic sites and features” I believe the issue should be amended to include “cultural values” given the values maybe present and reference to these matters is implicit in many of the objectives and policies. In relation to Forest and Bird I believe the existing provisions recognise these matters (Objectives 9.3 and 9.4, Policies 9.3.2, 9.4.4 (g), 9.4.5(a)) although I note that Section 6(d) does not specifically refer to “wetlands”. I note that 9.M.9 specifically refers to liaising with DOC over vehicles on the foreshore and seabed.

Recommendation

142. That Issue 9B explanation is amended by the addition of the following bullet point following “Commercial opportunities (e.g. rafting, four wheel drive tours)”

...

- Cultural values¹⁰.

Key Matter - Objective 9.3 and Policies 9.3.1- 9.3.3 and 9.3.5-9.3.9

Submissions and Assessment

Objective 9.3

143. In respect of Objective 9.3 NMFG (509.406) requests that a new Conservation Zone be included in the Plan which allows for the recognition of significant values of these areas and enables recreational use of these areas while ensuring that their values are protected and where possible enhanced. At the same time NMFG (509.410) requests further objectives and policies relevant to Open Space 3 Zone, that recognise the character and values of these areas and to ensure their protection from adverse effects of activities.

⁹ Aquaculture New Zealand (401.114)

¹⁰ Te Runanga Toa Rangatira (166.51)

144. I do not believe there is a need for a Conservation Zone as it appears the Open Space 3 Zone fulfils this role (given the description in 9.M.1 Zoning). I also believe there is sufficient guidance for these activities in the zone. Objective 9.4 and associated policies set out a framework for the management of activities in the open space zones including effects on trees and habitats, conservation and ecological values and rivers and coastal margins. Policy 9.3.3 also recognises that open space areas are often managed under other acts such as the Conservation and Reserves Acts. Overall, I consider the provisions are adequate and further zones and provisions are likely to be superfluous.

Policy 9.3.1

145. MDC (91.202) requests that paragraph 1 of the explanation to Policy 9.3.1 as amended as follows:

"Accessibility and distribution of open spaces and recreational facilities around the District is important. An equitable distribution to reflect the needs of the local community is important in achieving convenience of access to open space and recreational opportunities, recognising the particular role or function of the open space or recreational facility in meeting the differing needs of the community" in order that the distribution of open space areas needs to be relative to the local context and focused on the needs of the local community. This appears to be an appropriate and logical amendment and is not opposed by any party.

Policy 9.3.2

146. Aquaculture NZ (401.116) and MFA (426.121) in respect of Policy 9.3.2 requests that "protecting" is deleted from Policy 9.3.2 (d) as it suggests an absolute outcome which is not warranted in the context. Given that the provision of open space implies some protection and given the policy explanation which appears to be reasonable, I do not believe it is out of context.

147. MFIA (962.75) and NFL (990.215) in respect of the same policy, state the policy does not recognise risks that may arise such as fire. I note that the policy appears to focus on the types of open spaces and recreational facilities that are appropriate in the district rather than risks and note that Objective 9.4 and associated policies refers to risk which is probably the area to address this issue (and I note the submitters have also submitted on this). In these circumstances I do not believe Policy 9.3.2 requires alteration.

Policy 9.3.5

148. Federated Farmers (425.169) suggests amending the policy so that the community can be better informed, as follows:

"Ensure the community is ~~adequately~~ appropriately informed about areas of open space, reserves and recreational facilities and the opportunities available to access them."

149. In my view "adequately" provides more certainty and is a higher test than "appropriately", and the policy should remain as publicly notified.

Policy 9.3.7

150. In respect of Policy 9.3.7 relating to walking and cycle linkages there are a number of submissions in support including Bike Walk Marlborough Trust (471.11), NZWAC (974.2) and Ministry of Education (974.2) While NMDHB (280.16) also supports the policy it requests that further words are added to the explanation about linking communities and the benefits of cycling. I note the policy is about linking open spaces while wider cycle networks are referred to in Policy 9.1.9. Generally the benefits of cycle ways are self-evident and accordingly I do not believe there is a need to change the explanation.

Policy 9.3.9

151. In relation to Policy 9.3.9, NMHDB (280.17) while supporting the policy notes that it does not incorporate considerations of safety and does not require consideration to be given to providing walking and cycling linkages. While I consider that it is appropriate to highlight linkages, this is dealt with in Policy 9.3.7 and

further reference diminishes the force of the policy which is the provision of additional open space. In terms of referring to safety in the policy I consider this is appropriate.

Policies 9.3.5, 9.3.6 and 9.3.8

152. There are a number of submissions in support of the various provisions including DOC (479.100) in respect of Policy 9.3.5; Kevin Wilson (210.16), Clive Tozer (319.8) and NZWAC (481.14) in respect of Policy 9.3.6, Kevin Wilson (210.15) in respect of Policy 9.3.7 and Federated Farmers (425.171) in respect of Policy 9.3.8. This support is noted.

Recommendation

153. That the explanation to Policy 9.3.1 is amended by the following:

*“Accessibility and distribution of open spaces and recreational facilities around the District is important. An equitable distribution to reflect the needs of the local community is important in achieving convenience of access to open space and recreational opportunities, recognising the particular role or function of the open space or recreational facility in meeting the differing needs of the community”.*¹¹

154. That Policy 9.3.9 is amended by the following:

Policy 9.3.9 – In assessing the impacts of subdivision or development through resource consent applications, consideration shall be given to the need for public open space and recreation areas to provide for:

(a) additional neighbourhood parks needed as a result of additional residential and visitor accommodation across Marlborough;

(b) additional open space necessary for visual relief and plantings amongst the built environment; and

*(c) the development of neighbourhood parks and open space areas that are safe, useable and enjoyable.*¹²

Key Matter – Objective 9.4 and Policies 9.4.1- 9.4.5

Submissions and Assessment

Objective 9.4

155. In respect of Objective 9.4 NMFG (509.407 and .411) raise similar issues in terms of their submission to Objective 9.3 (509.406 and .410). For the reasons set out in respect of Objective 9.3 I do not consider any amendment is required.

Policy 9.4.1

156. In terms of Policy 9.4.1, Flaxbourne Settlers Association (712.34) request provisions to ensure any freedom campers do not create a fire risk along the coastline. As this policy refers to buildings the submission does not appear particularly relevant. I note the submitter has made a similar submission to the Open Space rules (712.33) which appears to be a more appropriate place to address the submitter's concerns.

Policy 9.4.2

¹¹ MDC (91.202)

¹² NMDHB (280.17)

157. In terms of Policy 9.4.2, MFA (962.76) and NFL (990.216) state the policy does not recognise risks that may arise such as fire, trespassing, fly tipping on adjoining properties. In terms of fire risk, I note Issue 9A refers to restricting public access for managing fire risk and Policy 9.2.1 (e) addresses this issue, but I acknowledge that this does not specifically apply to activities on open spaces. There are a number of mechanisms for managing fire risk including provisions under the Fire and Emergency New Zealand Act in respect of fire seasons and the issuing of fire permits and also MDC Bylaw-Chapter 8 Fire Prevention. Notwithstanding this I consider it is appropriate to refer to fire risk in the policy given it is a significant issue in Marlborough in summer. In terms of other effects such as trespass and fly tipping, I do not consider these need to be specifically mentioned but are not excluded from consideration in the policy.

Policy 9.4.3

158. Herb Thomson (114.1) supports Policy 9.4.3 indicating that vehicles should be limited in riverbeds. The further submission from Burkhart Fisheries opposes this submission as it “seeks to impose controls on commercial operations and vehicles on Ward Beach”. As the primary submission does not seek this relief the further submission is rejected.

Policy 9.4.4

159. In relation to Policy 9.4.4 Kevin Wilson (210.14) wants the “benefits of the activities” added to the policy; HNZ (768.22) suggests some amendments to clause (g) in respect of historical, waahi tapu values etc; and NFA (990.217) and MFA (962.77) requests amendments in terms of fire risk, including deletion of the policy and replacement by assessment matters.

160. The amendment suggested by Kevin Wilson is not in accordance with the objective which refers to adverse effects. The HNZ amendments are accepted as they add clarification. In respect of the fire risk issue I do not consider it appropriate to delete the policy as it refers to a wide range of matters in considering applications. As indicated above there are mechanisms other than RMA provisions for addressing fire risk but similar to Policy 9.4.2 some reference in Policy 9.4.4 is considered appropriate.

Policy 9.4.5

161. DOC (479.101) supports Policy 9.4.5 which is noted.

Recommendation

162. That the explanation to Policy 9.4.2 is amended by the following:

Policy 9.4.2 – Manage activities on open spaces to ensure that adverse effects of activities on the surrounding environment are minimal and/or temporary.

Open spaces provide a valuable function to communities and are available for a range of recreational activities. Recreational facilities such as clubrooms and associated activities can result in adverse effects such as night time noise, light spill, late night vehicle manoeuvring, increased fire risk, parking and accessing of the reserve and the adjacent roading pattern. These effects need to be avoided, remedied or mitigated to ensure the purpose of the RMA is achieved. However, it is appropriate to provide for other activities with low-key impacts within reserves.¹³

163. That Policy 9.4.4(c) is amended by the following:

Policy 9.4.4 – When determining applications for resource consent to carry out activities on reserves, the following matters must be considered:

...

¹³ MFA (962.76)

(c) the effect of the proposed activity regarding daylight, shading, and light spill and fire risk on adjoining properties and the reserve itself;¹⁴

164. That Policy 9.4.4(g) is amended by the following:

(g) any historical heritage, conservation, or ecological, archaeological or waahi tapu values; or spiritual and cultural values of Marlborough's tangata whenua iwi associated with the reserve;¹⁵

Key Matter - Methods of Implementation 9M and Anticipated Environmental Results 9AER

Submissions and Assessment

165. A number of submissions including NZWAC (481.19, 20 and 21), Bike Walk Marlborough Trust (471.3 and .4) and H.Thomson (112.1) variously support Methods of Implementation 9.M.1 Zoning, 9.M.5 Walking and Cycling Strategy and 9.M.8 Information and 9.M.9 Liaison.

166. Queen Charlotte Sound Residents Assoc (504.48) opposes 9.M.1 Zoning and infers that Open Space Zone 3 should not apply to the Sounds Foreshore Reserve (SFR) as stated in the method because "MDC has no existing legal rights as per the Sounds Foreshore Reserve (SFR) and any attempt to include the same via the proposed method is unacceptable."

167. I note that the DOC website states the following:

In the Marlborough Sounds, a strip averaging 20 m above mean high tide mark and covering 900 km of a 1200 km coastline has been made Sounds Foreshore Reserve (SFR). It is owned by New Zealanders and is managed by the Department of Conservation (DOC).

168. The submitter should clarify their comments as I do not believe there is any legal impediment to MDC imposing zoning on the reserve land. I note that the Marlborough Sounds Resource Management Plan zoned the SFR, "Conservation". The DOC website for activities in the SFR also requires identification of any resource consent that is required which implies that a Council zoning is appropriate.

169. In addition, NMFG (509.408) in respect of 9.M.1 states the description of the various zones is vital to understanding the different zonings and needs to be placed more prominently in the Plan to better assist plan users. While the submission may have some validity the approach in Chapter 9 is generally consistent with the other chapters and generally 9.M.1 is a logical place to identify the different types of zone.

170. In terms of 9.M.9 Liaison, Kevin Loe (454.21), Queen Charlotte Sound Residents Assoc (504.49) and Flaxbourne Settlers Association (712.32) suggests that as well as consultation with DOC, landowners and the community also be consulted in terms of vehicle use and upgraded public facilities. Consultation with these parties is likely to occur and given their interests it makes sense to include them.

171. In terms of anticipated environmental results MDC (91.77) requests that 9.AER.1 is amended given the availability of updated information on esplanade reserves and this appears to be a logical amendment. Clive Tozer (319.9) also requests that in respect of esplanade reserves effectiveness is also measured by the improved quality of the existing public access and open space and the quality of any additional open space areas should be the priority. The submitter refers to the Section 32 report which indicates that that "a tougher stance on requiring the provision of open space is unnecessary". I note this AER is specifically targeted at esplanade reserves rather than open space which is appropriate given Objective 9.1 and associated policies. I also note that 9.AER.1 also refers to an "improved" level of access which also implies quality and 9.AER.2 applies to the quality of open space which in my view goes some way to address the submitter's concerns.

¹⁴ MFA 9(62.77)

¹⁵ HNZ (768.22)

172. Queen Charlotte Sound Residents Assoc (504.50) on 9.AER.3 is not clear but appears to relate to access to the MDC website. It appears that no change is required to the provision but this should be clarified by the submitter.
173. HNZ (768.23) requests that Council develop an appropriate anticipated environmental result to address Objective 9.4 which relates to the establishment or development of open space areas and recreation activities that do not have adverse effects on the environment. HNZ recommends monitoring clauses relating to the condition of heritage resources and archaeological site damage. The submitter should clarify the submission as it appears to be more appropriate in terms of Chapter 10 Heritage Resource and Notable Trees.

Recommendation

174. That 9.M.9 Liaison is amended as follows:

"The Council will liaise with the Department of Conservation, coastal landowners and interest groups to identify areas along Marlborough's coastline where the use of vehicles on the foreshore and seabed is not appropriate.

The Council will liaise with the Department of Conservation, coastal landowners and interest groups to assess the need for additional or upgraded public facilities for areas identified in Policy 9.1.1 as having a high degree of importance for public access.¹⁶

175. That 9.AER.1 is amended as follows:

The areas identified as having a high priority for enhanced public access have an improved level of access as measured against a ~~2011~~ 2016 baseline.

"The number of esplanade reserves/strips available for access purposes is increased as measured against a baseline of esplanade reserves/strips available for access existing as in ~~2011~~ 2016"¹⁷

Key Issue- Open Space 1, 2 and 3 Rules

Submissions and Assessment

176. There are a number of submissions on the rules in the Open Space 1, 2 and 3 Zones. These are addressed below.
177. New Zealand Fish Passage Advisory Group (994.26) requests a condition for fish passage at existing in-stream structures be included in the Open Space 1 Zone.
178. This matter is dealt with by the Section 42A report in Topic 9 Natural Hazards and should be referred to for the relevant assessment and recommendation.
179. NZIS (996.25, .26 and .27) notes that there appears to be little by way of development of future Active Recreational Areas and that maps showing these areas should be added in the Open Space 1, 2 and 3 Zones.
180. Such maps are not considered appropriate in the MEP but are more likely to form part of a parks strategy type of document that sits outside the MEP. In this case the MDC Asset Management Plan for parks and reserves sets out strategies for managing future demand (<https://www.marlborough.govt.nz/recreation/parks-and-reserves/parks-and-reserve-plans-and-reports>).

¹⁶ Kevin Loe (454.21)

¹⁷ MDC (91.77)

181. NZTA (1002.211, .212 and .213) requests that standards relating to outdoor lighting are added to permitted activities in the Open Space 1, 2 and 3 Zones as follows "**All outdoor lighting must be directed away from roads so as to avoid any adverse effects on traffic safety.**"
182. Outdoor lighting standards are included in the Open Space 1 and 2 Zones (Rules 17.2.3 and 18.2.3) and include a maximum lux spill. NZTA should comment as to why these standards are not sufficient particularly as the suggested new standard appears somewhat uncertain in terms of "directing light away from the road" and "avoid any adverse effects". There are not any lighting performance standards in the Open Space 3 zone which appears appropriate given the nature of the zone which is to be left in its natural state and the necessity to obtain resource consent for any significant development (which may require lighting). Accordingly at this stage no amendment is recommended.
183. K Holdaway (852.11 and .12) and MG Harris (925.13 and 14) requests that professional fireworks and firework displays and special smoke and fire effects for films are a permitted activities in the Open Space 1 and 2 Zones. These submissions are dealt with in the Section 42A report for Topic 13 Air Quality.
184. Totaranui Limited (223.7) submits activities in the Open Space 1 Zone such as road works, land and vegetation clearance, application of agrichemical sand fertilisers and forestry and site development should be required to include preparation and lodgement of a plan specifying how these activities will be carried out in order coastal marine water is protected.
185. These activities either require resource consent or must comply with specified standards which provides the mechanisms to protect coastal waters as well as the requirements to comply with General Rules Discharge to Water. Accordingly, I consider that there are sufficient provisions are already in place.
186. Te Atiawa o Te Waka-a –Maui (1186.189 and .194) requests amending the standards that apply to all permitted activities in the Open Space 1 and 2 Zones, to account for cultural matters and protect cultural sites, areas and resources (specifically standards under heading 17.2.1). There is no suggested amendment or detail with the submission and accordingly the submitter needs to clarify this matter.
187. KiwiRail Holdings Ltd (873.167 and .170) requests a setback of 5m for buildings adjacent to the rail corridor in respect of reverse sensitivity effects in the Open Space 1 and 3 zones. Given that the performance standards do not specifically provide for this as the setbacks generally refer to roads and zonings I consider the amendment requested is reasonable for health and safety reasons (notwithstanding that the setback appears relatively arbitrary). However, the submitter should define what the "rail corridor" is and from what part the setback applies. I note that similar standards have been sought for other zones and the final provisions should be consistent throughout the MEP. Accordingly the provisions may be subject to change.
188. NZFS supports the permitted activity status for emergency service activities at the existing Renwick Fire Station (993.80) in the Open Space 2 Zone (Rule 18.1.8). NZFS (993.79) requests that provision is made for new emergency service facilities as controlled activities in the Open Space 2 Zone. NZFS (993.82) also request that standards be included in the Open Space 2 Zone relating to requirements to provide firefighting water supply and access for buildings.
189. Given that the Open Space 2 Zone caters for active recreation including sports fields and recreation and community activities it is not considered appropriate to include emergency service facilities as a controlled activity (for which Council cannot refuse consent) as the effects associated with these facilities may not be compatible with the outcomes anticipated within this zone. The provision made for such activities on the Renwick Fire Station site reflects that the effects of these types of activity are already present on the site. However, a discretionary activity is considered more appropriate for any new facility contemplated in this zone.
190. With regards to requirements to provide firefighting water supply and access, I agree that these standards should be included in order to ensure fire fighting protection for development in the zone. However I note that similar standards have been sought for other zones and the final provisions should be consistent throughout the MEP. Accordingly the provisions may be subject to change.

191. Rules 18.1.3 and 19.1.3 in the Open Space 2 and 3 Zones respectively provide for Freedom Camping except in prohibited areas identified by MDC in a bylaw. In respect of these rules D and C Robbins (640.60), GV Robb (738.60) and MJ Robb (936.60) oppose freedom camping the Open Space 2 zone unless they are booked into a camping ground with appropriate facilities. H. Thomson (113.1), KF Loe (454.124), Timms Family (475.8), NMFG (509.421), D and C Robbins (640.61), Flaxbourne Settlers Association (738.61) GV Robb (712.33), MJ Robb (935.61) and P Wihelmus and Ormond Aquaculture (1035.9) either oppose or seek modifications to Rule 19.1.3 in the Open Space 2 3 Zone.
192. I note that freedom camping has its own legislation (the Freedom Camping Act 2011) and is dealt with by a Council bylaw - Marlborough District Council Freedom Camping Control Bylaw 2012 which is currently under review. In my opinion, the rule is essentially an enabling one in respect of the bylaw so that any potential conflict is removed, with the by-law remaining the main determinant of freedom camping areas. I do not see any reason to amend the rules as it will result in overlap and confusion between any rules and the bylaw and the type of sentiment expressed in the submissions is better directed at the bylaw provisions.
193. PMNZ (1284.6 and .7) request new standards relating to reverse sensitivity noise effects in respect of activities adjacent to ports at Picton, Shakespeare Bay and Havelock in the Open Space 2 and 3 Zones. This matter is dealt with in Topic 18 Nuisance Effects, and which should be referred to for the relevant assessment and recommendation.
194. MDC (91.153 and.154) requests a new rule and standards in respect of livestock crossing rivers in the Open Space 3 zone given that the provisions were inadvertently omitted and are included in other relevant zones. As the Open Space 3 zone contains some farms I consider the rule and standard should be inserted. I note however that there have been submissions on the rule as it applies to the Rural Zone, Coastal Environment Zone and to the beds of lakes and rivers and that any decision on the rule should be consistent across the MEP.
195. M and K Gerard (424.189) requests clarification at the start of this chapter that the Open Space 3 Zone covers all the Sounds Foreshore Reserve, DOC Reserves, Titirangi Farm Park, and some privately covenanted land and that there should be no exotic plantings on this land, and no clearance of indigenous vegetation (except that required for walking track/road maintenance and the on-going management of DOC Reserves and Titirangi Farm Park).
196. Generally it is my understanding that these types of land are included (refer to 9.M.1 Zoning (page 9-15 Volume 1 of MEP)) and that the rules in the Open Space 3 Zone cover the matters referred to in the submission.
197. Kenepuru and Central Sounds Residents Association (869.38) notes the list of permitted activities in the Open Space 3 Zone seem to contemplate something much wider than recreation and conservation use such as farming and the submitter wishes to reserve their position to make oral submissions on this aspect. This is noted but I understand that the Open 3 zone includes "conservation farms" such as Molesworth Station and Wither Hills, which are administered and operated to an extent by DOC and the MDC respectively. The land is generally farmed under lease arrangements by third parties.
198. NMFG (509.409) submits there is no provision for signage in the Open Space 3 Zone and provision should be made for directional and educational signage. I note that signage is provided for under General Rule Signage 2.34 in Volume 2 of the MEP.
199. Ragged Point Limited (1086.2) submits that there should not any Open Space 3 Zone on Rangitoto ki te Tonga/D'Urville Island or private land as the submitter wishes to retain their riparian rights and rights to refuse people to cross private land. I note the zoning does not preclude the submitter from retaining their riparian rights or refusing people access and as such there does not appear a need to change the zoning. The Open Space 3 zoning of the land on the island also reflects the presence of DOC administered Crown land (although I note that some of this land has been freeholded through the Treaty Settlement processes and which is reflected in submissions requesting zoning changes described below).
200. NMFG (509.418) supports Rule 19.1.1 Passive recreation as a permitted activity in the Open Space 3 Zone which is noted.

201. In respect of Permitted Activity Rule 19.1.4 Conservation Planting in the Open Space 3 Zone this is supported by NMFG (509.220) but opposed by Federated Farmers (425.723) as this type of activity should not be managed by regulation. However I note that if conservation planting is not defined as a permitted activity it would require resource consent and subject to additional regulation.
202. Rule 19.1.10 in the Open Space 3 Zone which provides for farming as a permitted activity is supported by Federated Farmers (425.741), J.Hickman (455.40), G.Mehlopt (456.40), and Fertiliser Association of New Zealand (1192.84) but opposed by NMFG (509.433). These submissions are variously supported/opposed by a number of further submitters. I understand that farming is limited in the Open Space 3 zone but covers such areas as Molesworth Station (managed by DOC) and Wither Hills (managed by Council), which while having significant conservation and recreational values, are also farmed. Given that I anticipate that much of the farming in the zone is on public land and will be subject to various constraints in terms of its management of natural values, then I consider farming is an appropriate activity.

General Standards

203. In terms of “Standards that apply to all permitted activities” in the Open Space 3 Zone, NMFG (509.412) states the Plan needs to be amended to specifically provide for the erection of buildings and structures in the Open Space 3 Zone as a permitted activity.
204. In respect of this submission, the erection of buildings and structures are permitted provided they are part of a permitted activity or ancillary to it. In relation to the Open Space 3 Zone, this would for example, allow buildings and structures for passive recreation (Rule 19.1.1), a recreational event or a special event (Rule 19.1.1) and farming (Rule 19.1.10). This is the approach taken throughout the MEP where the activity is defined as a permitted activity rather than buildings or structures themselves. As such I consider the approach in the Open Space 3 Zone is appropriate.
205. The submission also states that Standard 19.2.1.3 for the Open Space 3 Zone needs amending to exempt structures within 8m of a river, a lake or significant wetland that are associated with game hunting and structures that are erected to provide information and shelter and benches and picnic tables associated with the use of public open space in Open Space 3 areas.
206. It is unlikely a number of the structures referred to above would require a building consent and as such would not trigger a resource consent or are exempt. However I consider it appropriate larger structures within riparian areas are subject to some kind of resource consent process and given this I do not consider there is a need for amendment. I also note In terms of maimai that these structures are more typically built over the beds of lakes and rivers and Rule 2.7.6 provides for these. The submitter should examples of where a maimai is built on land as opposed to river and lake beds.
207. A number of submitters have made submissions in respect of Standard 19.2.1 for the Open Space 3 Zone that relates to the construction and siting of buildings including NMFG (509. 419) in support of recreational and special events, Federated Farmers (425.712) who request an increase in height from 10m to 15m, Te Atiawa o Te Waka-a-Maui (1186.199) request that all permitted activities in the Open Space 3 Zone are to take account of cultural matters and protection of cultural sites, areas and resources, and Port Marlborough (433.186) which supports the maximum height of buildings. NMFG (509.415) supports Standard 19.2.4 Smoke for the Open Space 3 Zone.
208. In respect of these submissions I note the height of 10m is the same as the Rural Zone and in my view is an appropriate maximum given the nature of the Open space 3 zone. The submission from Te Atiawa o Te Waka-a-Maui is rather generic and does not suggest any specific amendments. This matter should be clarified by the submitter.
209. NMFG (509.422) support the provision of conservation planting as a permitted activity in the Open Space 3 although in a separate submission (509.1) notes that the definition of conservation refers to “planting” rather than “planning.” I agree this appears to be a typographical error but is a matter to be determined in the Definitions Topic.

Standards that apply to specific permitted activities

210. The submissions all apply to the standards in the Open Space 3 Zone.
211. NMFG (509.420) in respect of standards applying to Recreational or Special Events request that Standard 19.3.1.1 is amended to provide an exemption from game hunting activities, Standard 19.3.1.3 is amended to exempt structures associated with game hunting requiring removal following the end of the event; and Standard 19.3.1.4 is amended to exempt activities at the Para Wetland (W814) from gaining approval from the Road Controlling Authority.
212. It appears to me that the game hunting activities referred to are likely to be “passive recreation” which are not subject to specific permitted activity standards.
213. In respect of 19.3.2 Conservation Planting, Marlborough Lines Limited (232.2) requests a new standard that planting must not be within 40m of a distribution circuit and Te Atiawa o Te Waka-a-Maui (1186.200) requests an additional standard that conservation planting should not be allowed to be planted on or within 5 metres of urupa, wahi tapu or other sacred sites as a permitted activity.
214. In respect of the submission from Marlborough Lines Limited submission, this matter is being dealt with in Topic 20 Utilities.
215. Te Atiawa o Te Waka-a-Maui should comment on the extent and ease of identification of urupa, wahi tapu and other sacred sites in order to provide the standard with some certainty. I note however this matter is addressed in detail in Topic 8 Heritage.
216. In respect of Standard 19.3.2.4 which only allows indigenous species to be planted within 8m of a Significant Wetland, NMFG (509.423) seeks an exemption for the Para Wetland for the occasional planting of weeping willow and pin-oak trees given the approved management plan for the wetland provides for this. Given this I consider the amendment is appropriate.
217. Standard 19.3.8 Farming does not provide for dairy farms or pig farms established after 9 June 2016. Beef and Lamb (459.32) opposes this standard and suggest an alternative pathway which makes farming permitted and requires compliance with a Farm Environment Plan. Peter Bown (308.1) submits dairy farms should be treated as per the Rural Zone provisions. NMFG (509.434) opposes any farming while Fertiliser Association of New Zealand (1192.86) supports the standard.
218. In relation to these submissions I note that the dairy farm provision is the same as the Rural Zone provisions which provide for the activity as a discretionary activity. It also appears appropriate to require pig farming to obtain resource consent given the values associated with adjoining conservation land in terms of amenity and biodiversity values. The Beef and Lamb submission is likely to be dependent on the outcome of similar submissions on the Rural Zone and in light of this no final recommendation is provided.
219. In respect of Standard Discharge of Contaminants to Air NZFS (993.85) requests an amendment to discharges from the Blenheim Airshed in terms of Standard 19.3.9 which allows for burning of materials for training purposes. Go Marlborough (669.4), K Holdaway (852.4) and MG Harris (925.4) request that fireworks should be a permitted activity without a resource consent when fired within the Blenheim Airshed in the Open Space 3 Zone during winter months. These submissions are addressed in Topic 13 Air Quality and should be referred to for an assessment and recommendation.

Discretionary Activities

220. The submissions all apply to the Open Space 3 Zone.
221. NFMG (509.449 and .450) opposes Rule 19.4.1 and Rule 19.4.2 until the permitted activity rules are amended in accordance with the submission, which is noted. Fertiliser Association of NZ (1192.87) supports Rule 19.4.1 and Rule 19.4.2.
222. MDC (91.205) notes that the Regional notation was omitted in error in Rule 19.4.2 and should be added given that the rule will apply to regional activities. The submission is self-explanatory and is accepted.

223. Federated Farmers (425.756) requests Rule 19.4.2 be deleted as it is too broad in referring to any activity not provided for. As part of the structure of the MEP this rule is required to provide for activities which are not permitted or prohibited.

Prohibited Activities

224. P Rene (1023.7) requests a new prohibited activity in respect of prohibiting the application of vertebrae toxic agents on private land in and around D'Urville Island. This activity is now exempted from the provisions of the RMA in accordance with the Resource Management (Exemption) Regulations 2017 and therefore the submission cannot be acted upon in terms of the MEP.

225. Federated Farmers (425.758) request that Rule 19.5.3 relating to the prohibition of the planting of lodgepole pine (*pinus contorta*) is deleted because of unnecessary duplication in respect of the Bio-Security Act 1993 while DOC (479.257) and NMFG (509.454) support retention of the rule because of the threat of wilding pines affecting indigenous biodiversity and landscape values.

226. It is acknowledged that the Marlborough Regional Pest Management Strategy (MRPMS) is also a mechanism for controlling species such as lodgepole pine and is the subject of a rule in the MRPMS, but that this only relates to existing wilding pines. I understand that the lodgepole pine is included in the MEP because it makes them easier to manage in terms of planting, which is part of the forestry cycle. The MRPMS is currently being reviewed which could result in further species being included to make it more complementary with the MEP. The MRPMS is referred to in Chapter 14 of the MEP in policies and methods of implementation, and overall I believe the two documents are able to be aligned.

227. It is however noted that the NES Plantation Forestry (which was only notified in July 2017) also has controls on wilding species. The plan cannot have more stringent provisions than the NES and I understand that Council will take an alignment process to remove duplication and conflict which will be completed before the NES comes into effect in May 2018.

Recommendation

228. That Rule 17.2.1 is amended by the addition of the following:

17.2.1. Construction and siting of a building or structure. ...

17.2.1.7 A building or structure must not be within 5m of a rail corridor.¹⁸

229. That the following is added to 18.2 Standards that apply to all permitted activities:

18.2.x Water supply and access for firefighting

18.2.x.1 New buildings (excluding accessory buildings that are not habitable) shall have sufficient water supply for firefighting in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

18.2.x.2 Where a building is located more than 135m from the nearest road that has reticulated water supply (including hydrants) access shall have a minimum formed width of 4m, a height clearance of 4.0m and a maximum gradient of 1 in 5 (with minimum 4.0m transition ramps of 1 in 8).¹⁹

230. That a new Permitted Activity Rule under 19.1 is added as follows:

19.1.26 Livestock entering onto, or passing across, the bed of any river.²⁰

231. That a new heading under 19.3 is added as follows:

¹⁸ KiwiRail Holdings Ltd (873.167)

¹⁹ NZFS (993.82)

²⁰ MDC (91.153)

19.3.24 Livestock entering onto, or passing across, the bed of any river." and standards as follows –

19.3.24.1. The entering onto or passing across the bed of a river of livestock must not involve intensively farmed livestock if there is water flowing in the river.

19.3.24.2. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not cause any conspicuous change in the colour or visual clarity of a flowing river, measured as follows: (a) hue must not be changed by more than 10 points on the Munsell scale; (b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site; (c) the change in reflectance must be <50%.

19.3.24.3. After reasonable mixing, the entering onto or passing across the bed of a river by livestock must not result in a change in concentration of following: (a) daily average carbonaceous BOD5 due to dissolved organic compounds (i.e. those passing a GF/C filter); (b) dissolved reactive phosphorus; (c) dissolved inorganic nitrogen; (d) Escherichia coli (E. coli).²¹

232. That Rule 19.2.1 is amended by the addition of the following:

19.2.1. Construction and siting of a building or structure. ...

19.2.1.10 A building or structure must not be within 5m of a rail corridor.²²

233. That Rule 19.4.2 is amended by the following:

[R, D]

19.4.2. Any use of land not provided for as a Permitted Activity or limited as a Prohibited Activity.²³

Key Matter- Open Space 4 Zone Rules

Submissions and Assessment

234. There are a number of submissions on the Open Space 4 Zone rules as follows.

235. DOC (479.258) supports the rules as being appropriate for management of the skifield area.

236. Rainbow Sports Club Inc (228.11) In relation to Chapter 20 Open Space 4 refers to a 2015 submission and submits that MDC in drafting the proposed plan has failed to recognise the twelve month operation of the skifield and has only focused on the winter activity component. I understand that the "2015 submission" relates to comments that the submitter made on a draft set of rules for the Open Space 4 Zone proposed by MDC. From my reading it appears that the MEP rules differ somewhat from the draft rules. Accordingly the submitter should clarify their comments and identify what amendments are required (which may or may not be in addition to those requested below by the submitter).

237. Rainbow Sports Club Inc (228.6 and .8) have requested the reintroduction of temporary military training and accommodation for that purpose to be a permitted activity in the zone. However as indicated in the further submission from NZDF the activities are already provided for in the General Rules and as such are permitted.

238. Rainbow Sports Club Inc (228.5) requests that the following rule is amended by deleting "existing at 9 June 2016."

20.1.1. Skifield activity, including the use of a building or structure, existing at 9 June 2016.

²¹ MDC (91.154)

²² KiwiRail Holdings Ltd (873.170)

²³ MDC (91.205)

239. The reasons for the requested deletion are not clear but it appears that the date in the rule is intended as a check for any future development. Policy 9.4.5 makes it clear that the skifield environments have a limited capacity to absorb development. Without the date new development could potentially be allowed without resource consent and I consider some control is desirable given the policy direction (I note the permitted standards allow for some limited development).
240. Rainbow Sports Club Inc (228.7) requests Rule 20.3.2.1 is amended so that the on-site accommodation can be used for authorised persons including staff, members and contractors undertaking skifield business for the necessary operation of the skifield all year round. The rule reads as follows:
- 20.3.2. Use of an existing building for staff accommodation.**
- 20.3.2.1. The on-site accommodation must be for staff of the skifield and be necessary for the operation of the skifield*
241. I note the provision does not necessarily restrict accommodation to the ski season although I agree it is reasonable to add in members and contractors given that they may be required for the operation of the skifield.
242. NZTA (1002.214) requests that standards relating to outdoor lighting are added to permitted activities in the Open Space 4 Zones as follows **“All outdoor lighting must be directed away from roads so as to avoid any adverse effects on traffic safety.”**
243. There are not any lighting performance standards in the Open Space 4 zone. There is limited development allowed as of right in the zone and given the necessity to obtain resource consent for any significant development a condition could be imposed to address lighting issues. It also appears that a state highway is not located in proximity to the zone. Accordingly at this stage no amendment is recommended.
244. MG Harris (925.15) requests that the discharge of contaminants from fireworks and fire effects from film making now require resource consent and this should be a permitted activity in terms of Rule 20.1. This submission is dealt with in the Section 42A report for Topic 13 Air Quality.
245. K and S Roush (845.18) request that standards for lighting are added to the permitted standards. This submission is dealt with in the Section 42A report for Topic 18 Air Nuisance Effects.

Recommendation

246. That Rule 19.3.2.4 is amended by the following:

19.3.2.4. Only indigenous species must be planted in, or within 8m of, a Significant Wetland except that pin oak and weeping willow may also be planted in W814²⁴.

247. That Rule 20.3.2.1 is amended as follows:

20.3.2. Use of an existing building for staff accommodation.

20.3.2.1. The on-site accommodation must be for staff, members or contractors of the skifield and be necessary for the operation of the skifield.²⁵

Key Matter- Subdivision Rules

Submissions and Assessment

²⁴ NMFG (509.423)

²⁵ Rainbow Sports Club Inc (228.5)

248. There are three submissions relating to Rule 24.1.16 in Chapter 24 Subdivision which requires, in respect of any subdivision of 4ha or less, the provision of an esplanade reserve or strip of 20m unless the property adjoins the Waikawa Marina or Picton marina.
249. NZIS (996.32) and Tony Hawke (369.12) submit there is no allowance for a reduction in width or where there is no requirement for a reserve or strip. Federated Farmers (425.761) states the rule should focus on high priority areas and lists a number of these.
250. Rule 24.1.16 reflects section 230 of the RMA which generally assumes that an esplanade reserve of 20m will be taken on subdivisions of less than 4ha. Section 229 also refers to waiving or reducing the width by resource consent and again the rule is in accordance with this. Chapter 9 and in particular policies 9.1.10-12 give a comprehensive guidance on the circumstances of waiving and reducing the reserve. I believe it would be difficult to draft a rule for a permitted activity with required certainty allowing for reduction and waiving of the reserve. I do not favour a rule focusing on high priority areas as each subdivision should be treated on its merits. However the policies such as Policies 9.1.1-9.1.13 in Chapter 9 provide significant guidance on this matter. In these circumstances I do not consider an amendment is required.

Recommendation

251. That there is no change to the MEP.

Key Matter- Overlay Maps

252. There are three submissions on the Overlay map relating to High Priority Waterbodies for Public Access. PM Gilbert (192.4) requests the section of Coop Drain between behind Brooklyn Drive to Dry Hills Lane be added to the Overlay (see aerial photograph below that shows location highlighted in yellow). Discussion with Council Officers has identified that this is an appropriate link to prioritise, particularly given as it is shown in the Marlborough Walking and Cycling Strategy. Accordingly, I recommend that it shown on the Overlay map.



253. Constellation Brands NZ Ltd (631.57) requests the removal of the section of Doctor's Creek and Opawa River from the Overlay Map because the area is used for a vineyard including a waste disposal area. Generally I believe the section should be retained as it may be possible to negotiate a satisfactory alignment to avoid identified constraints and the general intent of the policy should remain.
254. P. Rene (1024.2) states there is a lack of information on the Overlay and further information is required. As discussed In Policy 9.1.1 above the reference was inadvertently omitted and has now been added in.

Recommendation

255. That the Overlay map is amended to show the section of Coop Drain between behind Brooklyn Drive to Dry Hills Lane.²⁶

Key Matter- Zoning Requests

256. A number of submissions are made in respect of rezoning various parcels of land in respect of open space.

257. MDC (91.115) notes that the Clearwater Reserve, Clearwater Place, Blenheim (Lot 33 DP 372968 (PN530180)) is zoned Urban Residential 2 on Planning Map 3. However it is submitted that as a Council owned and managed park it is more appropriately zoned Open Space 1. I concur that this is a logical amendment.

258. MDC (91.114) notes that Seymour Square, Blenheim (Lot 1 DP 6917) on Planning Map 9 is zoned Open Space 1. However, it is submitted that as special events are held in the square it is more appropriately zoned Open Space 2. I concur that this is a logical amendment.

259. MDC (91.255) requests that Pt Sec 1244, Sec 1260 & Sec 1258 Town of Picton and Lot 4 DP 3342 which are located on the Picton Foreshore are rezoned from Business 1 to Open Space 2 on Planning Map 35 as shown below in hatched yellow.

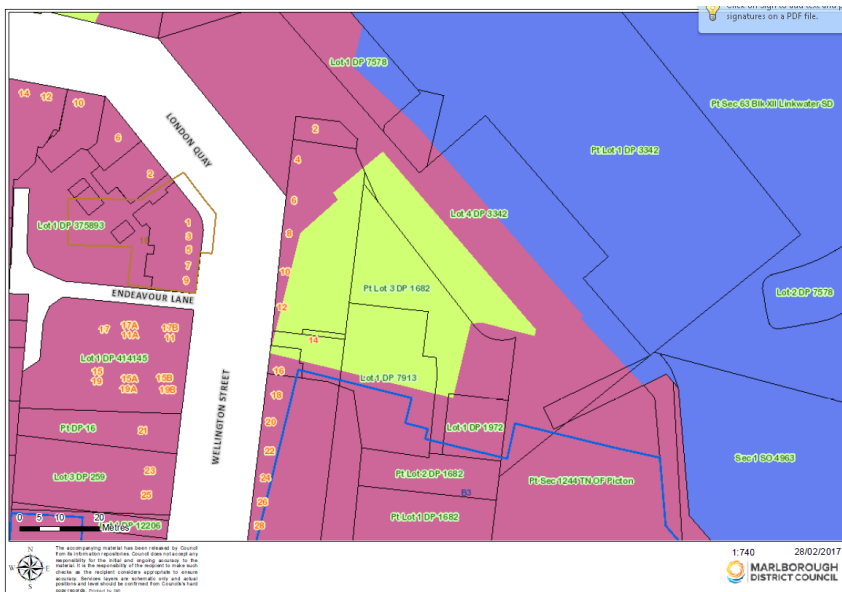


260. It is understood that the land in question is currently open space and used for carparking and access for boats berthing adjacent to the carpark. It also provides an important link to the Fisherman Reserve and the Coat Hanger Bridge. Given these current uses and the land's importance for public access, it is considered by MDC that the proposed Business 1 is not an appropriate zoning for the land. Any commercial development of the land in question would result in the loss of open space and the ability for the public to access other areas around the Picton Foreshore. I concur that based on this, the Open Space 2 is a more appropriate zoning. MDC Reserves department have clarified the area is as shown below in yellow - this includes the full legal description outlined in the original submission.

²⁶ PM Gilbert (192.4)35



261. MDC (91.256) requests that Secs 1180 & 1181 Town of Picton, Lots 1, 2 & 3 DP 7913, Pt Lot 3 DP 1682, Lot 4 DP 3342 and Lot 1 DP 1972 are rezoned from Open Space 2 to Business 1 on Planning Map 37 as shown below in yellow. I understand that the proposed zoning of the area for open Space 2 would limit the ability to use the land for commercial opportunities in the future. I note that the land is zoned for commercial purposes in the Marlborough Sounds Resource Management Plan. Accordingly I consider that it is appropriate to retain the opportunity to realise commercial opportunities at this location and the area rezoned to Business 1.



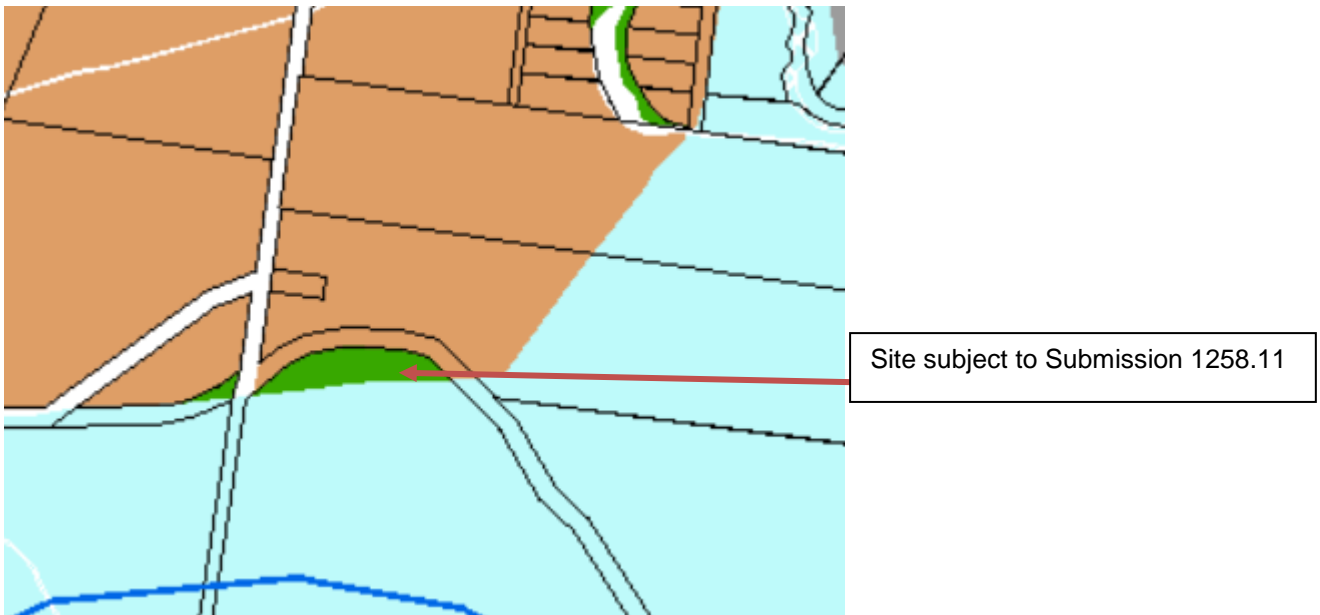
262. MDC (91.95) request part of property number 182692 on Ward Beach Road are rezoned from Open Space 3 to Rural Environment Zone given the original zoning is in error, as shown below on Planning Map 219 and the aerial photograph below. I concur that this is a logical amendment.



Extract from Planning Map 219

263. Te Atiawa in a further submission oppose all of the above MDC submissions, but appears to relate to the addition of new permitted standards that allow works within riverbeds, and banks of waterways. As such I do not consider that this further submission is of relevance. There are no other further submissions.

264. Gary Barnett (1258.11) requests that an area shown on Planning Map 80 in proximity to Tuamarina which is zoned Open Space 3 is rezoned, as part of the area includes private land and the other part is subject to a long term lease which is highly modified agricultural land. A title search reveals the area identified is owned by MDC and is considered to be part of the “inactive “riverbed and as such zoned Open Space 3. This zoning allows farming as a permitted activity and in these circumstances there does not appear any need to change the zoning.



Extract from Planning Map 80

265. Jarvie Family Trust and TM and MS Raumati (11.1) request a change of zoning for Secs 1 and 2 SO 428440 located at Catherine Cove, D'Urville Island, from Open Space 3 Zone to Coastal Living Zone on Planning Map 93. It is submitted given that the titles were subdivided from Crown land as part of Treaty settlement processes and is now freehold land. I agree that the rezoning is appropriate given the change in ownership but that more appropriate zone is Coastal Environment given this the prevalent type of zoning in the area.



Secs 1 and 2 SO 428440– rezone from Open space 3 to Coastal Environment.

Extract from Planning Map 93

266. Mt Zion Trust and AM and WW Scholefield (515.2) oppose the Open Space 3 Zoning (described in the submission as Sec 7 SO 448) of a site located at Beatrix Bay. The location of the site is not clear (a plan was not supplied with the submission) including the reference to Sec 7 SO 448. It may be that the submitter is referring to Section 5 Block V Gore Survey District as shown on Planning Map 106 below. However it is understood that this parcel is Crown land administered by DOC. Accordingly the submitter needs to confirm the location of the site.



Site (Section 5) potentially subject to Submission 515.2

Extract from Planning Map 106

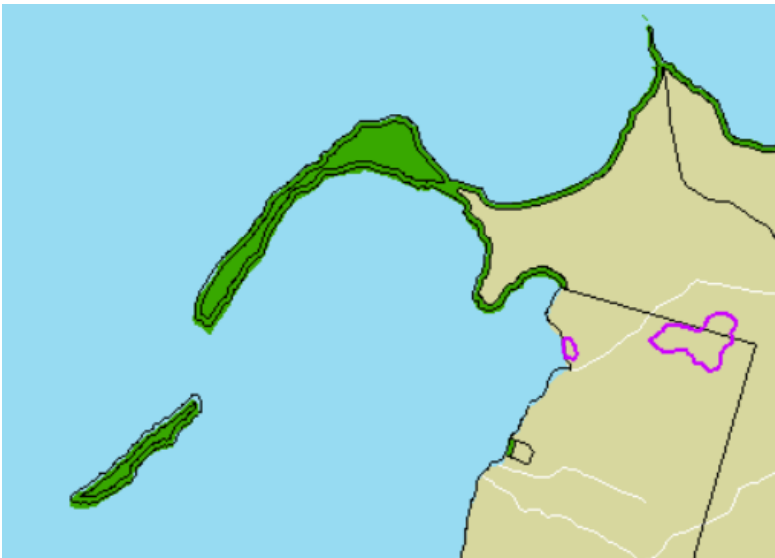
267. Hura Pakeke Trust (498.1) requests that Sec 1 SO 429448 located at Wharf Road, Okiwi Bay be rezoned from Open Space 3 to Coastal Living on Planning Map 111. The submitter notes that during the Wai Claim 220 for Ngati Koata, Sec 1 SO 429448 was removed from the Conservation Estate and privatised with land gifted for transfer to Ngati Koata. As part of the transfer, it was agreed between the Department of Conservation and Ngati Koata that the land was suitable for residential development. I agree that the rezoning is appropriate given the change in ownership and note that the proposed rezoning, shown below, is consistent with the neighbouring zoning



Sec 1 SO 429448 – rezone from Open space 3 to Coastal Living

Extract from Planning Map 111

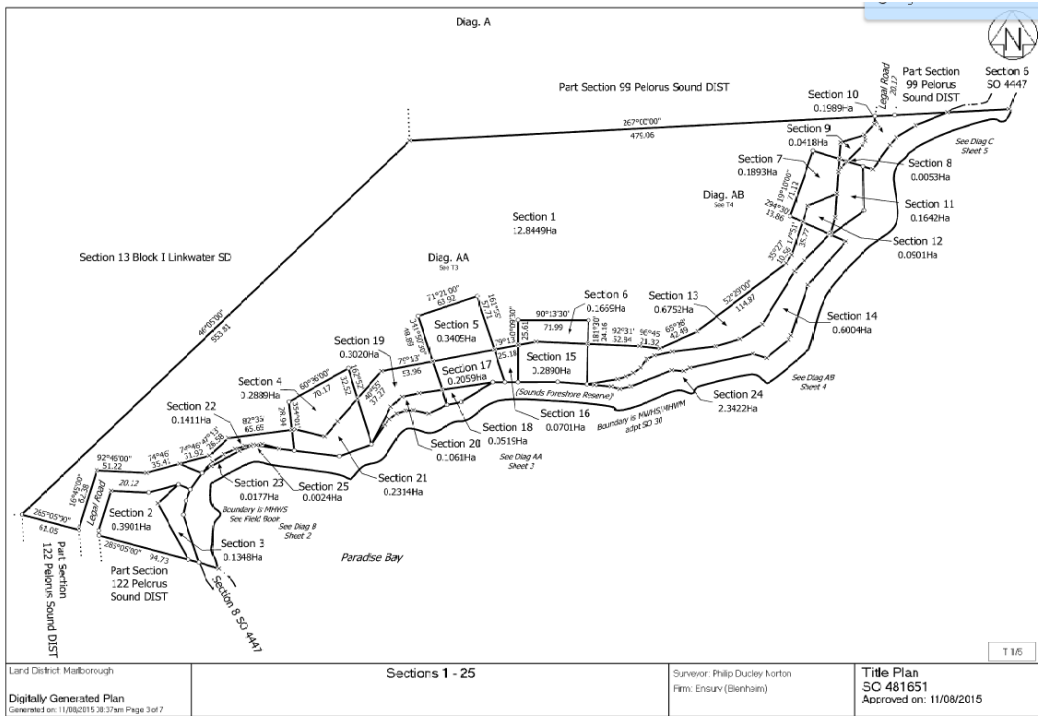
268. M and K Gerard (424.190) queries if there is a mistake in the zoning of one of the Open Space 3 Zone areas on their property at Hopai Bay which it is understood is shown on Planning Map 114 below. The submitters covenanted Oaheka Peninsula with DOC in two separate pieces and these are not included in Open Space 3 Zone. The submitter should clarify the exact location of the covenanted areas as it is not clear from the submission, although it is noted that an Open Space 3 zone is not critical for covenanted areas.



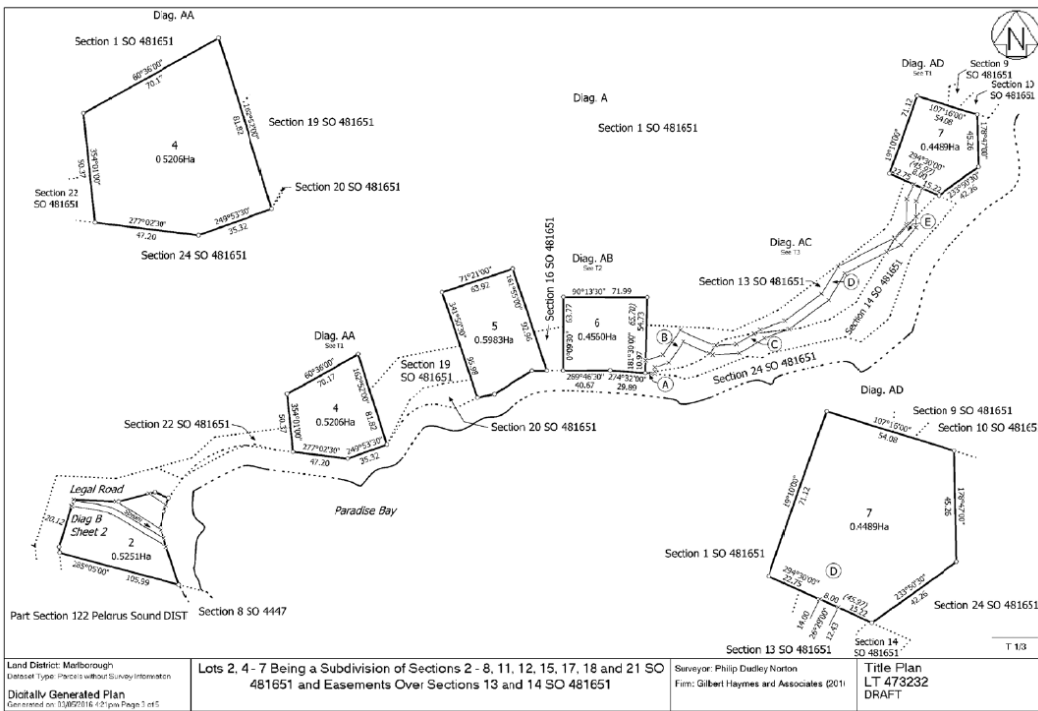
Extract from Planning Map 114

269. Ashley Cook (520.1) notes that Sec 14 Block 1 Linkwater Survey District at Pinohia, Paradise Bay has recently been the subject of subdivision consent U110423. A resulting lot has been purchased by the submitter which is currently zoned Open Space 3. The submitter considers that now the lot is in private ownership a more appropriate zone is Coastal Living. I agree that the rezoning is appropriate given the change in ownership.

270. I note that the above subdivision undertook rationalisation of DOC and private land in the area and as a consequence further rezoning of other lots is appropriate in my view. I refer to the SO Plan 481651 and subdivision plan below and note that Sections 17 and 18 (Cook Submission-now part of Lot 5 on the subdivision plan), and also Section 3 (now part of Lot 2), 21 (now part of Lot 4), 15 (now part of Lot 6), 11,12 and 8 (now part of Lot 7) should be rezoned from Open Space 3 to Coastal Living as they are now in private ownership.

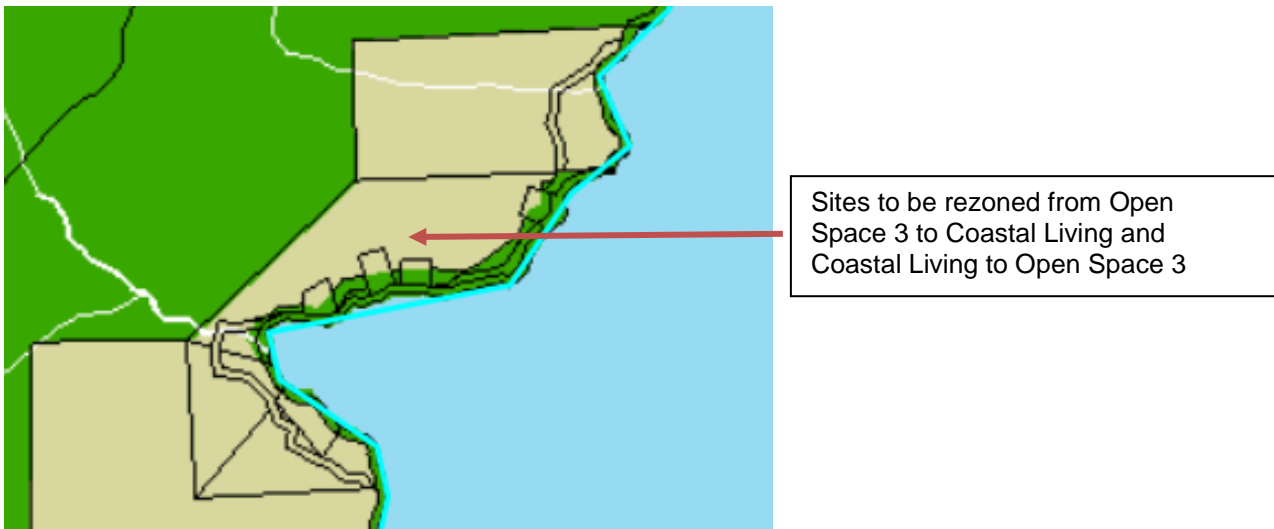


SO Plan 481651



Subdivision Plan

271. In addition, Sections 1, 9-10, 13-14, 16, 19-20, and 22-23 which are in the Scenic Reserve should be rezoned Open Space 3 from Coastal Living. I note that there is not a specific submission on the rezoning of these lots although the Hearings Panel may view it as consequential to the Cook submission given that essentially same parcel of land is involved. Accordingly, if the Panel comes to this view Planning Map 124 (shown below) should be amended.



Extract from Planning Map 124

272. Clive Tozer (319.7) requests that a parcel of land adjacent to Cravens Creek shown on Planning Map 149 be rezoned from Open Space 3 because of the expectations in terms of public access, recreation activities and freedom camping the zoning raises. As indicated earlier, I understand that in general MDC has used aerial photography to zone or not zone river channels contained within cadastral boundaries. Generally those active parts of the channel are not zoned while those parts of the channel which are not active but contained within the cadastral boundary are zoned. In most cases this is the Open Space 3 Zone which applies in this case as the most appropriate zoning and which is shown below as the small areas of green. I do not anticipate that the zoning will necessarily encourage the activities referred to by the submitter, as they are likely to be more dependent on other factors than zoning. Matters such as public access are subject to common law while freedom camping is subject to by laws.



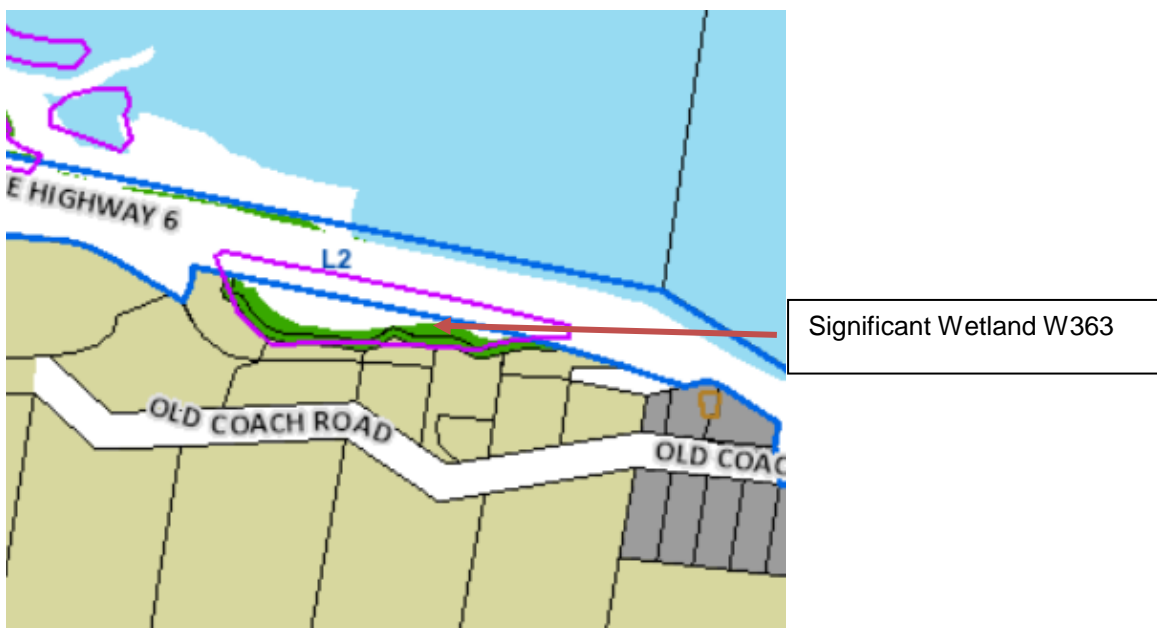
Extract from Planning Map 149

273. Tim Marshall (137.2) requests that the W363 Significant Wetland shown on either side of his property on Planning Map 57 at Havelock be "declassified" and rezoned to Coastal Marine Zone. The location of

the site is shown below in which the wetland is shown as Open Space 3 and as part of Designation L2 which is SH 6. The merits of whether the site should be “declassified” is being dealt with under Topic 6 Significant Wetlands (in which I understand that no part of the wetland encroaches on the submitter’s site).

274. In terms of the rezoning the submitter has requested a rezoning to Coastal Marine Zone. Given that the site is above Mean High Water Springs and part of the site is zoned Open Space it appears that consideration of the site for Open Space zoning is more appropriate. However, given that the wetland does not encroach on the submitter’s property I do not consider any rezoning is required.

275. In this respect I note that a large part of the wetland that is currently zoned Open Space 3 is Local Purpose Reserve (Lot 2 DP 7247) shown as the narrow strip adjacent to the southern boundary of the wetland. The local purpose reserve is administered by the MDC and as such I consider it appropriate the zoning remain Open Space 3. The remaining part of the wetland is part of Designation L2 and controlled by NZTA. Given that the submitter does not have an interest in the site I do not consider that any rezoning is required.



Extract from Planning Map 57

Recommendation

276. That Clearwater Reserve, Clearwater Place, Blenheim (Lot 33 DP 372968 (PN530180)) on Planning Map 3 is rezoned from Urban Residential 2 to Open Space ¹²⁷.

277. That Seymour Square, Blenheim (Lot 1 DP 6917) on Planning Map 9 is rezoned from Open Space 1 to Open Space. ²⁸

278. That Pt Sec 1244, Sec 1260 & Sec 1258 Town of Picton and Lot 4 DP 3342, Picton Foreshore on Planning Map 35 is rezoned from Business 1 to Open Space. ²⁹

279. That Secs 1180 & 1181 Town of Picton, Lots 1, 2 & 3 DP 7913, Pt Lot 3 DP 1682, Lot 4 DP 3342 and Lot 1 DP 1972 on Planning Map 37 are rezoned from Open Space 2 to Business 1. ³⁰

²⁷ MDC (91.115)

²⁸ MDC (91.114)

²⁹ MDC (91.255)

280. Specified parts of Property Number 182692 is rezoned from Open Space 3 to Rural Environment Zone on Planning Map 219.³¹
281. That Secs 1 and 2 SO 428440 are rezoned from Open Space 3 Zone to Coastal Environment on Planning Map 93.³²
282. That Sec 1 SO 429448 is rezoned from Open Space 3 to Coastal Living on Planning Map 111.³³
283. That Sections 17 and 18 (part of Lot 5), Section 3 (part of Lot 2), Section 21 (part of Lot 4), Section 15 (part of Lot 6), and Sections 11, 12 and 8 (part of Lot 7) are rezoned from Open Space 3 to Coastal Living on Planning Map 124.³⁴
284. That Sections 1, 9-10, 13-14, 16, 19-20, and 22-23 are rezoned from Coastal Living to Open Space 3.³⁵

³⁰ MDC (91.256)

³¹ MDC (91.95)

³² Jarvie Family Trust and TM and MS Raumati (11.1)

³³ Hura Pakeke Trust (498.1)

³⁴ Ashley Cook (520.1)

³⁵ Ashley Cook (520.1)

Appendix 1: Recommended decisions on decisions requested

Submission Number	Submission point	Submitter	Volume	Chapter	Provision	Recommendation
General						
210	5	Kevin Wilson	Volume 1	9 Public Access and Open Space	9.	Reject
266	1	Aitken Taylor Limited	Volume 1	9 Public Access and Open Space	9.	Reject
348	11	Murray Chapman	Volume 1	9 Public Access and Open Space	9.	Reject
425	152	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	9.	Reject
530	2	AM and LM Campbell Family Trust	Volume 1	9 Public Access and Open Space	9.	Reject
727	1	George Elkington	Volume 1	9 Public Access and Open Space	9.	Reject
961	20	Marlborough Chamber of Commerce	Volume 1	9 Public Access and Open Space	9.	Reject
995	15	New Zealand Forest Products Holdings Limited	Volume 1	9 Public Access and Open Space	9.	Reject
1023	18	P Rene	Volume 1	9 Public Access and Open Space	9.	Reject
Issue 9A						

481	1	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Issue 9A	Accept
504	40	Queen Charlotte Sound Residents Association	Volume 1	9 Public Access and Open Space	Issue 9A	Reject
509	136	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Issue 9A	Accept
715	209	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	9 Public Access and Open Space	Issue 9A	Reject
Objective 9.1 and Policies 9.1.1 - 9.1.1.7						
166	54	Te Runanga o Toa Rangatira	Volume 1	9 Public Access and Open Space	Objective 9.1	Reject
401	113	Aquaculture New Zealand	Volume 1	9 Public Access and Open Space	Objective 9.1	Reject
425	154	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Objective 9.1	Reject
426	118	Marine Farming Association Incorporated	Volume 1	9 Public Access and Open Space	Objective 9.1	Reject
454	12	Kevin Francis Loe	Volume 1	9 Public Access and Open Space	Objective 9.1	Reject
481	2	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Objective 9.1	Accept
509	137	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Objective 9.1	Accept

712	23	Flaxbourne Settlers Association	Volume 1	9 Public Access and Open Space	Objective 9.1	Reject
1189	85	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	9 Public Access and Open Space	Objective 9.1	Reject
1201	91	Trustpower Limited	Volume 1	9 Public Access and Open Space	Objective 9.1	Accept
166	53	Te Runanga o Toa Rangatira	Volume 1	9 Public Access and Open Space	Policy 9.1.1	Reject
366	2	Basil Roger Stanton	Volume 1	9 Public Access and Open Space	Policy 9.1.1	Reject
425	149	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.1.1	Reject
433	42	Port Marlborough New Zealand Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.1	Reject
454	13	Kevin Francis Loe	Volume 1	9 Public Access and Open Space	Policy 9.1.1	Reject
471	1	Bike Walk Marlborough Trust	Volume 1	9 Public Access and Open Space	Policy 9.1.1	Reject
472	7	ME Taylor Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.1	Reject
481	3	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Policy 9.1.1	Reject
501	37	Te Runanga O Ngati Kuia	Volume 1	9 Public Access and Open Space	Policy 9.1.1	Reject

712	24	Flaxbourne Settlers Association	Volume 1	9 Public Access and Open Space	Policy 9.1.1	Reject
716	135	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	9 Public Access and Open Space	Policy 9.1.1	Reject
1251	30	Fonterra Co-operative Group Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.1	Accept
425	155	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.1.2	Reject
481	4	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Policy 9.1.2	Reject
509	138	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Policy 9.1.2	Reject
716	136	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	9 Public Access and Open Space	Policy 9.1.2	Reject
1189	86	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	9 Public Access and Open Space	Policy 9.1.2	Reject
1201	87	Trustpower Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.2	Accept
91	201	Marlborough District Council	Volume 1	9 Public Access and Open Space	Policy 9.1.3	Reject
111	1	Herb Thomson	Volume 1	9 Public Access and Open Space	Policy 9.1.3	Accept
231	3	Jono Wilson	Volume 1	9 Public Access and	Policy 9.1.3	Accept

				Open Space		
425	156	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.1.3	Accept in part
433	44	Port Marlborough New Zealand Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.3	Reject
454	14	Kevin Francis Loe	Volume 1	9 Public Access and Open Space	Policy 9.1.3	Reject
481	5	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Policy 9.1.3	Accept
509	139	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Policy 9.1.3	Accept
712	25	Flaxbourne Settlers Association	Volume 1	9 Public Access and Open Space	Policy 9.1.3	Reject
873	25	KiwiRail Holdings Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.3	Accept
88	3	Chris Bowron	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Accept
319	10	Clive Tozer	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Accept
424	38	Michael and Kristen Gerard	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Accept
425	157	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Accept
433	45	Port Marlborough New Zealand Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Accept

454	15	Kevin Francis Loe	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Reject
472	8	ME Taylor Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Accept
481	6	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Accept
509	140	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Accept
712	26	Flaxbourne Settlers Association	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Reject
1023	2	P Rene	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Accept
1086	1	Ragged Point Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Accept
1088	1	Rangiruhia Elkington Whanau Trust #1 and #2	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Accept
1201	93	Trustpower Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Accept
1251	31	Fonterra Co-operative Group Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.4	Accept
401	111	Aquaculture New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.1.5	Reject
424	39	Michael and Kristen Gerard	Volume 1	9 Public Access and Open Space	Policy 9.1.5	Accept

425	158	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.1.5	Reject
426	116	Marine Farming Association Incorporated	Volume 1	9 Public Access and Open Space	Policy 9.1.5	Reject
454	16	Kevin Francis Loe	Volume 1	9 Public Access and Open Space	Policy 9.1.5	Reject
712	27	Flaxbourne Settlers Association	Volume 1	9 Public Access and Open Space	Policy 9.1.5	Reject
716	137	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	9 Public Access and Open Space	Policy 9.1.5	Reject
962	73	Marlborough Forest Industry Association Incorporated	Volume 1	9 Public Access and Open Space	Policy 9.1.5	Reject
366	1	Basil Roger Stanton	Volume 1	9 Public Access and Open Space	Policy 9.1.6	Reject
425	159	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.1.6	Accept
481	7	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Policy 9.1.6	Accept
504	41	Queen Charlotte Sound Residents Association	Volume 1	9 Public Access and Open Space	Policy 9.1.6	Accept
509	141	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Policy 9.1.6	Accept
218	13	Salvador Delgado Oro	Volume 1	9 Public Access and	Policy 9.1.7	Reject

		Laprida		Open Space		
401	112	Aquaculture New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.1.7	Reject
426	117	Marine Farming Association Incorporated	Volume 1	9 Public Access and Open Space	Policy 9.1.7	Reject
433	43	Port Marlborough New Zealand Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.7	Accept
424	40	Michael and Kristen Gerard	Volume 1	9 Public Access and Open Space	Policy 9.1.8	Accept
504	42	Queen Charlotte Sound Residents Association	Volume 1	9 Public Access and Open Space	Policy 9.1.8	Reject
716	138	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	9 Public Access and Open Space	Policy 9.1.8	Accept
266	2	Aitken Taylor Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.9	Reject
425	160	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.1.9	Reject
471	2	Bike Walk Marlborough Trust	Volume 1	9 Public Access and Open Space	Policy 9.1.9	Accept
481	8	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Policy 9.1.9	Accept
501	38	Te Runanga O Ngati Kuia	Volume 1	9 Public Access and Open Space	Policy 9.1.9	Reject

504	43	Queen Charlotte Sound Residents Association	Volume 1	9 Public Access and Open Space	Policy 9.1.9	Reject
509	142	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Policy 9.1.9	Reject
716	139	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	9 Public Access and Open Space	Policy 9.1.9	Reject
974	1	Ministry of Education	Volume 1	9 Public Access and Open Space	Policy 9.1.9	Accept
319	11	Clive Tozer	Volume 1	9 Public Access and Open Space	Policy 9.1.10	Reject
425	161	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.1.10	Accept
454	17	Kevin Francis Loe	Volume 1	9 Public Access and Open Space	Policy 9.1.10	Reject
472	9	ME Taylor Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.10	Reject
481	9	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Policy 9.1.10	Accept
509	143	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Policy 9.1.10	Accept
712	28	Flaxbourne Settlers Association	Volume 1	9 Public Access and Open Space	Policy 9.1.10	Reject
479	98	Department of Conservation	Volume 1	9 Public Access and Open Space	Policy 9.1.11	Accept

481	10	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Policy 9.1.11	Accept
504	44	Queen Charlotte Sound Residents Association	Volume 1	9 Public Access and Open Space	Policy 9.1.11	Accept
509	144	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Policy 9.1.11	Reject
425	162	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.1.12	Accept in part
504	45	Queen Charlotte Sound Residents Association	Volume 1	9 Public Access and Open Space	Policy 9.1.12	Reject
233	27	Totaranui Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.13	Reject
425	163	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.1.13	Reject
479	99	Department of Conservation	Volume 1	9 Public Access and Open Space	Policy 9.1.13	Accept
504	46	Queen Charlotte Sound Residents Association	Volume 1	9 Public Access and Open Space	Policy 9.1.13	Reject
509	145	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Policy 9.1.13	Reject
873	26	KiwiRail Holdings Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.13	Accept
1198	22	Transpower New Zealand Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.13	Accept
1201	88	Trustpower Limited	Volume 1	9 Public Access and	Policy 9.1.13	Reject

				Open Space		
481	11	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Policy 9.1.14	Accept
509	146	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Policy 9.1.14	Accept
1201	94	Trustpower Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.14	Accept
425	164	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.1.15	Reject
481	12	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Policy 9.1.15	Reject
501	39	Te Runanga O Ngati Kuia	Volume 1	9 Public Access and Open Space	Policy 9.1.15	Reject
504	47	Queen Charlotte Sound Residents Association	Volume 1	9 Public Access and Open Space	Policy 9.1.15	Reject
509	147	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Policy 9.1.15	Reject
640	5	Douglas and Colleen Robbins	Volume 1	9 Public Access and Open Space	Policy 9.1.15	Reject
738	8	Glenda Vera Robb	Volume 1	9 Public Access and Open Space	Policy 9.1.15	Reject
935	5	Melva Joy Robb	Volume 1	9 Public Access and Open Space	Policy 9.1.15	Reject
990	214	Nelson Forests Limited	Volume 1	9 Public Access and Open Space	Policy 9.1.15	Reject

166	52	Te Runanga o Toa Rangatira	Volume 1	9 Public Access and Open Space	Policy 9.1.16	Reject
210	3	Kevin Wilson	Volume 1	9 Public Access and Open Space	Policy 9.1.16	Reject
424	41	Michael and Kristen Gerard	Volume 1	9 Public Access and Open Space	Policy 9.1.16	Accept
425	165	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.1.16	Reject
481	13	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Policy 9.1.16	Reject
509	148	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Policy 9.1.16	Reject
210	18	Kevin Wilson	Volume 1	9 Public Access and Open Space	Policy 9.1.17	Accept
424	42	Michael and Kristen Gerard	Volume 1	9 Public Access and Open Space	Policy 9.1.17	Accept
501	40	Te Runanga O Ngati Kuia	Volume 1	9 Public Access and Open Space	Policy 9.1.17	Reject
509	149	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Policy 9.1.17	Reject
Objective 9.2 and Policies 9.2.1 – 9.2.2						
425	167	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Objective 9.2	Reject
425	168	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Objective 9.2	Accept

433	46	Port Marlborough New Zealand Limited	Volume 1	9 Public Access and Open Space	Objective 9.2	Accept
454	18	Kevin Francis Loe	Volume 1	9 Public Access and Open Space	Objective 9.2	Accept
509	150	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Objective 9.2	Accept
712	29	Flaxbourne Settlers Association	Volume 1	9 Public Access and Open Space	Objective 9.2	Reject
873	27	KiwiRail Holdings Limited	Volume 1	9 Public Access and Open Space	Objective 9.2	Accept
992	14	New Zealand Defence Force	Volume 1	9 Public Access and Open Space	Objective 9.2	Accept
1201	92	Trustpower Limited	Volume 1	9 Public Access and Open Space	Objective 9.2	Accept
210	17	Kevin Wilson	Volume 1	9 Public Access and Open Space	Policy 9.2.1	Accept
401	114	Aquaculture New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.2.1	Accept
425	166	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.2.1	Reject
426	119	Marine Farming Association Incorporated	Volume 1	9 Public Access and Open Space	Policy 9.2.1	Accept
433	47	Port Marlborough New Zealand Limited	Volume 1	9 Public Access and Open Space	Policy 9.2.1	Accept

454	19	Kevin Francis Loe	Volume 1	9 Public Access and Open Space	Policy 9.2.1	Reject
501	41	Te Runanga O Ngati Kuia	Volume 1	9 Public Access and Open Space	Policy 9.2.1	Accept
509	151	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Policy 9.2.1	Accept
712	30	Flaxbourne Settlers Association	Volume 1	9 Public Access and Open Space	Policy 9.2.1	Reject
873	28	KiwiRail Holdings Limited	Volume 1	9 Public Access and Open Space	Policy 9.2.1	Accept
962	74	Marlborough Forest Industry Association Incorporated	Volume 1	9 Public Access and Open Space	Policy 9.2.1	Reject
993	7	New Zealand Fire Service Commission	Volume 1	9 Public Access and Open Space	Policy 9.2.1	Accept
1201	89	Trustpower Limited	Volume 1	9 Public Access and Open Space	Policy 9.2.1	Accept
401	115	Aquaculture New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.2.2	Reject
426	120	Marine Farming Association Incorporated	Volume 1	9 Public Access and Open Space	Policy 9.2.2	Reject
433	48	Port Marlborough New Zealand Limited	Volume 1	9 Public Access and Open Space	Policy 9.2.2	Accept
454	20	Kevin Francis Loe	Volume 1	9 Public Access and Open Space	Policy 9.2.2	Reject

509	152	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Policy 9.2.2	Accept
712	31	Flaxbourne Settlers Association	Volume 1	9 Public Access and Open Space	Policy 9.2.2	Reject
1201	90	Trustpower Limited	Volume 1	9 Public Access and Open Space	Policy 9.2.2	Reject
Issue 9B						
166	51	Te Runanga o Toa Rangatira	Volume 1	9 Public Access and Open Space	Issue 9B	Accept
715	210	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	9 Public Access and Open Space	Issue 9B	Reject
Objective 9.3 and Policies 9.3.1 – 9.3.3 and 9.3.5 – 9.3.9						
509	406	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Objective 9.3	Reject
509	410	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Objective 9.3	Reject
91	202	Marlborough District Council	Volume 1	9 Public Access and Open Space	Policy 9.3.1	Accept
401	116	Aquaculture New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.3.2	Reject
426	121	Marine Farming Association Incorporated	Volume 1	9 Public Access and Open Space	Policy 9.3.2	Reject
962	75	Marlborough Forest Industry Association	Volume 1	9 Public Access and Open Space	Policy 9.3.2	Reject

		Incorporated		Open Space		
990	215	Nelson Forests Limited	Volume 1	9 Public Access and Open Space	Policy 9.3.2	Reject
479	100	Department of Conservation	Volume 1	9 Public Access and Open Space	Policy 9.3.3	Accept
425	169	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.3.5	Reject
210	16	Kevin Wilson	Volume 1	9 Public Access and Open Space	Policy 9.3.6	Accept
319	8	Clive Tozer	Volume 1	9 Public Access and Open Space	Policy 9.3.6	Accept
481	14	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Policy 9.3.6	Accept
210	15	Kevin Wilson	Volume 1	9 Public Access and Open Space	Policy 9.3.7	Accept
280	16	Nelson Marlborough District Health Board	Volume 1	9 Public Access and Open Space	Policy 9.3.7	Reject
471	11	Bike Walk Marlborough Trust	Volume 1	9 Public Access and Open Space	Policy 9.3.7	Accept
481	18	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	Policy 9.3.7	Accept
974	2	Ministry of Education	Volume 1	9 Public Access and Open Space	Policy 9.3.7	Accept
425	171	Federated Farmers of New Zealand	Volume 1	9 Public Access and Open Space	Policy 9.3.8	Accept

280	17	Nelson Marlborough District Health Board	Volume 1	9 Public Access and Open Space	Policy 9.3.9	Accept
Objective 9.4 and Policies 9.4.1 – 9.4.5						
509	407	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Objective 9.4	Reject
509	411	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	Objective 9.4	Reject
712	34	Flaxbourne Settlers Association	Volume 1	9 Public Access and Open Space	Policy 9.4.1	Reject
962	76	Marlborough Forest Industry Association Incorporated	Volume 1	9 Public Access and Open Space	Policy 9.4.2	Accept in part
990	216	Nelson Forests Limited	Volume 1	9 Public Access and Open Space	Policy 9.4.2	Accept in part
114	1	Herb Thomson	Volume 1	9 Public Access and Open Space	Policy 9.4.3	Accept
210	14	Kevin Wilson	Volume 1	9 Public Access and Open Space	Policy 9.4.4	Reject
768	22	Heritage New Zealand Pouhere Taonga	Volume 1	9 Public Access and Open Space	Policy 9.4.4	Accept
962	77	Marlborough Forest Industry Association Incorporated	Volume 1	9 Public Access and Open Space	Policy 9.4.4	Accept in part
990	217	Nelson Forests Limited	Volume 1	9 Public Access and Open Space	Policy 9.4.4	Accept in part

479	101	Department of Conservation	Volume 1	9 Public Access and Open Space	Policy 9.4.5	Accept
Methods of Implementation and Anticipated Environmental Results						
481	19	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	9.M.1	Accept
504	48	Queen Charlotte Sound Residents Association	Volume 1	9 Public Access and Open Space	9.M.1	Accept
509	408	Nelson Marlborough Fish and Game	Volume 1	9 Public Access and Open Space	9.M.1	Accept
471	3	Bike Walk Marlborough Trust	Volume 1	9 Public Access and Open Space	9.M.5	Accept
481	20	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	9.M.5	Accept
471	4	Bike Walk Marlborough Trust	Volume 1	9 Public Access and Open Space	9.M.8	Accept
481	21	New Zealand Walking Access Commission	Volume 1	9 Public Access and Open Space	9.M.8	Accept
112	1	Herb Thomson	Volume 1	9 Public Access and Open Space	9.M.9	Accept
454	21	Kevin Francis Loe	Volume 1	9 Public Access and Open Space	9.M.9	Accept
504	49	Queen Charlotte Sound Residents Association	Volume 1	9 Public Access and Open Space	9.M.9	Accept
712	32	Flaxbourne Settlers Association	Volume 1	9 Public Access and Open Space	9.M.9	Accept

91	77	Marlborough District Council	Volume 1	9 Public Access and Open Space	9.AER.1	Accept
319	9	Clive Tozer	Volume 1	9 Public Access and Open Space	9.AER.1	Accept
504	50	Queen Charlotte Sound Residents Association	Volume 1	9 Public Access and Open Space	9.AER.3	Reject
Open Space 1, 2 and 3 Rules						
994	26	New Zealand Fish Passage Advisory Group	Volume 2	17 Open Space 1 Zone	17.	Deferred
996	25	New Zealand Institute of Surveyors	Volume 2	17 Open Space 1 Zone	17.	Reject
1002	211	New Zealand Transport Agency	Volume 2	17 Open Space 1 Zone	17.	Reject
852	11	Kelvin Holdaway	Volume 2	17 Open Space 1 Zone	17.1.	Deferred
925	13	Michelle Gail Harris	Volume 2	17 Open Space 1 Zone	17.1.	Deferred
233	7	Totaranui Limited	Volume 2	17 Open Space 1 Zone	17.2.	Reject
1186	189	Te Atiawa o Te Waka-a-Maui	Volume 2	17 Open Space 1 Zone	17.2.	Reject
873	167	KiwiRail Holdings Limited	Volume 2	17 Open Space 1 Zone	17.2.1.	Accept
993	79	New Zealand Fire	Volume 2	18 Open Space 2	18.	Reject

		Service Commission		Zone		
996	26	New Zealand Institute of Surveyors	Volume 2	18 Open Space 2 Zone	18.	Reject
1002	212	New Zealand Transport Agency	Volume 2	18 Open Space 2 Zone	18.	Reject
852	12	Kelvin Holdaway	Volume 2	18 Open Space 2 Zone	18.1.	Deferred
925	14	Michelle Gail Harris	Volume 2	18 Open Space 2 Zone	18.1.	Deferred
640	60	Douglas and Colleen Robbins	Volume 2	18 Open Space 2 Zone	18.1.3.	Reject
738	60	Glenda Vera Robb	Volume 2	18 Open Space 2 Zone	18.1.3.	Reject
935	60	Melva Joy Robb	Volume 2	18 Open Space 2 Zone	18.1.3.	Reject
993	80	New Zealand Fire Service Commission	Volume 2	18 Open Space 2 Zone	18.1.8.	Accept
993	82	New Zealand Fire Service Commission	Volume 2	18 Open Space 2 Zone	18.2.	Accept
1284	6	Port Marlborough New Zealand Limited	Volume 2	18 Open Space 2 Zone	18.2.	Deferred
1186	194	Te Atiawa o Te Waka-a-Maui	Volume 2	18 Open Space 2 Zone	18.2.1.	Reject

91	153	Marlborough District Council	Volume 2	19 Open Space 3 Zone		Accept
91	154	Marlborough District Council	Volume 2	19 Open Space 3 Zone		Accept
424	189	Michael and Kristen Gerard	Volume 2	19 Open Space 3 Zone	19.	Accept
869	38	Kenepuru and Central Sounds Residents Association Incorporated	Volume 2	19 Open Space 3 Zone	19.	Reject
996	27	New Zealand Institute of Surveyors	Volume 2	19 Open Space 3 Zone	19.	Reject
1002	213	New Zealand Transport Agency	Volume 2	19 Open Space 3 Zone	19.	Reject
509	409	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.1.	Accept
995	44	New Zealand Forest Products Holdings Limited	Volume 2	19 Open Space 3 Zone	19.1.	Reject
1086	2	Ragged Point Limited	Volume 2	19 Open Space 3 Zone	19.1.	Reject
509	418	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.1.1.	Accept
113	1	Herb Thomson	Volume 2	19 Open Space 3 Zone	19.1.3.	Reject
454	124	Kevin Francis Loe	Volume 2	19 Open Space 3	19.1.3.	Reject

				Zone		
475	8	Jamie Timms Timms (Timms Family)	Volume 2	19 Open Space 3 Zone	19.1.3.	Reject
509	421	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.1.3.	Reject
640	61	Douglas and Colleen Robbins	Volume 2	19 Open Space 3 Zone	19.1.3.	Reject
712	33	Flaxbourne Settlers Association	Volume 2	19 Open Space 3 Zone	19.1.3.	Reject
738	61	Glenda Vera Robb	Volume 2	19 Open Space 3 Zone	19.1.3.	Reject
935	61	Melva Joy Robb	Volume 2	19 Open Space 3 Zone	19.1.3.	Reject
1035	9	Pieter Wilhelmus and Ormond Aquaculture Limited	Volume 2	19 Open Space 3 Zone	19.1.3.	Reject
425	723	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.1.4.	Reject
509	422	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.1.4.	Reject
425	741	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.1.10.	Accept
455	40	John Hickman	Volume 2	19 Open Space 3 Zone	19.1.10.	Accept
456	40	George Mehlhopt	Volume 2	19 Open Space 3	19.1.10.	Accept

				Zone		
509	433	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.1.10.	Reject
1192	84	The Fertiliser Association of New Zealand	Volume 2	19 Open Space 3 Zone	19.1.10.	Accept
509	412	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.2.	Reject
1284	7	Port Marlborough New Zealand Limited	Volume 2	19 Open Space 3 Zone	19.2.	Deferred
509	419	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.2.1.	Accept
873	170	KiwiRail Holdings Limited	Volume 2	19 Open Space 3 Zone	19.2.1.	Accept
1186	199	Te Atiawa o Te Waka-a-Maui	Volume 2	19 Open Space 3 Zone	19.2.1.	Reject
425	712	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.2.1.1.	Reject
433	186	Port Marlborough New Zealand Limited	Volume 2	19 Open Space 3 Zone	19.2.1.1.	Accept
509	415	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.2.4.	Accept

509	420	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.3.1.	Reject
232	2	Marlborough Lines Limited	Volume 2	19 Open Space 3 Zone	19.3.2.	Deferred
1186	200	Te Atiawa o Te Waka-a-Maui	Volume 2	19 Open Space 3 Zone	19.3.2.	Reject
509	423	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.3.2.1.	Accept
459	32	Beef and Lamb New Zealand	Volume 2	19 Open Space 3 Zone	19.3.8.	Deferred
308	1	Peter Bown	Volume 2	19 Open Space 3 Zone	19.3.8.1.	Reject
509	434	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.3.8.1.	Reject
1192	86	The Fertiliser Association of New Zealand	Volume 2	19 Open Space 3 Zone	19.3.8.1.	Accept

993	85	New Zealand Fire Service Commission	Volume 2	19 Open Space 3 Zone	19.3.9.	Deferred
669	4	Go Marlborough Limited	Volume 2	19 Open Space 3 Zone	19.3.9.2.	Deferred
852	4	Kelvin Holdaway	Volume 2	19 Open Space 3 Zone	19.3.9.2.	Deferred
925	4	Michelle Gail Harris	Volume 2	19 Open Space 3 Zone	19.3.9.2.	Deferred
509	449	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.4.1.	Reject
1192	87	The Fertiliser Association of New Zealand	Volume 2	19 Open Space 3 Zone	19.4.1.	Accept
91	205	Marlborough District Council	Volume 2	19 Open Space 3 Zone	19.4.2.	Accept
425	756	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.4.2.	Reject
509	450	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.4.2.	Reject

1192	88	The Fertiliser Association of New Zealand	Volume 2	19 Open Space 3 Zone	19.4.2.	Accept
1023	7	P Rene	Volume 2	19 Open Space 3 Zone	19.5.	Reject
425	758	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.5.3.	Reject
479	257	Department of Conservation	Volume 2	19 Open Space 3 Zone	19.5.3.	Accept
509	454	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.5.3.	Accept
Open Space 4						
228	11	Rainbow Sports Club Incorporated	Volume 2	20 Open Space 4 Zone	20.	Reject
479	258	Department of Conservation	Volume 2	20 Open Space 4 Zone	20.	Accept
1002	214	New Zealand Transport Agency	Volume 2	20 Open Space 4 Zone	20.	Reject
228	6	Rainbow Sports Club Incorporated	Volume 2	20 Open Space 4 Zone	20.1.	Reject
925	15	Michelle Gail Harris	Volume 2	20 Open Space 4 Zone	20.1.	Deferred
228	5	Rainbow Sports Club Incorporated	Volume 2	20 Open Space 4 Zone	20.1.1.	Reject
845	18	Kenneth R and Sara M	Volume 2	20 Open Space 4	20.2.	Deferred

		Roush		Zone		
228	8	Rainbow Sports Club Incorporated	Volume 2	20 Open Space 4 Zone	20.3.2.	Reject
228	7	Rainbow Sports Club Incorporated	Volume 2	20 Open Space 4 Zone	20.3.2.1.	Accept
Subdivision Rules						
369	12	Tony Hawke	Volume 2	24 Subdivision	24.1.16.	Reject
425	761	Federated Farmers of New Zealand	Volume 2	24 Subdivision	24.1.16.	Reject
996	32	New Zealand Institute of Surveyors	Volume 2	24 Subdivision	24.1.16.	Reject
Overlay maps						
192	4	Perry Mason Gilbert	Volume 4	Overlay Maps	High Priority Waterbodies for Public Access	Accept
631	57	Constellation Brands New Zealand Limited	Volume 4	Overlay Maps	High Priority Waterbodies for Public Access	Reject
1024	2	P Rene	Volume 4	Overlay Maps	High Priority Waterbodies for Public Access	Accept
Zoning requests						

91	115	Marlborough District Council	Volume 4	Planning Maps	Planning Map 3	Accept
91	114	Marlborough District Council	Volume 4	Planning Maps	Planning Map 9	Accept
91	255	Marlborough District Council	Volume 4	Planning Maps	Planning Map 35	Accept
91	256	Marlborough district Council	Volume 4	Planning Maps	Planning Map 37	Accept
91	95	Marlborough District Council	Volume 4	Planning Maps	Planning Map 219	Accept
1258	11	Gary Barnett	Volume 4	Planning Maps	Planning Map 80	Reject
11	1	Jarvie Family Trust and Others	Volume 4	Planning Maps	Planning Map 93	Accept
515	2	Mt Zion Trust and Others	Volume 4	Planning Maps	Planning Map 106	Reject
424	190	M and K Gerard	Volume 4	Planning Maps	Planning Map 114	Reject
498	1	Hura Pekeke Trust	Volume 4	Planning Maps	Planning Map 111	Accept

520	1	Ashley Cook	Volume 4	Planning Maps	Planning Map 124	Accept
319	7	Clive Tozer	Volume 4	Planning Maps	Planning Map 149	Reject
137	2	Tim Marshall	Volume 4	Planning Maps	Planning Map 57	Reject