

Proposed Marlborough Environment Plan

**Section 42A Hearings Report for Hearing Commencing May 28
2018**

Report dated April 23 2018

**Report on submissions and further submissions
Topic 9: Natural Hazards**

Report prepared by

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Contents

Submitters	iv
Others	v
Introduction	1
Scope of Hearings Report	1
Overview of Provisions	2
Analysis of submissions	5
Key Matters.....	6
Statutory Documents	6
Pre-hearing meetings	6
Chapter 11 Natural Hazards.....	7
Key Matter - General.....	7
Key Matter – Issue 11A.....	8
Key Matter – Objective 11.1.....	8
Key Matter – General-Policies 11.1.1 and 11.1.2	9
Key Matter – Flood Management-Policies 11.1.3 - 11.1.7	10
Key Matter – Flooding- Management of activities in flood prone areas-Policies 11.1.8 - 11.1.16	12
Key Matter – Flooding- Management of activities in flood prone areas-Policies 11.1.17 and 11.1.18.....	13
Key Matter – Land Instability-Policies 11.1.19 - 11.1.21.....	14
Key Matter – Fire-Policy 11.1.22.....	15
Key Matter – Objective 11.2.....	15
Key Matter – Policies 11.2.1-11.2.7	16
Key Matter – Implementation Methods and Anticipated Environmental Results.....	17
Chapter 14 Use of the Rural Environment.....	18
Key Matter – Policy 14.1.10	18
Chapter 2 General Rules	18
Key Matter – Activity In, On, Over or Under the Bed of a Lake or River - Rules 2.7, 2.8, 2.9, 2.10, and 2.11	18
Key Matter – Drainage Channel Network Activity – Rules 2.12, 2.13, and 2.14	36
Chapter 3 Rural Environment Zone Rules.....	43
Key Matter – Rules 3.2.1.7, 3.2.1.15 and 3.2.1.16 and 3.3.10	43
Chapter 4 Coastal Environment Zone Rules	44
Key Matter - Rules 4.2.1.6, 4.2.1.13 and 4.2.1.14	44
Chapter 19 Open Space 3 Zone Rules	45
Key Matter- Rules 19.2.1.4, 19.2.1.8 and 19.2.1.9	45
Chapter 21 Floodway Zone Rules	47
Key Matter - Rules	47
Definitions	53
Key Matter- Definitions.....	53
Overlay Maps-Flood Hazard Areas	54

Key Matter- Flood Hazard Areas 54

Zoning Maps 56

 Key Matter- Zoning Maps..... 56

Appendix 1: Cooper and Kuta Report-Flood Hazard Overlay and the Floodway Zone Maps 58

Appendix 2: Recommended decisions on decisions requested..... 59

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
MSRMP	Marlborough sounds 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 submissions 1198.25, .42, .43, .44, .46, .47, .48, .49, .50, .51, .146 and .147 and NZFS submissions 993.8, .9, .26, .31 and .84.
5. A number of other Transpower submissions including 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 9 Natural Hazards. The report is informed by a specialist report from Mr Gavin Cooper of GDC Consulting and Mr Laddie Kuta of e2Environment Ltd which assesses the submissions in respect of the Flood Hazard Overlay and the Floodway Zone Maps. This report is attached as Appendix 1.
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.

¹ now called Fire and Emergency New Zealand (FENZ)

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.

Overview of Provisions

13. This report assesses submissions to Natural Hazard provisions of the MEP including:
- (i) Volume 1 Chapter 11 Natural Hazards - All of the Chapter provisions
 - (ii) Volume 1 Chapter 14 Use of the Rural Environment-Policy 14.1.10
 - (iii) Volume 2 Chapter 2 General Rules
 - General
 - Activity In, On, Over or Under the Bed of a Lake or River 2.7, 2.8,2.9,2.10, 2.11;
 - Drainage Channel Network Activity 2.12, 2.13, 2.14;
 - (iv) Volume 2 Chapter 3 Rural Environment Zone-Rules 3.2.1.7, 3.2.1.15 and 3.2.1.16,3.3.10
 - (v) Volume 2 Chapter 4 Coastal Environment Zone-Rules 4.2.1.6, 4.2.1.13 and 4.2.1.14
 - (vi) Volume 2 Chapter 19 Open Space 3 Zone – Rules 19.2.1.4, 19.2.1.8 and 19.2.1.9
 - (vii) Volume 2 Chapter 21 Floodway Zone Rules
 - (viii) Volume 2 Definitions
 - (ix) Volume 4 Overlay Maps-Flood Hazard Areas
 - (x) Volume 4 Floodway Zone Maps

14. The Introduction to Chapter 11 Natural Hazards sets the scene for natural hazards in the district where the following is stated:

A natural hazard is defined in the Resource Management Act 1991 (RMA) as any atmospheric, earth or water related occurrence that may adversely affect human life, property or other aspects of the environment. They include earthquake, tsunami, liquefaction, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire and flooding. On their own, natural processes do not constitute a hazard; they only become hazardous when they adversely affect human lives, property and infrastructure.

...

Marlborough is characterised by its physical contrasts. The diversity of landscape, climatic conditions and coastline, combined with dynamic geological forces mean that most of the hazards described above can be experienced in Marlborough. The only exceptions are volcanic and geothermal hazards.

The Council can act to reduce the risk of natural hazards adversely affecting life, property and regionally significant infrastructure. Using its functions under the RMA to control the use of land to avoid or mitigate natural hazards, the Council can influence the location and management of new developments to ensure that they are not subject to unreasonable risk. Other land uses may adversely affect hazard mitigation works and these can be similarly controlled to ensure that the integrity of the works is not compromised.

15. In respect of the reference above to the RMA I note that Section 30(1) states that one of a regional council's functions is:

(c) the control of the use of land for the purpose of—

(iv) the avoidance or mitigation of natural hazards

while under Section 31(1) one of a district council's functions is:

(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

(i) the avoidance or mitigation of natural hazards;

16. Section 6 (h) includes the following as a matter of national importance:

(h) the management of significant risks from natural hazards

17. There are two issues identified in the chapter, being Issue 11A and Issue 11B.

18. Issue 11A reads as follows:

Issue 11A – Natural hazards in Marlborough, particularly flooding, earthquakes and land instability, have the potential to cause loss of life and significant damage to property and regionally significant infrastructure.

19. The explanation to the issue states that Marlborough is subject to a wide range of naturally occurring hazards including earthquakes, tsunamis, land instability, severe rainfall, flooding, wind, drought, fire, hail and snowfall. It goes on to say that however from experience, the two most potentially damaging natural hazards in Marlborough are major floods in the Wairau River catchment and high magnitude earthquakes from the rupture of a fault.

20. To address this matter there is one objective and 19 policies. These provisions include:

- Reduce the risks to life, property and regionally insignificant infrastructure from natural hazards (Objective 11.1)
- Establish the extent of land subject to flooding, liquefaction and tunnel gully erosion and identify this land within the Marlborough Environment Plan as a hazard overlay (Policy 11.1.1) and in conjunction with civil defence, provide an emergency response to events (Policy 11.1.2).

21. In terms of flood management generally:

- Actively manage any flood hazard through the provision and maintenance of flood defences and other flood mitigation works, where there is significant community benefit (Policy 11.1.3) and maintain floodway capacities for the district rivers in accordance with specified standards relating to annual recurrences (Policy 11.1.4).
- Enable the maintenance of existing Marlborough District Council administered flood defences and other Council initiated flood mitigation works (Policy 11.1.5).
- Recognise and provide for gravel extraction as a means of mitigating the adverse effects of gravel deposition in river beds (Policy 11.1.6) while mitigating the adverse effects of gravel extraction (Policy 11.1.7).

22. In terms of the management of activities in flood prone areas:

- Unless provided for by Policy 11.1.10(a), avoid locating houses and other habitable structures where they could be inundated or otherwise damaged (Policy 11.1.8)
- Establish a hierarchy of flood risk by levels 1-4 as follows:
 - (a) Level 1: Land that suffers flooding of shallow, low velocity water in a flood event with an annual recurrence interval of 1 in 50 years;
 - (b) Level 2: Land that suffers flooding but the depth/velocity of the flooding is not well understood, or cannot easily be expressed relative to natural ground level, in a flood event with an annual recurrence interval of 1 in 50 years, or land within 8 metres of any lake, river or wetland;
 - (c) Level 3: Land that suffers flooding of deep, fast flowing water in a flood event with an annual recurrence interval of 1 in 50 years, or land in the bed of any lake or river or in any wetland; and
 - (d) Level 4: Land that has the potential to suffer flooding of deep, fast flowing water in an extreme flood event that overwhelms stopbanks and other constructed flood defences (Policy 11.1.9)
- Control the erection and placement of houses and other habitable structures within areas subject to a flood hazard overlay, and reduce the risks to life and property by:
 - (a) establishing minimum floor levels for houses and other habitable structures subject to a Level 1 flood risk
 - (b) requiring houses and other habitable structures subject to a Level 2 flood risk to be subject to evaluation of the flooding hazard and effective mitigation actions; and
 - (c) avoiding houses and other habitable structures in locations where they will be subject to a Level 3 flood risk (Policy 11.1.10)
- Avoid locating intensive residential, commercial or industrial developments on land subject to a Level 4 flood risk (Policy 11.1.11).
- Maintenance of privately constructed flood defences (Policy 11.1.12)

- Recognition that the risk to life and property during flood events is greater in rural environments (Policy 11.1.13)
- Require applicants for subdivision consent for land not serviced by a Marlborough District Council administered reticulated stormwater system to demonstrate that the method of stormwater management will not adversely affect any third party (Policy 11.1.14).
- Require allotments of less than 1 ha to have a minimum area free of flooding (Policy 11.1.15).
- Refine the boundaries of flood hazard overlays in response to changes to levels of protection provided by flood; or new observations of flood events; or changes in catchment hydrology due to land use change or climate change; or changes in flood hydraulics due to channel aggradation (Policy 11.1.16)

23. In terms of earthquake and liquefaction:

- Avoid locating residential, commercial or industrial developments on Rural Environment or Rural Living zoned land on the Wairau Plain east of State Highway 1/Redwood Street, unless remediation methods are used (Policy 11.1.17)
- Investigation of subsoils for foundation designs in land zoned Residential 2-Greenfields and Springlands Deferred Subdivision Area (Policy 11.1.18)

24. In terms of land instability

- Control the erection and placement of structures within areas prone to tunnel gully erosion (Policy 11.1.19); manage the Wither Hills Soil Conservation Area to maintain soil stability (Policy 11.1.20) and locate new structures and works to avoid them being damaged from the adverse effects of land instability (Policy 11.1.21).

25. In terms of fire:

- Require a buffer between dwellings, ancillary structures and land used for commercial forestry (Policy 11.1.22).

26. Issue 11B reads as follows:

The use of natural and physical resources can make existing natural hazards worse.

27. To address this matter there is one objective and 7 policies. These provisions include:

- Natural hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events (Objective 11.2)
- Designation of MDC administered floodways (Policy 11.2.1)
- Control land uses in proximity to flood defences and within floodways to ensure that they do not compromise the effectiveness of any defence (Policy 11.2.2)
- Private flood defences are integrated with MDC administered flood defences (Policy 11.2.3).
- Require the creation of esplanade reserves to enable the mitigation of flooding hazards (Policy 11.2.4) and impose minimum widths if used for these purposes (Policy 11.2.5).
- When considering any application for resource consent or notice of requirement for hazard mitigation works have regard to effectiveness, engineering methods, adverse and cumulative effects and maintenance (Policy 11.2.6).
- There is sufficient capacity within the waterbody to accommodate the likely rate of discharge of stormwater without overtopping the banks or causing any scour (Policy 11.2.7)

28. Policy 14.1.10 of Chapter 14 Use of the Rural Environment is to control water levels in the Marlborough District Council-administered drainage network by removing surplus water from the soils of the Lower Wairau Plain to enable primary production activities to continue.

29. Methods of Implementation include zoning (Floodway Zone), overlay, designations, rules, gravel permits and Council activities. The Floodway Zone applies to identified river channels and land on Council-managed berms (and also some small areas of private land) which enables MDC to undertake works to reduce the risk of flooding on adjoining land. A Flood Hazard Overlay applies to areas subject to flooding and identifies the four levels of food risk referred to above. Floodways and floodway lands are also designated for river control works by MDC which is a carryover from the WARMP and MSRMP.

30. Rules include those relating to:

Chapter 2 General Rules.

- Rules 2.7-2.11 relate to the various activities allowed in the beds of rivers and lakes. Generally, these provide for existing structures and protection works, suction hose intakes, culverts, temporary maimai and whitebait stands, and minor upgrading of utilities on all types of rivers as permitted activities; and new dams and structures on ephemeral rivers² as permitted activities subject to standards. Other activities require resource consent.
- Rules 2.12-2.14 relate to the various activities in the Drainage Channel Network, which is a specified network of drains that are considered essential for flood control on a district wide basis by MDC (identified as an Overlay in Volume 4 of the MEP). Policy 14.1.10 notes the network functions to reduce groundwater levels on the Wairau Plain enabling the productive use of the land. The rules generally relate to drain maintenance activities and are drafted so that only Council may undertake the permitted activities. Farm drains and the like are dealt with by the respective zone rules and other relevant General Rules. I note that drains are not considered to be rivers (unless they meet the relevant definition in the RMA) and therefore not subject to Rules 2.7-2.11 above or Rules 21.1-21.5 below.

Rural Environment Zone-Rules 3.2.1.7, 3.2.1.15 and 3.2.1.16, and 3.3.10 and Coastal Environment Zone-Rules 4.2.1.6, 4.2.1.13 and 4.2.1.14 and Open Space 3 Zone – Rules 19.2.1.4, 19.2.1.8 and 19.2.1.9

- These rules relate to
 - habitable buildings within proximity to plantation forestry and vice versa
 - buildings and structures within Hazard Flood Areas
 - setbacks from flood hazard mitigation measures and
 - investigation of sub-soils on earthquake prone land.

Chapter 21 Floodway Zone Rules

- Rules 21.1-21.5 relate to flood mitigation activities in the Floodway Zone. Similar to the Drainage Channel Network rules only Council may undertake the permitted activities. Gravel extraction in the Floodway Zone is permitted by way of a permit granted by MDC to gravel operators.

Analysis of submissions

31. In terms of the submissions received to this topic there are:

133 submission points and 95 further submission points to the provisions in Chapter 11 (Vol 1).

8 submission points and 10 further submission points on the provisions in Chapter 14 (Vol 1)

286 submission points and 171 further submission points on the Chapter 2 (Vol 2) Rules - Activities in, over and on beds of lakes and rivers.

48 submission points and 59 further submission points on the Chapter 2 (Vol 2) Rules - Drainage Channel Network Activity.

26 submission points and 15 further submission points on the Chapter 3 (Vol 2) Rules - Rural Environment.

6 submission points and 14 further submission points on Chapter 4 (Vol 2) Rules - Coastal Environment.

² *Ephemeral* is defined in the MEP as a wetland, lake, river, or reach of river that only exists or flows for a short period following heavy or persistent precipitation or snowmelt.

Intermittently flowing is defined in the MEP as a wetland, lake, river, or reach of river that exists or flows for weeks, or months each year.

7 submission points and 14 further submission points on the Chapter 19 (Vol 2) Rules Open Space 3 Zone.

50 submission points and 27 further submission points on the Chapter 21 (Vol 2) - Rules Floodway Zone.

26 submission points and 5 further submission points on the Overlay Maps (Vol 4).

42 submission points and 47 further submission point on Zoning Maps. (Vol 4)

Key Matters

32. The key matters identified in the report largely reflect the headings of Chapter 11 in respect of Issues, Objectives, Policies, Methods of Implementation; Chapters 2-4, 19, and 21 in respect of rules; Overlay Maps; and Planning Maps.
33. 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.
34. The assessment generally refers to submitters but not further submitters in all cases.

Recommendation

35. Recommended amendments to the MEP are shown underlined and deleted text or provisions are shown ~~struckthrough~~ under the Recommendation heading in the report.
36. The submissions are accepted, accepted in part, rejected, or deferred (in the case of submissions dealt with in other topics) in accordance with Appendix 2.

Statutory Documents

37. 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) and National Policy Statements and Plans, and are referred to where appropriate in the actual assessment.
38. Other relevant documents include the Rivers and Land Drainage Asset Management Plan and the Marlborough Rivers Gravel Extraction.

Pre-hearing meetings

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

Chapter 11 Natural Hazards

Key Matter - General

Submissions and Assessment

40. Eight submissions have raised some general matters as follows.
41. Marlborough Chamber of Commerce (961.24) supports the Chapter.
42. FNH and TB (716.140) state that the contents of this chapter do not give effect to the NZCPS 2010 because they do not appropriately address the implications of climate change. However I note that the last paragraph of the Introduction of Chapter 11 specifically refers to Chapter 19 –Climate Change of the MEP which in my opinion covers this issue.
43. New Zealand Forest Product Holdings (995.16) states the objectives and policies should recognise that some areas of land may be appropriately used for certain activities such as forestry, and which should be recognised in Policy 11.1.21. The policy should also be amended to recognise that work or land use on slopes classified as having land instability issues can appropriately occur, where adverse effects on land instability can be appropriately remedied or mitigated. In addition, new rules should be added, or existing rules modified to give effect to the objective and policy modifications sought. In my view, the provisions of the MEP do recognise that hazard prone land can be used for certain activities, and generally makes an exception for inappropriate activities. The submitter may wish to provide more specific details but at this stage I recommend the submission is rejected.
44. Te Runanga o Toa Rangitira (166.5 and .35) submit that there should be a reference to the Climate Change Chapter of the MEP and reference to the tangata whenua chapters. In respect of the former matter, as indicated above, the last paragraph of the Introduction specifically refers to Chapter 19 – Climate Change, while in respect of the latter submission there are references in the MEP that the document needs to be read as a whole (e.g. Structure of the MEP (page 1-4) and Marlborough's Tangata Whenua Iwi (page 2-5)). As such, in my view no change is required.
45. Federated Farmers (425.200) considers that it would be appropriate for a policy which looks to assess the consequences of natural hazards on Marlborough's human communities including by considering a number of factors, and have suggested an additional policy. In my view the matters in the suggested policy relating to consequences are already covered by the proposed provisions in the MEP, including for example the establishment of a hierarchy of flood risk (Policy 11.1.9), minimum floor levels for houses (Policy 11.1.10 and .11), avoidance of earthquake prone land (Policy 11.1.17) and buffers from forestry (Policy 11.1.22). In other words, the framework suggested by Federated Farmers has in my opinion already been implemented.
46. Chorus NZ Ltd (464.13) and Spark Trading NZ Ltd (1158.11) oppose the reference in the Introduction of the chapter to regional infrastructure where it reads "*The Council can act to reduce the risk of natural hazards adversely affecting life, property and regionally significant infrastructure. Using its functions under the RMA to control the use of land to avoid or mitigate natural hazards, the Council can influence the location and management of new developments to ensure that they are not subject to unreasonable risk. Other land uses may adversely affect hazard mitigation works and these can be similarly controlled to ensure that the integrity of the works is not compromised.*"
47. The submitters indicate the above paragraph is somewhat problematic because in some instances, due to historic development patterns and current demand, telecommunication infrastructure (which is defined as regional infrastructure) must be located in a natural hazard area. The submission goes on to say if there is a need to locate telecommunication infrastructure in these areas, and this infrastructure does not compromise hazard mitigation there is no need for Council to 'reduce the risk' on this infrastructure. Furthermore, the risk is 'owned' by the infrastructure provider, who has a functional need to locate infrastructure in the hazard area, generally to provide service to a community outside of times when that area is being affected by a hazard.

48. In my view, it appears that the submitters are reading more into this matter than is necessary. The Introduction appears to be saying that natural hazards can affect vital links and lifelines and given this some assessment should be taken as to their location. While the risk may be owned by the provider, nevertheless the consequences may affect the wider community, and I consider Council input is appropriate particularly given the provisions of RMA including section 6 (h) and Sections 30 and 31. I understand however, that there are submissions in respect of the definition and application of “regional infrastructure” in other chapters which potentially could affect the final wording.

Recommendation

49. That there is no change to the MEP.

Key Matter – Issue 11A

Submissions and Assessment

50. In respect of Issue 11A which states *Natural hazards in Marlborough, particularly flooding, earthquakes and land instability, have the potential to cause loss of life and significant damage to property and regionally significant infrastructure*, five submissions have been received.
51. The Issue is supported by KiwiRail (873.30), Chorus (464.14) and Spark (1158.12) who request that “*regionally significant infrastructure*” is deleted from the issue. This matter is similar to the submissions raised on the Introduction in paragraphs 47/48 above and for the same reasons I do not consider there is a need for a change.
52. Levide Capital (907.16) requests that new objectives and policies are included in order to encourage land owners to mitigate the effects of tunnel gully erosion and Council drafting best practice guidelines for the construction of new swales or cut-off drains etc. In addition, new objectives and policies are included to ensure that the continued operation of existing vineyards as well as the creation of new vineyards remains a permitted activity on loess soil.
53. In my view additional provisions are not required given the existing Chapter 11 framework is relatively comprehensive. It includes Methods of implementation, 11.M.7 Activities and 11.M.13 Information which can apply to guidelines, and I note there is information on the MDC website relating to loess soils. I do not believe there is anything in the MEP which necessarily precludes the establishment of vineyards on loess soil (although there are performance standards relating to earthworks on slopes in Soil Sensitive Areas which in my view represents good management) and as such do not justify specific objectives and policies.
54. Murray Chapman (348.5) submits that the provisions for Flooding - Flood Management be amended to allow appropriate stock to graze to water’s edge for fire hazard management purposes. The submitter should clarify which provisions he considers need to be amended to address this activity.

Recommendation

55. That there is no change to the MEP.

Key Matter – Objective 11.1

Submissions and Assessment

56. Objective 11.1 is to reduce the risks to life, property and regionally insignificant infrastructure from natural hazards.
57. The objective is supported by NZTA (1002.47), NZFS (933.8) and KiwiRail (873.31) which is noted.

58. MLL (232.26) request a new policy relating to consultation on planting within 40m of a MLL distribution circuit. In my view this matter does not justify a policy in terms of the overall framework of Chapter 11 (particularly as it is marginally related to natural hazards) and I understand that planting in proximity to distribution lines is dealt with in the Utilities Topic.
59. Federated Farmers (425.201) requests that “property” is deleted from the objective and replaced with “habitable building” as the primary concerns in Marlborough are “human related.” In my view, this is too narrow, and property other than habitable buildings can be damaged with significant consequences. For example Issue 11A refers to “farm properties (including stock losses)”. Accordingly I believe the wider definition of property is more appropriate.
60. Chorus (464.15) and Spark (1158.13) request that “regionally significant infrastructure” is deleted from the objective. This matter is similar to the submissions raised on the Introduction in paragraphs 47/48 above and for the same reasons I do not consider there is a need for a change.
61. Levide Capital (907.13) in a detailed submission requests a review of all objectives policies and rules that may impact future land use and create, amend or delete the objectives, policies and rules such that when viewed holistically the objectives, policies and rules apply restrictions, if any, proportional to the risks to life and property associated with the identified natural hazards. Unless the submitter is more specific in relation to the actual provisions it is difficult to comment further and until this is provided I do not recommend any change to the MEP. However, as indicated I believe that the MEP does provide a comprehensive and generally balanced framework for natural hazards.

Recommendation

62. That there is no change to the MEP.

Key Matter – General-Policies 11.1.1 and 11.1.2

Submissions and Assessment

Policy 11.1.1

63. This policy relates to the establishment of the extent of land subject to flooding, liquefaction and tunnel gully erosion and to identify this land within the Marlborough Environment Plan as a hazard overlay (Policy 11.1.1).
64. Policy 11.1.1 is supported by IB Mitchell (364.58) and Trustpower Ltd (1201.95).
65. Levide Capital (907.15) considers that the following should be mapped on the Soil Sensitive Area Overlay:
- The Dillons Point Formation and any other liquefaction prone soils in Marlborough should be identified and mapped as Soil Sensitive Area Overlay - Liquefaction.
 - Soils subject to Slope Failure.
 - Ground shaking potential in a seismic event.
 - Known seismic faults.
 - Tsunami risk areas.
66. It appears these matters are generally addressed through policies and rules (e.g. Policies 11.1.17 and 11.1.18, subdivision rules) as well as overlays and accordingly are subject to some kind of control, albeit without specific mapping requested by the submitter. In my view this is sufficient.
67. Federated Farmers (425.199) appear to request that all provisions relating to liquefaction and tunnel gully erosion are deleted from the MEP until comprehensive identification and mapping has occurred in consultation with landowners in respect of these matters. I note that in respect of liquefaction, Policies 11.1.7 and 11.1.8 are reasonably clear as to the areas and type of development Council is most concerned with. I understand that tunnel gully erosion is associated with loess soils which are mapped on the Soil Sensitive Overlay in Volume 4. Accordingly, I believe there is sufficient certainty provided.

Policy 11.1.2

68. Policy 11.1.2 is to provide an emergency response to events in conjunction with civil defence. IB Mitchell (364.59) supports the policy. The Queen Charlotte Residents Assoc (504.52) request that a brochure with tips is issued with the rates notice given that in the Sounds area residents “are on their own”. While this request may have merit it is not a matter that can be progressed as a requirement of the MEP. Council may consider the matter in a different forum.

Recommendation

69. That there is no change to the MEP.

Key Matter – Flood Management-Policies 11.1.3 - 11.1.7

Submissions and Assessment

Policy 11.1.3

70. Policy 11.1.3 is to actively manage any flood hazard through the provision and maintenance of flood defences and other flood mitigation works, where there is significant community benefit.
71. IB Mitchell (364.60) and KiwiRail (873.32) support policy while the relief sought in Te Runanga o Ngati Kuia (501.49) is not clear.
72. Murray Chapman (348.6) requests the policy is amended to allow structures such as trellis systems and fences be allowed at landowners liability and where riparian margins are compulsory fenced in flood hazard zones, amend the policy to require the Council to share responsibility for maintenance after flood damage as it would be treated as a boundary fence where cost is shared 50/50. In my view, the policy does not address the matters in the submission and as such any amendment would not be a good fit. The matter of the structures is best addressed in the rules while with respect to the issue of “riparian fences”, this matter is a requirement of a rule (if applicable) and not related to a “boundary fence”. As such no changes to the policy are recommended.
73. Federated Farmers (425.198) request that the policy is amended as follows:
- To actively manage any flood hazard through the provision and maintenance of flood defences and other flood mitigation works, where there is significant community benefit and adverse effects from public works on privately owned land are avoided, remedied or mitigated.*
74. In my view, the proposed amendment skews the intent of the policy which is to enable flood works where there is “significant community benefit”. The matter raised by the submitter does have merit but in my view is addressed in Policy 11.2.6. Accordingly no change is recommended.
75. Te Atiawa o Te Waka –a-Maui (1186.60 and .61) requests this policy and Policy 11.1.5, are amended to contain an explicit statement regarding iwi involvement, consultation, and/or discussion. As indicated above I do not consider this is necessary as there are references in the MEP that the document needs to be read as a whole (e.g. Structure of the MEP (page 1-4) and Marlborough’s Tangata Whenua Iwi (page 2-5)).

Policy 11.1.4

76. Policy 11.1.4 relates to maintaining floodway capacities for the District Rivers in accordance with specified standards relating to annual recurrences.
77. The policy is supported by IB Mitchell (364.61) and the Queen Charlotte Residents Assoc (504.53). Clive Tozer (319.21) while supporting the policy, asks Council to give urgent attention to lowering the Selmes to SH1 reach of the aggraded Wairau floodway, to bring back to the agreed level of service in line with Policy 11.1.4. This matter is an operational one, rather than an MEP matter and in my view is not appropriate for inclusion in the MEP

78. ME Taylor (472.10) seeks to undertake regular river clearing but this matter, while not precluded by the policy is addressed by appropriate rules in the MEP.

Policy 11.1.5

79. Policy 11.1.5, which is to enable the maintenance of existing MDC administered flood defences and other Council initiated flood mitigation works, is supported by IB Mitchell (364.62). The relief sought in Te Runanga o Ngati Kuia (501.50) is not clear.

80. Clive Tozer (319.23) requests Council raise the level of maintenance with respect to the Cravens Creek outlet channel and outfall to river to ensure acceptable levels of service to his property and neighbouring upstream property. Again, this matter is an operational one, rather than an MEP matter and in my view is not appropriate for inclusion in the MEP.

Policy 11.1.6

81. Policy 11.1.6 is to recognise and provide for gravel extraction as a means of mitigating the adverse effects of gravel deposition in river beds while Policy 11.1.7 is to mitigate the adverse effects of gravel extraction.

82. Policy 11.1.6 is supported by ME Taylor (472.11), Federated Farmers (425.197), C Tozer (319.22), IB Mitchell (364.63), Fulton Hogan (717.38), KiwiRail Holdings Ltd (873.33) and M and K Gerard (424.43). The relief sought in Te Runanga o Ngati Kuia (501.51) is not clear.

Policy 11.1.7

83. In terms of Policy 11.1.7 which relates to mitigating the effects of gravel extraction, IB Mitchell (364.63) and KiwiRail Holdings Ltd (873.34) support it. A number of other submissions suggest amendments including:

- DOC (479.104) who request “avoid” and “remedy” (in addition to “mitigate”) in terms of effects.
- Awatere Water Users Group (548.84) who request reference to effects on irrigation intakes
- Burkhart Fisheries and others (610.6), PauaMac 7 Industry Assoc. (1038.8) and Legacy Fishing Ltd (906.9) who request reference to fisheries resources etc.
- The Fishing Industry Submitters (710.20) who request reference to existing users of the river and the CMA
- Federated Farmers (425.196) who request bird nesting is qualified by “endangered” birds.

84. In my view some of these amendments are appropriate given gravel extraction can have potential effects on other activities. This includes irrigation water intakes and fisheries, although it appears the latter is somewhat marginal and only likely to be in the vicinity of the CMA. The inclusion of “endangered” birds is in my view too narrow and I note the policy refers to limits rather than a prohibition. In terms of inclusion of “avoid” and “remedy” I note the explanation to the previous Policy 11.1.6 refers to “avoid, remedy or mitigate” of environmental effects. However, I consider the existing wording in Policy 11.1.7 achieves the appropriate balance given that some gravel extraction is inevitable and (a) of the policy refers to avoid in certain situations.

Recommendation

85. That Policy 11.1.7 is amended by the following:

Policy 11.1.7 – Mitigate the adverse effects of gravel extraction on fisheries resources³, irrigation water intakes⁴, ecological, and recreational values, water clarity and bank stability by:

...

³ Burkhart Fisheries and others (610.6),

⁴ Awatere Water Users Group (548.84)

Key Matter – Flooding- Management of activities in flood prone areas-Policies 11.1.8 - 11.1.16

Submissions and Assessment

Policy 11.1.8

86. Policy 11.1.8 relates to avoiding locating houses and other habitable structures where they could be inundated or otherwise damaged, unless the buildings have a minimum floor level as set out in policy 11.1.10(a). The policy is supported by the Oil Companies (1004.4), Federated Farmers (425.194), IB Mitchell (364.65) and C Tozer (319.13).
87. T Offen (151.3) notes the policy could be taken to infer that dwelling development in Flood Hazard Area 2 is to be avoided in the sense that it cannot proceed. I agree with this to an extent as Policy 11.1.10 (b) indicates houses in the Level 2 areas should be subject to a flooding hazard evaluation. Accordingly I consider some change is appropriate to the explanation.

Policies 11.1.9-11.12 and 11.1.14

88. These policies relate to avoiding the location of intensive residential, commercial or industrial developments on land subject to a Level 4 flood risk; the maintenance of privately constructed flood defences; establishment of a hierarchy of flood risk; and stormwater management in non-reticulated areas, respectively.
89. Policy 11.1.9 is supported by the Oil Companies (1004.5), NZ Pork Industry Board (998.3), IB Mitchell (364.66) and C Tozer (319.14 and .15).
90. Policy 11.1.10 is supported by the Oil Companies (1004.6), Federated Farmers (425.193), NZ Pork Industry Board (998.4), IB Mitchell (364.67) and C Tozer (319.16 and .18).
91. Policy 11.1.11 is supported by the Oil Companies (1004.7). IB Mitchell (364.68, .69 and .71) supports this policy and also Policies 11.1.12 and 11.1.14.
92. These are the only submissions on Policies 11.1.9-11.12 and 11.1.14 and the support is noted.

Policy 11.1.13

93. Policy 11.1.13 which is to recognise that the risk to life and property during flood events is greater in rural environments is supported by IB Mitchell (364.70). G and K Gerard (424.44) suggests adding “and support community initiatives to set-up emergency response networks.”
94. Federated Farmers (425.192) notes that flood risk is not increased in rural areas simply because Civil Defence is not nearby. Furthermore, the slow response time from Council and Civil Defence is not a reason to restrict the zoning of land for redevelopment in rural environments as there may be other reasons for restrictions. The submitter considers that it is not clear what the policy is trying to achieve, and therefore consider that the policy should be deleted.
95. I note that the actual policy appears to be broader than the explanation which states that *Isolation of properties affects the ability of the Council and Civil Defence to provide an emergency response in the event of flooding. The greater the distance of flooded properties from Blenheim (the location of the Emergency Operations Centre) and other towns, the longer it will take to respond to the flooding,...* Accordingly it appears the risk is greater if located further from the Emergency Operations Centre rather than if a flood occurs in a rural area. While deletion of the policy is an option I believe it serves some value and response times may be a factor in rezoning along with other matters. In respect of the submission relating to “community initiatives” I note this is referred to in the explanation, which I believe is sufficient. However I recommend some amendment as set out below.

Policy 11.1.15

96. Policy 11.1.15 requires allotments of less than 1 ha to have a minimum area free of flooding, either 1,000m² or 80% of the property whichever is greater. The policy is supported by IB Mitchell (364.72). NZIS (996.1) states that 80% of an allotment is inappropriate and that a 1 in 50 year flood event with shallow ponding does not restrict the use of land on an ongoing basis and will normally not cause material damage. Accordingly 40% is a more appropriate figure. The submitter does not provide any technical evidence to support the submission and at this stage I believe the policy should remain without change.

Policy 11.1.16

97. Policy 11.1.16 refers to refining the boundaries of flood hazard overlays in response to new information. The policy is supported by IB Mitchell (364.73) and NZ Pork Industry Board (998.4). Te Runanga o Toa Rangatira (166.34) also indicates that there should be reference to a number of other matters including reference to the tangata whenua chapters and other matters. The submission is not entirely clear, but I note that are references in the MEP that the document needs to be read as a whole (eg Structure of the MEP (page 1-4), Marlborough's Tangata Whenua Iwi (page 2-5)).

Recommendation

98. That Policy 11.1.8 is amended by the following:

Policy 11.1.8 – Unless provided for by Policy 11.1.10(a) avoid locating houses and other habitable structures, including associated on-site wastewater management systems, where they could be inundated or otherwise damaged by flood events.

The policy directs that to avoid or mitigate the adverse effects of flooding, any house or other habitable structure should be free from inundation. It also recognises that the servicing of the house in terms of domestic wastewater is important in terms of avoiding material damage to properties. The exception recognises that Policy 11.1.10(a) provides a means of mitigating the adverse effects of flooding by establishing minimum floor levels. In addition, Policy 11.1.10(b) requires an evaluation to establish the nature of the flood hazard in the Level 2 risk area. The results of the evaluation may justify locating a house or other habitable structure in this risk area.⁵

99. That Policy 11.1.13 is amended by the following:

Policy 11.1.13 – Recognise that the risk to life and property during flood events is may be greater in rural environments given longer response times.

Isolation of properties affects the ability of the Council and Civil Defence to provide an emergency response in the event of flooding. The greater the distance of flooded properties from Blenheim (the location of the Emergency Operations Centre) and other towns, the longer it will take to respond to the flooding, especially in the event of large scale or District-wide events. Some communities are proactively preparing readiness plans in recognition of the additional risks created by isolation.

The potential increase in flood risk caused by locating development in rural areas needs to be taken into account by individuals when purchasing properties. The Council can also recognise this issue when planning for residential growth in Marlborough. Consolidation of growth in and around existing urban areas will facilitate effective responses to flood events. This matter, along with other rezoning considerations⁶ needs to be taken into account when considering the rezoning of land in rural environments to provide for residential, commercial or industrial developments

Key Matter – Flooding- Management of activities in flood prone areas-Policies 11.1.17 and 11.1.18

Submissions and Assessment

⁵ T Offen (151.3)

⁶ Federated Farmers (425.192)

Policy 11.1.17

100. Policy 11.1.17 relates to avoiding locating residential, commercial or industrial developments on Rural Environment or Rural Living zoned land on the Wairau Plain east of State Highway 1/Redwood Street, unless remediation methods are used. The policy is supported by IB Mitchell (364.74).
101. Levide Capital Ltd (907.14) submits that the MEP should identify the land that lies over the Dillons Point Formation so that suitable planning rules can be applied to mitigate potential adverse effects of development on this land. Essentially it is my understanding that the Dillons Point formation has been identified through provisions such as Policies 11.1.17 and .18. (Dillons Point is specifically referred to in the explanation to Policy 11.1.17). Further controls are provided by rules and the Building Act. Accordingly, I do not believe there is a requirement for any change.

Policy 11.1.18

102. Policy 11.1.18 relates to the investigation of subsoils for foundation designs in land zoned Residential 2-Greenfields and Springlands Deferred Subdivision Area which is supported by IB Mitchell (364.75).

Recommendation

103. That there is no change to the MEP

Key Matter – Land Instability-Policies 11.1.19 - 11.1.21

Submissions and Assessment

Policy 11.1.19

104. Policy 11.1.19 which relates to controlling the erection and placement of structures within areas prone to tunnel gully erosion is supported by IB Mitchell (364.76). It is opposed by Federated Farmers (922.191) on the grounds that tunnel gully erosion areas are not identified nor mapped and it is difficult for Federated Farmers to determine if this policy will impact farming and accordingly should be deleted. I note that tunnel gully erosion is associated with loess soils which are the mapped on the Soil Sensitive Overlay in Volume 4 and is subject to rules such as Rules 3.3.14.4 and 3.3.16.12. Accordingly the policy should remain unaltered.

Policy 11.1.20

105. Policy 11.1.20 relates to managing the Wither Hills Soil Conservation Area to maintain soil stability. This is supported by IB Mitchell (364.77) which is noted.

Policy 11.1.21

106. Policy 11.1.21 relates to locating new structures and works to avoid them being damaged from the adverse effects of land instability. The policy is supported by IB Mitchell (364.78) while other submitters request changes as follows.
107. Federated Farmers (425.190) request that the policy only applies to habitable structures. MFIA (962.78) request that the policy is widened to include the impacts of other natural events and hazards. NFL (990.218) requests reference to effects arising from outside the site. In my view, the submission from Federated Farmers narrows the policy too much having regard to Councils obligations to control land use in respect of natural hazards. In terms of the forestry interest submissions, other natural hazards are dealt with by other policies and the policy does not preclude consideration of effects outside the site.
108. Don Miller (238.1) submits that the policy and 11.M.9 Geotechnical Reporting Standards should be strengthened to take account of geotechnical reporting standards and “topographic enhancement of seismic energy”. The submitter should identify what changes are needed given the topic appears relatively technical, but I note that the MEP does not stop the geotechnical reporting standards being amended as appropriate.

109. Transpower (1198.25) generally supports the approach taken to controlling structures within areas prone to land instability but considers the use of the word “avoid” causes difficulties for the submitter and suggests the policy should be amended to take account of the needs and operation of the National Grid and the statutory obligations of Transpower, as follows:

Policy 11.1.21 – Locate new structures and works (except regionally significant infrastructure, where its location is constrained by technical and operational requirements) to:

(a) avoid them being damaged from the adverse effects of land instability; and

(b) avoid any increase in the adverse effects of slope instability that the structure or work may cause.

110. I note that the suggested amendment includes all regional infrastructure (which covers roads, railways, reticulated systems) and is therefore relatively broad in its application. For example, it would appear to allow for increased adverse effects of slope instability to arise from regionally significant infrastructure. The exclusion also implies that regional infrastructure can be damaged from land instability, which in my view sends the wrong message.

111. In my view, these changes do not appear to align with Objective 11.1 and it is not clear why they are necessary, as they do not stop infrastructure being located in land instability areas, rather they direct particular outcomes that must still be achieved. However, Transpower may wish to suggest more refined wording to cover their particular situation if they are able to articulate in what particular way the policy raises issues for them.

Recommendation

112. That there is no change to the MEP

Key Matter – Fire-Policy 11.1.22

Submissions and Assessment

Policy 11.1.22

113. Policy 11.1.22 requires a buffer between dwellings, ancillary structures and land used for commercial forestry to reduce the risk of fire. The policy is supported by IB Mitchell (364.79), M and K Gerard (424.45), and NZFS (993.9). Earnslaw One Ltd (505.13) while in support also suggests that vegetative cover in the set-back area be maintained as "defensible space". Federated Farmers (425.189) opposes the policy and associated rule and queries its necessity when other methods are available.

114. In my view the policy is generally satisfactory given that fire is defined as a natural hazard, the extent of forestry in the Marlborough district and the climatic conditions which significantly increase the fire risk in summer. I note the provision controls dwellings and forestry on other parcels of land, which may be difficult to do under other methods such as fire regulations (as suggested by Federated Farmers). In terms of the suggestion from Earnslaw One Ltd I do not believe this provision is required at policy level and it may be difficult to administer as a rule. The source of the fire risk is likely to be the habitable building as identified in the explanation to the policy. Accordingly I do not recommend any change.

Recommendation

115. That there is no change to the MEP

Key Matter – Objective 11.2

Submissions and Assessment

116. Objective 11.2 refers to the use of natural and physical resources making existing natural hazards worse. Earnslaw One Ltd (505.14) suggests identifying colluvial fans or flood plains in or below plantation forests where a risk assessment indicates that there is greater than a 1:10,000 chance of loss of life from debris flow from recently harvested plantation forests and to add debris flows to the list of hazards displayed in 11.M.2 Overlay. The submitter should provide further details on this matter but it appears that for it to be included a plan change or variation is likely to be required to implement the details.
117. The submission from Windermere Forests Ltd (1238.37) does not appear to relate to this particular objective.

Recommendation

118. That there is no change to the MEP

Key Matter – Policies 11.2.1-11.2.7

Submissions and Assessment

Policy 11.2.1

119. Policy 11.2.1 relates to designation of MDC administered floodways and is supported by IB Mitchell (364.80), C Tozer (319.1), and Federated Farmers (425.188). Te Atiawa o Te Waka –a-Maui (1186.62) request the policy is amended to contain a statement that the approval of MDC and the relevant iwi are required for works in the floodway. Given that the works are designated by MDC only the approval of the MDC can be given or is required in terms of Section 176 of the RMA. Accordingly, no change is recommended.

Policy 11.2.2

120. Policy 11.2.2 relates to controlling land uses in proximity to flood defences and within floodways to ensure that they do not compromise the effectiveness of any defence. It is supported by IB Mitchell (364.81). C Tozer (319.2) and Federated Farmers (425.187) submit that farming activities do not need to be controlled and the latter queries if there are any rules in relation to flood defences. The explanation to the policy refers to threats such as excavation in proximity to stopbanks and obstructions within floodways. Conceivably these activities could be associated with farming and accordingly I do not believe farming should be excluded. In terms of rules, 11.M.4 Regional Rules refers to rules for structures, planting and deposition in the Floodway Zone while rules in the zones controls structures and earthworks in proximity to stopbanks (e.g. Rules 3.2.1.10, 3.3.14.3 and 3.3.16.8). Accordingly, no change is recommended.

Policies 11.2.3 -6

121. Policies 11.2.3 -6 respectively relate to integrating private flood defences with MDC administered flood defences; requiring the creation of esplanade reserves to enable the mitigation of flooding hazards; imposing minimum widths if used for these purposes; and when considering any application for resource consent or notice of requirement for hazard mitigation works have regard to effectiveness, engineering methods, adverse and cumulative effects and maintenance.
122. These policies are supported in total or individually by IB Mitchell (364.82-85), KiwiRail Holdings Ltd (873.35) and Queen Charlotte Sound Residents Assoc. (504.55). Federated Farmers (425.185) request Policy 11.2.4 is deleted because esplanade reserves already have a number of provisions associated with them. I agree that there are a number of esplanade reserve policies in Chapter 9 Public Access and Open Space but these mainly pertain to public access. Section 229(a)(v) of the RMA enables esplanade reserves to be taken for mitigating natural hazards, and as such I consider the policy appropriate.

Policy 11.2.7

123. Policy 11.2.7 relates to if there is sufficient capacity within the waterbody to accommodate the likely rate of discharge of stormwater without overtopping the banks or causing any scour. The policy is supported by IB Mitchell (364.86) and KiwiRail Holdings Ltd (873.36). NZTA (1002.48) considers that the policy is too general and would therefore be difficult to implement, although no amendments are suggested.
124. Generally I consider the policy provides sufficient guidance. In essence, it is saying that stormwater should not be discharged into surface waterways or drainage channels if they do not have sufficient capacity and in my view is at a sufficient level of detail for a policy provision. Accordingly I do not recommend any change to the policy.

Recommendation

125. That there is no change to the MEP

Key Matter – Implementation Methods and Anticipated Environmental Results

Submissions and Assessment

126. There are a number of submissions as follows.
127. 11. M.2 Overlay is supported by Flaxbourne Settlers Assoc. (712.99) and 11.M.10 Incentives is supported by Fulton Hogan (717.11), which is noted.
128. C Tozer (91.139) opposes 11.M.4 Regional Rules to exclude farming production support structures. This submission depends on submissions to the rules but in any event given the generic nature of the Method I do not consider any change is required.
129. MDC (91.139) requests an amendment to 11.M.7 Council Activities to refer to the emergency provisions it may utilise under Section 330 of the RMA. This appears to be a logical inclusion.
130. Fulton Hogan (717.39) submits that 11.M.8 Gravel Permits should be amended to refer to the area the gravel is taken from. I note there is some reference to the area in Policy 11.1.6 highlighting the Wairau River but in order to retain flexibility I do not consider an area needs to be specified.
131. Don Miller (238.2) in respect of 11.M.8 Geotechnical Reporting Standards requests the standards are strengthened. As indicated in my comment on Policy 1.1.21 the submitter should identify what changes are needed given the issue appears relatively technical, but I note that the MEP does not stop the geotechnical reporting standards being amended as appropriate.
132. Fulton Hogan (717.41) in respect of 11.M.15 Gravel Management Strategy submits it should be amended to explicitly provide for the collaborative development of the strategy with input from the gravel industry. In my view, consultation is a matter for the strategy itself and I understand from the reading of the strategy, that consultation has occurred with gravel operators. Accordingly, I do not recommend any change.
133. Te Atiawa o te Waka –a-Maui (1186.63) submits that cultural indicators should be used to assess impacts on cultural values In 11.AER. I note this AER (and chapter) focuses on flood carrying capacity with the monitoring of rivers for cultural values addressed elsewhere in the MEP. In these circumstances I do not recommend any change.

Recommendation

134. That 11.M.7 Council Activities is amended by the addition of a new paragraph between the existing first and second paragraphs as follows:

Chapter 14 Use of the Rural Environment

Key Matter – Policy 14.1.10

Submissions and Assessment

135. Policy 14.1.10 is to control water levels in the MDC administered drainage network by removing surplus water from the soils of the Lower Wairau Plain to enable primary production activities to continue. It is the subject of a number of submissions.
136. The policy is supported by Federated Farmers (425.249), C. Tozer (319.20), Villa Maria (1218.33), Wine Marlborough (431.36), Accolade Wines Ltd (457.36), Blind River Irrigation (462.3), Clintondale Trust and others (484.44) and Longfield Farm Limited (909.33).
137. The policy is opposed by Te Runanga o Toa Rangatira (166.8) and Te Runanga o Ngati Kuia (501.67) as it is contrary to provisions relating to the restoration of wetlands. While I concur there may be potential conflict the reality is that there is a drainage network in place carrying out a specific function. The policy does not preclude the restoration of wetlands by other means including diversions from the drainage system. Accordingly I do not recommend any change.

Recommendation

138. That there is no change to the MEP.

Chapter 2 General Rules

Key Matter – Activity In, On, Over or Under the Bed of a Lake or River - Rules 2.7, 2.8, 2.9, 2.10, and 2.11

Submissions and Assessment

General

139. As indicated above these rules apply to activities in, on, over or under the bed of a lake or river. They do not apply to farm drains and the like (unless the drains are rivers) or activities in the Floodway Zone. The submissions on the permitted activity and their accompanying standards are considered under the one heading in this report e.g. Rule 2.7.1 and Rule 2.9.1 are dealt with together.
140. MDC (91.311) requests an amendment to clarify that the rules do not apply to the Floodway Zone rules as they are more specific. Accordingly the following is suggested:

Amend the introductory statement under the heading *Activity In, On, Over or Under the Bed of a Lake or River* on page 2-11 as follows (underlining) -

Activities in, on, over or under the beds of lakes and rivers do not cover the taking, use, damming or diversion of water controlled under Section 14 of the RMA. These rules do not apply to the Floodway Zone.

141. Trustpower Ltd and Te Atiawa o Te Waka-a-Maui Trust oppose the submission.

⁷ 128. MDC (91.139)

142. I understand that the amendment is intended to apply to Rules 2.7-2.11. Generally, it appears appropriate that Rules 2.7-2.11 do not apply, given the Floodway Zone has provisions that potentially conflict with those in the General Rules.
143. NZTA (1002.120) requests amendments to ensure only one rule applies to each activity in section 2.7. While I understand the submitter's concerns I do not think any amendment is required as the activities are generally different and caselaw indicates the more specific rule applies. For example, I do not consider that culvert installation under Rule 2.77 also needs consent under Rule 2.7.5 for the construction of new structures on an ephemeral river.

Rule 2.7 Permitted Activities including new activities

144. Awatere Water Users Group (548.119) supports the rule. Forest and Bird (715.372) also supports the rule subject to an amendment to Rule 2.8.1.5 (see below).
145. There are a number of submissions that request new permitted activities as follows.
146. Flaxbourne Residents Association (712.2) requests that provisions for the clearance of flood debris from rivers be made, including policies and rules, which recognise the adverse effects flood debris can have on adjoining land and in creating a natural flood hazard, and the need to provide a timely and efficient response. KF Loe (454.139) also requests clearance of flood debris from rivers.
147. I note that Chapter 11 contains a comprehensive suite of policies that addresses the matters raised by the submitter. In terms of the clearance of flood debris from rivers, this is enabled over much of the district by the rules in the Floodway Zone or can be undertaken as part of emergency works under the RMA. In addition provision is made for the clearance of terrestrial vegetation under Rule 2.8.2 in connection with existing structures such as water intakes and culverts. As such I do not consider there is a requirement for an amendment sought by the submitters.
148. In addition Horticulture NZ (769.81) requests that vegetation removal to remove unwanted organisms under the Biosecurity Act 1993 is a permitted activity. I understand that the removal can be undertaken under the Biosecurity Act and that MDC have applied this position in the past. Additional provisions in the MEP could result in overlap and confusion and accordingly I do not support any amendment. I also understand from the MDC biosecurity manager that most unwanted organisms are removed by agrichemicals which is a permitted activity in the MEP.
149. In terms of structures, Federated Farmers (425.467, .469 and .470) request a number of items to be permitted including fences, culverts, bridges or stock/vehicle crossings on the bed of a lake or permanently flowing river; river crossing structures, including but not limited to weirs, fords and small bridges (excluding culverts and a river crossing that dams a river); and maintenance of existing farm drains. Similarly Constellation brands NZ Ltd (631.54), Killearnan Limited (167.28) and Yealands Wine Estate (1242.42) requests new structures as a permitted activity in, under, or over riverbeds.
150. MFIA (962.134) and NFL (990.23 and .24) request new rules for permitted activities relating to the installation and use of bridges in and over a river and the installation of bridges and fords over ephemeral and intermittently flowing watercourses.
151. NZTA (1002.129 and .130) requests provision is made for a number of activities as permitted activities subject to standards as follows:
- removal or demolition of structures
 - new structures such as bores for the purposes of monitoring and investigation
 - drainage channel maintenance
 - temporary dams to facilitate instream works.
152. I note that the MEP provisions as notified essentially provide for existing structures and protection works, suction hose intakes, culverts, temporary maimai and whitebait stands, minor upgrading of utilities on all types of rivers and new dams and structures on ephemeral rivers. I note this approach is somewhat more permissive than the current approach in the WARMP in terms of allowing new activities on ephemeral rivers, although the WARMP does contain a generic rule allowing new structures on rivers

less than 3m in width. It is my understanding that the latter rule did give rise to a number of adverse effects in terms of interference with river flows and effects on natural character. I also note that the WARMP requires culverts, bridges and other stream crossings to obtain resource consent as a discretionary activity.

153. Given the dynamic nature of river systems in Marlborough and the previous administrative history of structures, I believe that the approach in the MEP to structures is generally sound. Existing structures on all rivers and some other structures on ephemeral rivers that are likely to have little effect are permitted subject to conditions, while those types of activities that affect intermittently flowing and continuous flowing rivers generally require resource consent to enable an assessment to be made. As a consequence I do not support permitted activities such as weirs, bridges, and vehicle crossings as permitted activities on all types of rivers.
154. However, I believe some of the requested activities such as investigative bores and demolition of structures are appropriate because of their low impact. In respect of the former, this activity is generally allowed as a permitted activity within MEP zones and with the imposition of suggested conditions potential adverse effects can be mitigated. In respect of the removal or demolition of structures I agree it is an appropriate activity, given the activity may reduce an adverse effect in terms of the natural character of the river, or a flood hazard, and with the imposition of appropriate conditions is an acceptable activity. I note this rule would not apply to heritage items (such as the Opaoa Bridge).
155. It is also noted that the NES Plantation Forestry (which was only notified in July 2017) also has controls on river crossings. The MEP cannot have more stringent provisions than the NES and I understand that Council will undertake an alignment process to remove duplication and conflict which will be completed before the NES comes into effect in May 2018.
156. In respect of temporary dams referred to above by NZTA, it is acknowledged such a provision would better enable NZTA to carry out its activities. However I note that such an activity is likely to be part of a project which will probably require consents and which enables all effects to be addressed in an integrated manner. In addition, the suggested conditions put forward by NZTA in the submission, do not specify what temporary is (i.e. time period) and the condition in respect of ecological effects is somewhat uncertain. In addition the dam could be up to 4m high which is not an insubstantial structure. Accordingly, at this stage I do not recommend acceptance of the submission.
157. NZDF (992.47 and .48) also requests that temporary dams are a permitted activity as part of temporary military training activities. The submitter should identify how likely this activity will realistically occur in the district and I note that the type of structure over an ephemeral river is afforded by Rule 2.7.5. At this stage I do not recommend inclusion which could result in the addition of superfluous provisions in the MEP.
158. In addition, NZDF (992.46 and .47) requests a rule to provide for temporary bridges and launch areas as a permitted activity as part of a temporary military training activity. As discussed above I am unsure of the requirement for such an activity and also the potential adverse effects. Accordingly at this stage I do not support the submission.
159. KMS Mining Ltd (1269.1 and .2) requests small –scale suction dredging where engines are no more than 7 kilowatts power be included as a permitted activity. Given that there is no analysis of potential effects potential effects and there is no suggested standards I recommend that the submission is rejected at this time.
160. RM Wilkes (359.40 and .41) requests that hydrological and climatological monitoring equipment is a permitted activity provided that the installation or maintenance must be undertaken by MDC officers or persons acting on their behalf. Given that this type of activity is vital for the functions of the MDC I agree it should be included subject to conditions.
161. In respect of drain maintenance suggested by NZTA and Federated Farmers, I note the provisions are only applicable in terms of beds and lakes and rivers (although NZTA indicates some of its drains may be rivers). I note that vegetation control is enabled by Rule 2.8.2 relating to the maintenance of existing structures and as such may be sufficient.

162. Raeburn Property Partnership (1084.3) request a new rule be added to allow small scale erosion control work along the Queens Chain. The submission does not contain any specific provisions and given that the Queens Chain is likely to be outside the bed of the river the appropriate controls are likely to be found in zones such as the Rural Environment Zone.
163. P Rene (1023.11) requests a number of existing rights such as customary activities, eeling, whitebaiting, rangatiratanga, kaitiakitanga and recreation activities and also new permitted activities, including customary activities on D'Urville Island, placement of eel baskets on the bed of lakes, kaitiakitanga on D'Urville Island, recreational activities and drinking water takes.
164. The submitter should provide more details on the requested activities as there is insufficient information to make a recommendation. However I note that eeling and whitebaiting is not affected by the provisions, existing structures and recreational activities are permitted, as are recreational activities.
165. Fulton Hogan (717.67) requests that reference is made to gravel extraction in these rules and Mike Eldridge Contracting and others (971.1) consider that provision should be made for gravel extraction outside the Floodway Zone as a permitted activity. I note that extraction of gravel is dealt with in the Floodway Zone rules (see Rule 21.1.8 of this report) and I do not believe any reference is necessary in respect of this type of activity in Rule 2.7. If the gravel extraction is outside the Floodway Zone, it will be a discretionary activity in terms of Rule 2.12.
166. Jet Boat NZ Inc (64.1 and 612.1) requests a new permitted activity to enable minor excavation of the river bed to form a jet boat giant slalom course. I note that rule 2.7.10 allows recreational activities and Rule 2.7.10 refers to the standards which apply (these are related to noise), although it appears disturbance of the river for the slalom course is a separate activity. While I have some sympathy for the submitter the difficulty is in determining what "minor excavation" is. The applicant may be able to suggest quantitative limits which could be added to Rule 2.7.10 in terms of volumes, length of event etc.

Rule 2.7.1 Alteration, repair or maintenance of an existing structure in, on or over the bed of a lake or river.

Rule 2.9.1 Alteration, repair or maintenance of an existing structure in, on or over the bed of a lake or river.

167. Submitters requesting retention of the rule are KiwiRail Holdings Ltd (873.86), MFIA (962.127), NFL (990.18), and Trustpower Ltd (1201.118).
168. Federated Farmers (425.458) requests retention of the rule but deletion of Standards 2.9.1.3-2.9.1.5 for the reasons set out below.
169. DOC (479.166) requests that "operation" is added to the rule and a standard is imposed requiring "maintenance of "fish passage". NZ Fish Passage Advisory Group (994.11) also requests the inclusion of a general condition that structures must not restrict fish passages. Generally, I do not consider that "operation" is required to be added as the rule permits the activity. In terms of fish passage, I note that the standards refer to fish passage where appropriate such as Rule 2.9.3.2 but I agree some general standard is appropriate relating to existing fish passage and suggest this is added to Rule 2.13 Standards that apply to all activities.

2.9.1.2. The activity must not increase the plan or cross-sectional area of the structure by any more than 5% of the original structure; except that this Standard does not apply to the alteration or maintenance of the superstructure of a bridge or culvert that does not affect the hydraulic efficiency of the river under the structure.

170. NMFG (509.262 and .271) requests the removal of the exemption of culverts and bridges from the standard. I consider that the inclusion of these items is appropriate because of their relatively small scale and the restrictions that apply to the activities.
171. NZTA (1002.121) request that a definition for superstructure is added in relation to bridges and culverts. It appears that in respect of this rule "superstructure" is intended to refer to that part of the structure that is not directly in the water i.e. the area excluding piles, abutments, piers etc which could affect hydraulic efficiency. I do not necessarily consider a definition is required.

2.9.1.3. There must be no significant change to the external appearance of the structure. Painting a structure is not a significant change for the purposes of this Standard.

172. PF Olsen (149.66) and Federated Farmers (425.455) requests deletion of the rule given that it is subjective and not effects based. I agree that the term “significant” lacks specificity but I note that the rule is required as it is likely to control the degree of alteration allowed in Rule 2.7.1. The rule is a carryover from the WARMP and so has some history in its application to structures. However I suggest that it could be made more robust by the following:

There must be no significant change to the external appearance of the structure such that the basic character and integrity of the structure is not affected. Painting a structure is not a significant change for the purposes of this Standard.

2.9.1.4. No greater than 10% of the cross-sectional area of the lakebed or riverbed must be disturbed.

173. Federated Farmers (425.456), PC Hemphill (648.37) and NFL (990.29) oppose the rule because it is not effects based and difficult to interpret and should be deleted. NZTA (1002.121) also request clarification of the standard (although the submission refers to Rule 2.9.1.2) in respect of culverts. I understand that if a cross section is taken across a river, i.e. from bank to bank, then no more than 10% of the bed should be disturbed, so this minimises the potential impact on flow dynamics/flow paths, as well as limiting the scale of the activity in general. I note this rule is a carryover from the WARMP but I consider that some amendment is useful by referring to bank to bank as follows:

No greater than 10% of the cross-sectional area (length and width), as measured from bank to bank, of the lakebed or riverbed must be disturbed.

174. In respect of culverts, the 10% threshold would apply but new culverts are permitted by Rule 2.7.7 in any event.

175. It is also noted that the NES Plantation Forestry (which was only notified in July 2017) also has controls on harvesting which potentially affects riverbeds. The MEP cannot have more stringent provisions than the NES and I understand that Council will undertake an alignment process to remove duplication and conflict which will be completed before the NES comes into effect in May 2018.

2.9.1.5. Any release of detritus from around a culvert, bridge pier or abutment must be carried out by mechanical or other physical means.

176. Federated Farmers (425.457) oppose the rule because it is not effects based and should be deleted. I agree that the meaning of the rule is somewhat superfluous but that the reference to detritus should be included in the title of the rule.

Rule 2.7.2 Protection works in, on or over the bed of a lake of river for existing structures.

Rule 2.9.2 Protection works in, on or over the bed of a lake of river for existing structures.

177. Submitters requesting retention of the rule are KiwiRail Holdings Ltd (873.88), MFIA (962.128), NFL (990.19), Trustpower Ltd (1201.119).

178. NMFG (509.271 and .264) requests the activity requires consent as a full discretionary activity and Te Atiawa o Te Waka-a-Maui (1186.105) requests it is removed as a permitted activity. In my view activities such as this are of comparatively low impact and can be included as permitted activities subject to the conditions set out in 2.8.1 and 2.9.2. I also do not consider removal of the permitted activity status is appropriate as it would be too restrictive and require resource consent for all activities.

179. DOC (479.168 and .169) request Rules 2.72 and 2.92 is amended by the following:

The repair, maintenance or replacement of existing flood protection works in, on or over the bed of a lake or river. ~~for existing structures~~

180. It appears the submission changes the meaning of the permitted activity from “protection works for existing structures” to “existing flood protection works” which are different activities, and as such I do not consider the amendment appropriate.

181. NZTA (1002.123) requests the addition of the following:

Protection works in, on or over the bed of a lake or river for existing structures including gravel and sediment removal, including associated bed disturbance and deposition, diversion, and discharge of sediment and contaminants.

182. I understand that the MEP takes the view that the subsequent discharge of sediments is not an activity in itself and is a natural consequence of the primary activity. This is implied by Rule 2.8.1.4 relating to the discharge of sediment. I note that this issue arose in Topic 1 General and as such it was recommended the following addition (underlined) be inserted to 2.7 *Permitted Activities* to clarify the situation:

Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities, including the discharge of sediment, shall be permitted without resource consent where they comply with the applicable standards in 2.8 and 2.9.⁸

183. As such I do not believe Rule 2.7.2 requires amendment in respect of the NZTA submission.

184. Transpower (1198.42 and .47) requests that existing utilities are added to Rules 2.7.2 and 2.9.2 to make it clear that utilities are permitted as follows:

Protection works in, on or over the bed of a lake or river for existing structures and utilities

185. While I agree in principle with permitting protection works in these areas for existing utilities, my understanding is that the definition of structure would in any case include utilities, so I do not consider that the addition is necessary.

Rule 2.9.2 Protection works in, on or over the bed of a lake of river for existing structures.

186. The rule is supported by supported by KiwiRail Holdings Ltd (873.89) and Awatere Water Users Group (548.128).

187. NZTA (1002.124) requests the standards are amended to also relate to gravel and sediment removal. In my view this activity is allowed by Rule 2.7.1 relating to the maintenance of existing structures. Under this interpretation therefore, once the protection works are established under Rule 2.7.2, alteration, repair and maintenance is undertaken in accordance with Rule 2.7.1.

188. Federated Farmers (425.458) requests deletion of Standards 2.9.2.2-2.9.2.5 for the reasons set out below.

189. Te Atiawa o Te Waka –a-Maui (1186.108) request the standards are amended to include consultation with iwi and consideration of cultural values. The submitter should suggest wording which provides sufficient certainty for the iwi values to be considered as a permitted standard. I am also not clear as to how a consultation standard could be included and the submitter should also comment on this.

2.9.2.2. There must be no reduction in the capacity of the river at the structure.

190. Federated Farmers (425.460) requests deletion of the standard as it is not clear what reducing the capacity of the river may be, as the same amount of water will always flow down the river regardless of structure. I believe the rule is intended to avoid the situations such as protection works affecting infiltration galleries (e.g. in the Wairau River) by diverting water into a new channel or braid and reducing the water take. Reduced flow down a particular braid may also impact on fish habitats downstream by changing velocities, and resulting in less connectedness, and less flow. As such I do not recommend any change.

⁸ Pages 8/9 Topic 1 General Section 42A report (NZTA 1002.289)

2.9.2.3. Rock may be used for protecting existing structures.

191. Federated Farmers (425.461) requests deletion of the standard as the inclusion of “may” means it is not a standard, rather an option. I agree that this rule as written is not a requirement although it does provide some guidance which may be useful. I suggest it is rewritten to make it more definite or alternatively provided as an advice note.

2.9.2.4. Rock from damaged or redundant structures may be recovered from the lakebed or riverbed.

192. Federated Farmers (425.462) requests deletion of the standard as the inclusion of “may” means it is not a standard, rather an option. In this case it appears the standard is in place because such an activity involves disturbance of the riverbed and requires some authorisation. I agree that the rule should be amended to better reflect this or alternatively it is provided as an advice note.

2.9.2.5. Continuous lengths exceeding 50m of vertical gabion bank walls must be avoided by interposing some gently sloping sections for bird access.

193. Federated Farmers (425.463) requests deletion of the standard as a 50m length is not any more detrimental than a natural river bank and other locations will be available to access and the standard is unnecessary for exotic birds if it was intended for them. While I agree that the wording is not straightforward, I note that it is likely MDC will be undertaking protection works of this scale (ie lengths of gabion bank walls in excess of 50m), and given that MDC has not opposed the rule, I consider the rule can be retained as providing some ecological protection.

Rule 2.7.3 Suction hose intake replacement over the bed of a lake or river

Rule 2.9.3 Suction hose intake replacement over the bed of a lake or river

194. Rule 2.7.3 is supported by N Webby (10.1), NZDF (992.44) and MFIA (962.129) and Rule 2.9.3 by Awatere Water Users Group (548.129) and NZDF (992.45), with the latter suggesting cross reference to a new rule suggested by the submitter in respect of water takes.

162. NMFG (509.272 and .266) requests the activity requires consent as a full discretionary activity. In my view activities such as this are of comparatively low impact and can be included as permitted activities subject to the conditions set out in 2.8.1 and 2.9.3.

195. TDC (307.8 and .9), NZ Fish Advisory Passage Group (994.15 and .16) and DOC (479.170 and.171) requests that Standard 2.9.3.2 is amended to provide greater detail on the screening requirements and minimum standards for the prevention of fish passage. I note that Rule 2.9.3.2 states the intake must be screened to prevent fish passage which in my view is sufficient for the scale of this particular activity. The alternative is likely to be prescriptive standards (which the submitters have not provided any detail on) and accordingly I do not support the submission.

196. Te Atiawa o Te Waka –a-Maui (1186.109) requests the standards are amended to restrict suction hoses being located within cultural sites/areas and to include consultation with Iwi and consideration of cultural values. The submitter should suggest wording which provides sufficient certainty for the Iwi values to be considered as a permitted standard. I am also not clear as to how a consultation standard could be included and the submitter should also comment on this.

Rule 2.7.4 Construction of a dam on an ephemeral river

197. The rule is supported by J Hickman (455.34), G Mehlhopt (456.34), S MacKenzie (1124.55) and NZTA (1002.125).

198. NMFG (509.268 and .267) requests the activity requires consent as a full discretionary activity or additional permitted standards. The need to add permitted activity standards is also supported by Flaxbourne Settlers Assoc. (712.11), L Taylor (896.6), NFL (990.20). KF Loe (454.52) infers the rule should be deleted. The submitters should clarify what additional standards are required other than those set out in 2.9.4. On the other hand I do not favour deleting the rule as some standards are appropriate to

mitigate adverse effects. As discussed above in Rule 2.7.3 I do not consider full discretionary status is required for activities such as this one.

Rule 2.9.4 Construction of a dam on an ephemeral river

199. The rule is supported by Awatere Water Users Group (548.130) and NZTA (1002.126).
200. NZ Fish Passage Advisory Group (994.19) request fish passage if there is fish habitat upstream. As indicated above I have suggested an additional condition is added to Rule 2.8.
201. Te Atiawa o Te Waka–a–Maui (1186.110) request the standards are amended to include consideration around cultural sites/areas and values. As discussed above the submitter should suggest wording which provides sufficient certainty for the iwi values and consultation for them to be considered as permitted standards.
202. Davidson Group Ltd (172.4) request that Council consider that additional standards are included for dam safety reasons. I note that Rule 2.9 9.1 requires that the dam is not located in proximity to other watercourses with more regular flows and Rule 2.9.4.4 requires separation of the dam from a dwelling, public road etc. These standards appear sufficient for the type of dams envisaged on an ephemeral river in terms of safety, particularly as a building consent is only required for dams more than 4m in height and containing more than 20,000m³. Under Rule 2.3.16.1 of the MEP a maximum of 5,000m³ can be dammed. Accordingly, I do not consider there is a requirement for additional standards.
203. Federated Farmers (464.425) request that the rule is deleted because it conflicts with other dam rules in the plan and does not provide certainty. The submitter should identify the uncertainty. I acknowledge there are other rules in the MEP but these generally relate to water takes and damming or out of river storage dams which are separate from structures.

2.9.4.1. The dam must not be within 8m of a perennially flowing or intermittently flowing river.

204. KF Loe (454.53) supports the rule which is noted.

2.9.4.2. The dam must not intersect groundwater.

205. KF Loe (454.54) supports the rule which is noted.

206. J Hickman (454.53) and G Mehlhopt (456.58) request the standard is deleted or exempt dams of 5,000m³ given Rules 2.2.17 and 2.3.16 provide for damming of 5000m³ of water as a permitted activity. In my view the standard is appropriate for inclusion as intersecting groundwater could result in diversion of groundwater away from a waterbody or abstractor. Accordingly I do not support its deletion.

2.9.4.4. The dam must not be built within 500m upstream of a dwelling, formed public road or designated rail infrastructure.

207. KF Loe (454.56) and KiwiRail holdings Ltd (873.95) supports the rule which is noted.

2.9.4.5. The dam construction activity complies with all the permitted activity excavation, filling and vegetation clearance rules for the zone in which the activity is taking place.

208. KF Loe (454.57) supports the rule which is noted.

Rule 2.7.5 Construction or placement of a new structure in, on, under or over the bed of an ephemeral river.

Rule 2.9.5 Construction or placement of a new structure in, on, under or over the bed of an ephemeral river.

209. Rule 2.7.5 is supported by KiwiRail Holdings Ltd (873.90) NZ Fish Passage Advisory Group (994.12), and Fulton Hogan (717.66) and Rule 2.9.5 is supported by Awatere Water Users Group (548.131) and KiwiRail Holdings Ltd (873.91).
210. Federated Farmers (425.465 and .466) requests retention of Rule 2.7.5 but deletion of Standards 2.9.5.1-2.9.5.4 given that the effects the standards are managing are unlikely to have an effect given that the streams are very small and flow infrequently and it is unclear what effects are being managed. In my view the standards are generally appropriate given its permitted activity status and assists to mitigate effects relating to dam safety, diversion of groundwater and vegetation clearance.
211. NMFG (509.270) requests the activity requires consent as a full discretionary activity or permitted standards relating to maximum size and timing of construction and Te Atiawa o Te Waka-a-Maui (1186.106) requests it is removed as a permitted activity.
212. In my view activities such as this are of comparatively low impact and can be included as permitted activities subject to the conditions set out in 2.8.1 and 2.9.5. The submitter should specify the detail of additional restrictions but I note there are some restrictions in terms of timing in Rule 2.8.1 and ephemeral rivers by nature are unlikely to be of significant size. I also do not consider removal of the permitted activity status is appropriate as it would be too restrictive and require resource consent for all activities.
213. MFIA (962.130) and NFL (990.21) request the rule is extended to "intermittently flowing watercourses". Given that such watercourses are likely to be more regular in their flow (see definition in the MEP-refer paragraph 30 of Section 42A report) I believe it is appropriate a more stringent approach is taken in respect of dams and as a consequence I do not favour extending the rule.
214. Transpower (1198.43 and .48) request Rules 2.7.5 and 2.9.5 are amended to include utilities as follows:
- 2.7.5. Construction or placement of a new structure or utility in, on, under, or over the bed of an ephemeral river.*
- As noted earlier, my understanding is that the definition of structure would in any case include utilities, so I do not consider that the addition is necessary.
215. NZ Fish Passage Advisory Group (994.20) request fish passage if there is fish habitat upstream which as I have indicated above is addressed by a new permitted activity standard.
216. Te Atiawa o Te Waka –a-Maui (1186.111) request the standards are amended to include consultation with Iwi and consideration of cultural values. As discussed above the submitter should suggest wording which provides sufficient certainty for the iwi values and consultation for them to be considered as permitted standards.
- 2.9.5.1. The structure must not be within 8m of a perennially flowing or intermittently flowing river.
217. DC Hemphill (648.38) requests deletion of the rule as it is not an unusual situation for a structure to be within 8m of a river particularly where a stream drains into a river and the rule is not justified or explained. I understand that the reason for the rule is to ensure that the capacity of the dam is not affected by other watercourses with more regular flows.
- 2.9.5.2. The structure must not intersect the groundwater.
218. DC Hemphill (648.39) requests that the words "*intended for consumption*" are added and notes that the location of groundwater is not known until construction starts. I understand that the standard is included so that diversion of water away from a waterbody or an abstraction does not occur, rather than the consumption of water. Prior testing should establish if groundwater is present. Accordingly, I do not support the proposed amendments.
- Rule 2.7.6 Construction or placement of a temporary maimai or whitebait stand in, on, under or over the bed of an ephemeral river.**

Rule 2.9.6 Construction or placement of a temporary maimai or whitebait stand in, on, under or over the bed of an ephemeral river.

219. NMFG (509.271) requests the rule is amended to enable permanent maimai and whitebait stands as permitted activities. I consider it is appropriate that some control is placed on permanent structures of these types given potential adverse effects that can arise relating to natural hazards, public access and natural character. The submitter also has not provided any standards.

2.9.6.5. The maimai or stand must be constructed or placed and subsequently removed within the following periods:

(a) a maimai must only be constructed or placed up to one week before, and removed no later than one week after, the official duck shooting season of the year of use;

(b) a whitebait stand must only be constructed or placed after 1 August, and must be removed no later than 15 December, within any year.

220. NMFG (509.272) requests deletion of the above permitted activity standards. Given that I do not support permanent structures it is appropriate the standards are retained.

Rule 2.7.7 Culvert installation in, on, under or over the bed of a river

2.9.7. Culvert installation in, on, under, or over the bed of a river.

221. Rule 2.7.7 is supported by PF Olsen Ltd (149.64), Federated Farmers (425.468), DOC (479.172, KiwiRail Holdings Ltd (873.92), MFIA (962.131), Transpower (1198.44) and Trustpower Ltd (1201.120) and Rule 2.9.7 by J and P Harvey (430.5), DOC (479.173) Awatere Water Users Group (548.132) KiwiRail Holdings Ltd (873.93) and Transpower (1198.49) which is noted.

222. New Zealand Fish Passage Advisory Group (994.13, .17, .18 and .21) appears to support the rule but also wants additional standards relating to fish passage included. I note that the some of the standards relate to fish passage (2.9.7.2) but I as indicated above I agree some general standard is appropriate relating to existing fish passage.

223. NMFG (509.271 and .274) requests additional restrictions are placed on the culvert diameter and size of the river catchment and NFL (990.22) requests the word "use" is added to the rule. The former submitter should specify the detail of additional restrictions but I note there are some restrictions in terms of timing in Rule 2.9.7. In respect of NFL the word "use" is considered superfluous.

224. Te Atiawa o Te Waka-a-Maui (1186.107) requests the activity is removed as a permitted activity. I do not consider removal of the permitted activity status is appropriate given the scale of the activity and it would be too restrictive as resource consent would be required for all activities.

225. NZTA (1002.127) supports the rule with the following amendment:

Culvert installation and replacement in, on, under, or over the bed of a river, including associated bed disturbance and deposition, diversion of water, and discharge of sediment and contaminants.

226. While installation is likely to include replacement, I believe it can be added to remove any doubt. As indicated above in Rule 2.7.2, discharge is included as part of the activity while I am of the view disturbance does not need to be specifically mentioned given the overall heading of the rule.

227. Te Atiawa o Te Waka –a-Maui (1186.112) request the standards are amended to include consultation with Iwi and consideration of cultural values. As discussed above the submitter should suggest wording which provides sufficient certainty for the iwi values and consultation for them to be considered as permitted standards.

2.9.7.2. The culvert must be placed below the level of the riverbed by a distance equating to the diameter of the pipe divided by 5 (i.e., 20% of the culvert pipe) and at the same slope as the existing bed of the river.

228. DC Hemphill (648.40) requests that the rule is clarified so to clarify what part of the culvert is to be placed below the riverbed while I Bond (469.2) suggests *the invert of the culvert is added*.

229. I agree the inclusion of the “invert” of the pipe clarifies matters. While the term “invert” is generally understood the Panel may wish to consider inserting a definition for the term.

2.9.7.3. There must be no increase in the velocity of flow through or downstream of the culvert at the river’s median flow.

230. I Bond (469.2) requests the deletion of the rule given the velocity within the culvert if it is a smooth concrete pipe will be higher than the river due to its much lower coefficient of friction. This submission may be technically correct but I believe the intention of the rule is to generally retain the flow so as bank instability and erosion effects do not arise. Accordingly I do not recommend any change.

2.9.7.4. The total length of the culvert must not exceed 8m, except for a culvert passing beneath a State Highway where the total length of the culvert must not exceed 20m.

231. Reade Family Holdings (318.4) and I Bond (469.4) requests deletion because the length of the culvert is irrelevant and I Esson (440. 3 and 4) requests a mechanism for a longer pipe as a permitted activity. PF Olsen Ltd (149.67), Windermere Forests Ltd (1238.42) and MFIA (962.138) suggest increasing the length from 8m to 15m while DC Hemphill (648.41) suggest defining the length by “engineering analysis.” NZTA (1002.128) suggest increasing the length to 12m to take account of the width of a legal road and amending the state highway provision to the length required.

232. In my view the NZTA submission represents a reasonable approach in that it is more permissive than the existing rule in the operative plans but still allows Council control over longer culverts in most cases.

233. It is noted that some of the submissions refer to NES Plantation Forestry (which was notified in July 2017) and also has controls on culverts. The MEP 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.

2.9.7.5. The culvert installation must be designed and implemented to ensure there is no erosion or scour downstream of the culvert.

234. A number of submissions suggest some flexibility is required with the rule. I Esson (336.4) suggests adding in a small predetermined amount of erosion. Similarly I Bond (469.5) suggests the rule allows “erosion that occurs naturally”; DC Hemphill (648.42) for “accelerated erosion”; and NFL (990.31) “no more than minor erosion or scour at the culver outlet”. Generally I believe the standard is satisfactory and a literal interpretation is not required.

2.7.8. Minor upgrading in, on, or under the bed of a lake or river of the following utilities:

(a) transmission line existing at 9 June 2016;

(b) telecommunication or radio communication facility existing at 9 June 2016.

Rule 2.9.8 Minor upgrading in, on, or under the bed of a lake or river of the following utilities:

(a) transmission line existing at 9 June 2016;

(b) telecommunication or radio communication facility existing at 9 June 2016.

235. Rule 2.7.8 is supported by Chorus NZ Ltd (464.58) and Spark NZ Trading Ltd (1158.50) and Trustpower Ltd (1198.45).

236. Transpower (1198.43) request the rule is amended to include utilities as follows:

2.7.8. Operation, maintenance, replacement and mMinor upgrading in, on or under the bed of a lake or river of the following utilities:

(a) National Grid transmission line and associated cables existing at 9 June 2016;

237. In my view, the inclusion of maintenance and replacement is appropriate and consistent with the drafting and approach taken in relation to utilities elsewhere in the MEP (particularly rules 2.38 – 2.40). These are also defined terms. However “operation” is not otherwise used and in my view is superfluous, noting also that it is not defined in the MEP. For consistency with the recommendations in Topic 3 (Natural and Physical Resources) I also agree with deleting reference to 9 June 2016. In addition, in my view the effects of maintenance, replacement and minor upgrading of the utilities identified are the same regardless of when they were established. In terms of the additional reference to “National Grid” transmission lines and associated cables, I am not sure that the addition is necessary. I note that how utilities are managed in terms of the general rules is also a topic that will be covered in more depth in Topic 20 and this may necessitate further consideration of this rule.

238. Chorus NZ Ltd (464.590) and Spark NZ Ltd (1158.51) request Rule 2.9.8 is deleted given that while it is appropriate to have standards for Permitted Activities, Minor Upgrading is defined in Section 25 of the PMP. This definition effectively sets standards for what can occur as Minor Upgrading under Rule 2.7.8, and consequently the additional standards under 2.9.8 are unnecessary. In my view the additional standards can exist alongside the definition of “minor upgrading” and essentially cover different matters. Accordingly I recommend that the submission is not accepted.

239. Transpower (1198.50) requests the following amendments:

2.9.8. Operation, maintenance, replacement and mMinor upgrading in, on, or under the bed of a lake or river of the following utilities:

(ca) National Grid transmission line and associated cables existing at 9 June 2016; ...

2.9.8.1. The utility must have been lawfully established.

2.9.8.2 The activity must not increase the plan or cross-sectional area of the utility by any more than 5% of the original utility, except that this Standard does not apply to works that do not affect the hydraulic efficiency of the river, such as poles and lattice towers.

2.9.8.3 There must be no significant change to the external appearance of the utility. Painting a structure is not a significant change for the purposes of this Standard.

2.9.8.4 No greater than 10% of the cross-sectional area of the bed of a lake or river must be disturbed.”

240. The changes sought to the stem of 2.9.8 reflect those sought to 2.7.8 and are commented on earlier. The additional changes (which essentially provide some exemptions or clarifications) appear reasonable although I note that the exemption of hydraulic efficiency does add an element of subjectivity to a permitted activity standard. I acknowledge a similar term is used in Rule 2.9.1.2 but this refers to an existing structure rather than “minor upgrade” and the definition of “minor upgrading” in the MEP includes changes to foundation works. Therefore I consider the matters the rules control are distinguishable and at this stage I do not favour the exemption.

2.7.10. Passive, informal or active recreation in, on, under, or over the bed of a lake or river.

241. The rule is supported by NMFG (509.277) which is noted.

2.8. Standards that apply to all permitted activities

242. All of the standards are supported by Transpower (1198.46) while KiwiRail Holdings (873.94) support Rule 2.8.1. Federated Farmers (425.449) generally oppose a number of the rules.

243. NFL (990.25) request the reference to the use of Munsell Scales in 2.8 rules is deleted as there is no methodology on how to use them and suggests an alternative measure. This matter is addressed in the Topic 13 Resource Quality – Water.

2.8.1.1. No refuelling or fuel storage or the storage or placement of any hazardous substance, including but not limited to oil, hydraulic fluid or other fluid lubricants, must take place within 20m of water.

244. The rule is supported by Awatere Water Users Group (548.120) while a number of submissions request amendments. Federated Farmers (425.449) and S and S White (93.2) state the standard creates difficulties for diesel irrigation pumps. The submitters should identify the extent of the issue in terms of

numbers given that existing operations will have existing use rights. If it is a significant issue then performance standards could be looked at such as use of installation of containment measures.

245. NMFG (509.279) requests the setback should be from the bed of the river. The Oil Companies (1004.28) requests an amendment to specify that refuelling should not occur within 20 metres of "surface" water, given the plan is adopting the definition of water from Section 2 of the RMA to which includes groundwater. In my view the suggested amendment is technically correct and avoids the situation of including groundwater and as such the rule should be amended to provide a practical application. This is also likely to address the concerns of NMFG.

2.8.1.2. The activity must not cause flooding or erosion of private land and 2.8.1.3. The activity must be planned and conducted in a manner that does not compromise public safety.

246. These two rules are supported by NMFG (509.280 and .281) and Awatere Water Users Group (548.121 and .122) which is noted.

2.8.1.5. During the period of 1 September to 31 December in any year no activity must occur within 50m of a nesting bird in a lakebed or riverbed.

247. The rule is supported by DOC (479.163) while Federated Farmers (425.451), J Hickman (455.37), G Mehlhopt (456.37) ME Taylor (472.27) request deletion of the rule.

248. A number of submissions request a change to the dates (Forest and Bird (715.374)), NMFG (509.283) who also requests restrictions on the spawning season; a change to the description of the birds and nesting (C Bowron 88.5), Awatere Water Users Group (548.124), P Bown (306.1), D Robb (738.22) M Robb (935.19),(1022.35) and DC Hemphill (648.36); and a change to the setback (S and S White (93.3).

249. I agree that some refinement of the rule is desirable in order it is not so restrictive while providing some protection and to this end it is suggested the rule applies to an "indigenous bird" nesting.

2.8.1.6. An activity within the wetted area of a riverbed must not be carried out in a tidal reach between 1 February and 30 April, and 1 August and 30 November in any year.

250. The rule is supported by DOC (479.164) while Federated Farmers (425.453) requests deletion of the rule because the time frames only leave a small period to undertake activities such as drainage clearance. It is noted however that these rules apply to rivers and lakes in a tidal reach (and not farm drains).

251. MDC (91.107) requests that the rule is amended as set out below because the deleted dates serve no ecological purpose

2.8.1.6. An activity within the wetted area of a riverbed must not be carried out in a tidal reach between 1 February and 30 April, and ~~1 August and 30 November~~ in any year.

252. In this respect I understand that the 1 February to 30 April relates to whitebait spawning which is the critical period, while the later date relates to migration of the whitebait up the river which are unlikely to be unduly affected by sediment disturbance. Accordingly I recommend acceptance of this submission which also addresses some of Federated Farmers concerns.

2.8.2. Removal and control of terrestrial vegetation.

253. The rule is supported by DOC (479.165) and Awatere Water Users Group (548.124).

254. Federated Farmers (425.452) opposes the rules because the Rural Environment Zone Rules 3.1.12 and .13 already manage terrestrial vegetation. I note that the above zone rules do not apply to the beds of lakes and rivers.

255. J and J Harvey (430.2) request the immediate removal of fallen and washed out trees and ME Taylor (472.26) also opposes the rule as the submitter wishes to undertake regular channel clearing. It appears to me that the rule does not preclude this.

2.8.2.2. All cut or felled vegetation that exceeds 100mm in diameter at any point must be removed from the bed of the lake or river (except an ephemeral river or intermittently flowing river, when not flowing).

256. MDC (91.200) requests the reference to an ephemeral river or intermittently flowing river is deleted as the vegetation left in these types of rivers could have an adverse effect when flows occur. This is further opposed by forestry submitters who state that it is difficult to comply with this amendment for practical and economic reasons.

257. Trustpower Ltd (1201.122) request the following amendment given that debris can affect the functioning of the submitter's assets.

All cut or felled vegetation and associated debris must: ~~that exceeds 100mm in diameter at any point must be removed from the bed of the lake or river (except an ephemeral river or intermittently flowing river, when not flowing).~~

(a) not be left within 8m of, or deposited in, a river (excluding an ephemeral river or intermittently flowing river when not flowing), Significant Wetland or the coastal marine area;

(b) not be left in a position where it can enter, or be carried into, a river (excluding an ephemeral river), Significant Wetland or the coastal marine area;

(c) be stored on stable ground;

(d) be managed to avoid accumulation to levels that could cause erosion or instability of the land.

258. I note the intention of the rule is that if the removal of terrestrial vegetation in a riverbed occurs, vegetation above a certain diameter must be removed, in order it does not cause a hazard downstream when a flood or fresh occurs. I believe any rule must be reasonable and practical and generally in my view this is achieved. The request from MDC is likely to simplify the rule as it applies to all rivers now. The suggested amendments requested by Trustpower Ltd are similar to standards for commercial forestry harvesting and applies to trees, slash and debris (e.g. Rule 3.3.7.12). I am not convinced that such standards need to be attached to vegetation control in the river bed as it is unlikely to be of a similar scale to commercial forestry. In general, I consider the rule is appropriate subject to the amendment requested by MDC.

259. It is also noted that the NES Plantation Forestry (which was only notified in July 2017) also has controls on harvesting which potentially affects riverbeds. The MEP cannot have more stringent provisions than the NES and I understand that Council will undertake an alignment process to remove duplication and conflict which will be completed before the NES comes into effect in May 2018.

2.8.2.3. Machinery must not be operated in flowing water.

260. C Robbins (640.200, G Robb (738.20) and M Robb (935.20) request the standard includes a depth of water so that machinery can be operated in flowing water (the submission does not include a depth of water). C Morrison (367.4) submits the rule should be amended to allow retrieval of hazards etc. once a flood has receded.

261. Generally I consider the rule should be retained as it is easier to administer and adverse effects can arise from vehicles working in rivers in terms of bed disturbance, damage to ecosystems and release of contaminants.

Rule 2.9 Standards that apply to specific permitted activities

262. T James (307.1) states all in-stream structures (existing and new), such as culverts, weirs, dams and fords, that are not governed by a resource consent, should be required to provide for fish passage within 5 years unless there is good reason not to in the absence of such a rule. NZ Fish Passage Advisory Group (994.14) also request further detail in respect on fish passage. As indicated above there are some provisions relating to fish passage and I have suggested a general standard for fish passage be added to Rule 2.8.

Recommendation

263. Amend the introductory statement under the heading Activity In, On, Over or Under the Bed of a Lake or River on page 2-11 as follows -

Activities in, on, over or under the beds of lakes and rivers do not cover the taking, use, damming or diversion of water controlled under Section 14 of the RMA.

*Rules 2.7-2.11 do not apply to the Floodway Zone.*⁹

264. Amend Rules 2.7.1. and Rule 2.9.1. as follows:

Alteration, repair or maintenance, including the release of detritus, of an existing structure in, on or over the bed of a lake or river.

and delete Rule 2.9.1.5 as follows:

~~*2.9.1.5. Any release of detritus from around a culvert, bridge pier or abutment must be carried out by mechanical or other physical means.*~~¹⁰

265. Amend Rule 2.7.8 as follows:

2.7.8. Maintenance, replacement and minor upgrading in, on or under the bed of a lake or river of the following utilities:

*(a) National Grid transmission line and associated cables existing at 9 June 2016.*¹¹

266. Add the following to Rules 2.7 Permitted Activities and 2.9 Standards that apply to specific permitted activities, respectively

2.7.11 Removal or demolition of structures from river beds

2.9.11 Removal or demolition of structures from river beds

2.9.11.1. The activity disturbs less than 10m³ of the bed.

2.9.11.2 It results in the complete removal of the structure from the bed, or the complete removal of that part of the structure requiring removal from the bed.

*2.9.11.3 No explosives shall be used in the demolition of the structure.*¹²

267. Add the following to Rules 2.7 Permitted Activities and 2.9 Standards that apply to specific permitted activities, respectively

2.7.12 Geotechnical bore drilling for the purposes of investigation of subsurface conditions

2.9.12 Geotechnical bore drilling for the purposes of investigation of subsurface conditions

2.9.12.1 The bore must be drilled by a Recognised Professional

2.9.12.2 A copy of the bore log, including a grid reference identifying the bore location, must be supplied to the Council in a suitable electronic format within 20 working days of the drilling of the bore.

*2.9.12.3 On completion of the geotechnical investigation, the bore must be sealed or capped to prevent any potential contamination of groundwater.*¹³

⁹ MDC (91.311)

¹⁰ Federated Farmers (425.457)

¹¹ Transpower (1198.43)

¹² NZTA (1002.129)

268. Add the following to Rules 2.7 Permitted Activities and 2.9 Standards that apply to specific permitted activities, respectively

2.7.13 Installation and maintenance of hydrological and climatological monitoring equipment in, on, over or under the bed of a river, lake or wetland.

2.9.13 Installation and maintenance of hydrological and climatological monitoring equipment in, on, over or under the bed of a river, lake or wetland.

2.9.13.1 That the installation or maintenance must be undertaken by Marlborough District Council officers or persons acting on their behalf.

2.9.13.2 The equipment shall not obstruct river flows to the extent that water levels are changed.¹⁴

269. Add the following to 2.8 Standards that apply to all permitted activities, 2.8.1 General Rules.

2.8.1.7 The works or structures do not prevent any existing fish passage¹⁵

270. That Rule 2.8.1.1 is amended by the following:

2.13.1.1. No refuelling or fuel storage or the storage or placement of any hazardous substance including but not limited to oil, hydraulic fluid or other fluid lubricants must take place within 20m of surface water.¹⁶

271. That Rule 2.8.1.5 is amended by the following:

2.8.1.5. During the period of 1 September to 31 December in any year no activity must occur within 50m of an indigenous nesting bird in a lakebed or riverbed.¹⁷

272. That Rule 2.8.1.6 is amended by the following:

2.8.1.6. An activity within the wetted area of a riverbed must not be carried out in a tidal reach between 1 February and 30 April, ~~and 1 August and 30 November~~ in any year.¹⁸

273. That Rule 2.8.2.2 is amended by the following:

2.8.2.2. All cut or felled vegetation that exceeds 100mm in diameter at any point must be removed from the bed of the lake or river. ~~(except an ephemeral river or intermittently flowing river, when not flowing).~~¹⁹

274. That Rule 2.9.1.3 is amended by the following:

2.9.1.3 There must be no significant change to the external appearance of the structure such that the basic character and integrity of the structure is not affected. Painting a structure is not a significant change for the purposes of this Standard.²⁰

275. That Rule 2.9.1.4. is amended as follows:

2.9.1.4 No greater than 10% of the cross-sectional area (length and width), as measured from bank to bank of the lakebed or riverbed must be disturbed²¹.

¹³ NZTA (1002.130)

¹⁴ RM Wilkes (359.40 and .41)

¹⁵ NZ Fish Advisory Group (994.11)

¹⁶ Oil Companies (1004.28)

¹⁷ C Bowron (88.5),

¹⁸ MDC (91.107)

¹⁹ MDC (91.200)

²⁰ PF Olsen (149.66)

²¹ NZTA (1002.121)

276. That Rule 2.9.2.3 is amended by the following

*2.9.2.3. Rock used in the ~~may be~~ protection of ~~used for protecting~~ existing structures is permitted.*²²

277. That Rule 2.9.2.4 is amended by the following:

*278. Rock from damaged or redundant structures ~~may be~~ recovered from the lakebed or riverbed for use in the works is permitted*²³

279. That Rule 2.77 and 2.97 is amended as follows:

*Culvert installation and replacement in, on, under, or over the bed of a river.*²⁴

280. That Rule 2.9.7.2. is amended by the following:

*The invert of the culvert must be placed below the level of the riverbed by a distance equating to the diameter of the pipe divided by 5 (i.e., 20% of the culvert pipe) and at the same slope as the existing bed of the river.*²⁵

281. That Rule 2.9.7.4 is amended by the following:

*The total length of the culvert must not exceed 8 12 m, except for a culvert passing beneath a State Highway where the total length of the culvert must not exceed 20m the length necessary to pass beneath the legal road at that location.*²⁶

Rule 2.10 Discretionary Activities

General

282. MFIA (962.139) and NFL (990.32) requests that there is a controlled activity where there are minor non-compliances with the permitted activity rule and where the effects of the activity are known and the impacts are minor.

283. Federated Farmers of New Zealand (425.476) requests a restricted discretionary activity when the permitted activity standards cannot be met.

284. As indicated in my Section 42A report for Topic 1 General, the MEP utilises all activity classifications except for non-complying activities, although it is acknowledged the majority of activities are permitted or discretionary. As such, there is nothing in the RMA that precludes such an approach and this approach simplifies interpretation and layout. I also note that under a controlled activity status, resource consent is still required and in many cases it is appropriate for Council to retain discretion to decline a consent. In terms of restricted discretionary activity status, it is my experience that often the matters of discretion are lengthy and are not significantly different from a discretionary activity.

285. The submissions also do not provide any details of the matters that would be subject to control or the matters subject to discretion, and in all of these circumstances I do not recommend any change.

2.10.1. Any activity provided for as a Permitted Activity that does not meet the applicable standards

286. NMFG (509.284) and Awatere Water Users Group Incorporated (548.135) support Rule 2.10.1 and requests that it be retained as notified.

²² Federated Farmers (425.461)

²³ Federated Farmers (425.462)

²⁴ NZTA (1002.127)

²⁵ DC Hemphill (648.40)

²⁶ NZTA (1002.128)

287. Flaxbourne Settlers Association (712.14), Kevin Loe (454.65) and Steve MacKenzie (1124.13) supports in part Rule 2.10.1 subject to amended provisions in respect of stock crossings which are dealt with in the Topic 13 Resource - Water Quality.

2.10.2. Any activity in, on, under or over the bed of a lake or river not provided for as a Permitted Activity or limited as a Prohibited Activity.

288. Kevin Loe (454.66), Awatere Water Users Group Incorporated (548.136), Flaxbourne Settlers Association (712.92) and Steve MacKenzie (1124.56) supports Rule 2.10.2 and requests that it be retained as notified.

289. NMFG (509.285) requests that dams that are not provided for as a permitted or a prohibited activity and should be considered as a non-complying activity. As I have already indicated in this report and earlier ones, the MEP does not utilise this activity status. The RMA does not precludes such an approach and it simplifies interpretation and layout of the MEP. It is noted that Council retains the discretion to refuse applications under a discretionary activity status and in particular highlights the importance of the objectives and policies in the plan when determining applications. In this respect there are a number of provisions relating to dams that give a clear direction (e.g. Policies 5.2.2.20-22, Policy 6.2.1 and 6.2.3 and .4).

Recommendation

290. That there is no change to the MEP.

Rule 2.11 Prohibited Activities

2.11.1. Construction of a dam on the following lakes and rivers, including their tributaries unless otherwise stipulated:

291. John Hickman (455.35), George Mehliopt (456.35), DOC (479.176), Forest and Bird (496.74), Awatere Water Users Group Incorporated (548.137) and NZTA (1002.137) support Rule 2.11.1 which relates to prohibiting dams on a number of lakes and rivers.

292. NMFG (509.286) requests the addition of the Kaituna and Rai Rivers and their tributaries in Rule 2.11.1 as a prohibited activity to protect the values of these rivers as trout fisheries. TRONT (1189.116) also requests that Rule 2.11.1 be amended to prohibit damming in the Awatere River along the full extent and to include dual names to be used when referencing the Clarence River.

293. I understand that the MEP has identified those water bodies with high or very high natural character utilising the criteria in Policy 6.1.5 and which are then detailed in Appendix 5. Policy 6.2.1 requires the avoidance of adverse effects on these waterbodies and hence the implementation of Rule 2.11.1 prohibiting damming. Clearly the rivers sought by the submitters above was not considered by MDC to meet the criteria in Policy 6.1.5. I note that in respect of the NMFG submission, the policy does not specifically refer to trout fisheries and contains number of other criteria. The submitter may wish to present further evidence at the hearing on this matter, but in the absence of a detailed analysis I do not recommend any changes.

294. In respect of the TRONT submission, the MEP has prohibited damming on the Upper Awatere. Again the submitter should justify why the lower Awatere River should be included having regard to Policy 6.1.5. In terms of the use of dual names of the Clarence River, I do not oppose this but it is likely to be dependent on Council policy in respect of dual names.

2.11.2. Construction or alteration of a bore within the bed of the following lakes and rivers, including tributaries:

295. John Hickman (455.36), George Mehliopt (456.36), Forest and Bird (496.75), NMFG (509.287) and Awatere Water Users Group Incorporated (548.138) support Rule 2.11.2 which relates to prohibiting bores on a number of lakes and rivers.

296. NZTA (1002.138) seeks Rule 2.11.2 be amended to exempt investigation or monitoring bores associated with construction to maintenance activities on existing regionally significant infrastructure. Similarly Trustpower Limited (1201.123) requests amendments to allow the construction of bores for geotechnical investigation purposes as a discretionary activity or alternatively the deletion of sub clause (b) Branch River.
297. Generally I concur with these submissions. I understand that the proposed rule relates to bores for the taking of water, whereas it is reasonable to allow for investigative bores which will still be a discretionary activity, but in my view should be limited to utilities given this type of organisation has made the request.
298. NMFG (509.288), and Awatere Water Users Group Incorporated (548.139), supports Rule 2.11.3 which relates to prohibiting suction hose intakes on a number of lakes. This is noted.

Recommendation

299. That Rule 2.11.2 is amended by the following:

*Construction or alteration of a bore, excluding bores constructed for the purposes of geotechnical investigation or installation of piezometers by a utility, within the bed of the following lakes and rivers, including tributaries:*²⁷

...

Key Matter – Drainage Channel Network Activity – Rules 2.12, 2.13, and 2.14

Submissions and Assessment

General

300. As indicated above, Rules 2.12-2.14 relate to the various activities in the Drainage Channel Network, which is a specified network of drains that are considered essential for flood control on a district wide basis by MDC (identified as an Overlay in Volume 4 of the MEP). Policy 14.1.10 notes the network functions to reduce groundwater levels on the Wairau Plain enabling the productive use of the land. The rules generally relate to drain maintenance activities and are drafted so that only Council may undertake the permitted activities. Farm drains and the like are dealt with by the respective zone rules and other relevant General Standards. The submissions on the permitted activity and their accompanying standards are considered under the one heading in this report e.g. Rule 2.12.1 and Rule 2.14.1 are dealt with together.

301. Federated Farmers (425.479,.480, .481, .482,.484, .485 and .486) requests the following amendment:

Amend the heading *Drainage Channel Network Activity* to *Drainage Channel ~~Network~~ Activity*:

and delete the following paragraph under the heading "Drainage Channel Network Activity":

~~*These rules apply to river control and drainage works only when carried out by the Marlborough District Council exercising its functions, duties and powers under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908 and in accordance with the Marlborough District Council Rivers and Drainage Asset Management Plan.*~~

The submission states that Rules 2.12.6-2.12.10 highlight the inconsistency with non-Drainage Channel Network drains.

302. The Drainage Channel Network Activity provisions are therefore opposed on the basis that the rules as currently written, are based on whom the resource user is and not the potential adverse effects. The submitter states that under the rules for the Drainage Channel Network, Council can carry out these

²⁷ NZTA (1002.138)

activities as permitted, while to do same activity on a farm drain, will require a resource consent. Federated Farmers therefore submits that the provisions pertaining to the Drainage Channel Network should apply to anyone doing these activities and not just the Council.

303. I note that this package of rules is to enable Council to undertake works on a specified network of drains that are essential for flood control on a district wide basis and as such are in the “public good” and in my view is compatible with Section 5 of the RMA in terms of health and safety of communities. The MDC has specific functions, duties and powers under a number of acts identified in the introduction to the rules and are likely to be undertaken on a planned and coordinated basis. The drains are specifically defined in the MEP and are shown on the overlay maps and in these circumstances I believe they can be distinguished from “farm drain” maintenance. I also note the permitted activities in the Drainage Channel Network Activity rules are subject to an extensive number of environmental standards. The standards or permitted activity standards may not be appropriate to “farm drains” given their number, scale and different function.
304. Farm drains are subject to the zone provisions (such as the Rural Environment Zone) and other general rules if applicable. It appears drain maintenance is permitted in the Rural Environment Zone at least as an activity that is ancillary to farming. While the effects may potentially be similar I believe that the Council drains and farm drains can be distinguished for the above reasons and I do not favour any change.

New Activity

305. Horticulture NZ (769.82) requests that vegetation removal to remove unwanted organisms under the Biosecurity Act 1993 is added as a permitted activity. As discussed above, I understand that the removal can be undertaken under the Biosecurity Act and that MDC have adopted this position in the past. Additional provisions in the MEP could result in overlap and confusion and accordingly I do not support any amendment. In any event, vegetation removal is enabled by Rules 2.12.7-.11 and does not appear to specifically exclude “unwanted organisms”.

2.12.1 Rock or gabion structural bank protection works.

2.12.1. Rock or gabion structural bank protection works.

306. MDC (91.111) requests an amendment to Rule 2.12.1 to reflect different types of materials used for bank protection works. The amendments proposed is as follows:

Rock, concrete block or gabion structural bank protection works.

307. This appears to be a reasonable request and I understand this type of material is currently used.

2.14.1. Rock or gabion structural bank protection works

308. John and Pam Harvey (430.6) support Rule 2.14.1 and seek that it is retained as notified which is noted.
309. MDC (91.110) requests to the rule is amended to include “concrete block” to be consistent with the relief in submission point 91.111. As indicated above this appears appropriate and consistent with MDC (91.111).
310. T. James (307.3) requests that plans are submitted to the Council for any rock wall activities for comments, to ensure environmental effects are properly considered. Additionally, if a rock wall is proposed to extend through inanga spawning zones, a resource consent should be required. These resource consents would consider the design includes grassed benches so there is continued provision of whitebait spawning.
311. I do not consider these matters are required given that MDC works are likely to have input from a number of Council departments, including the Environment Science section and appropriate mitigation measures put in place where possible. I also note there are a number of environmental standards relating to fish passage, timing of works and monitoring. In these circumstances no amendments are recommended.

2.12.2 Driving and construction of a piled retard.

2.14.2.3. A piled retard may be used as a debris arrestor in front of a culvert provided that fish passage is not obstructed.

312. New Zealand Fish Passage Advisory Group (994.22) requests the inclusion of a general condition that structures must not restrict fish passages. I note that structures or activities that could impede fish passage generally have appropriate standards attached to them (e.g. 2.14.2.30 and 2.14.5) and so no amendment is required.

2.12.6 Planting vegetation for the purposes of edge and aquatic habitat protection and prevention of bank erosion.

2.14.6. Planting vegetation for the purposes of edge and aquatic habitat protection and prevention of bank erosion.

313. John and Pam Harvey (430.7) requests an amendment to Heading 2.14.6 so that non-native plant species can be planted e.g. bitter willow.

314. DOC (479.180) requests an amendment activity standard 2.14.6.1 as follows:

“When vegetation is planted for the purposes of aquatic habitat protection, native plant species must be preferentially planted.”

315. I note this standard is not definitive in that native plant species must be “preferentially” planted. It is assumed in some instances that non-native species may be appropriate. This calls into question the certainty of the standard but I believe it is worth retaining but with some amendment to make it more definite. In terms of Submission 430.7 the standard does allow non-native plant species to be planted. I also note that Ravensdown have made a further submission but it does not appear to relate to this particular rule.

2.12.7 Removal and Control of aquatic vegetation by cutting with an excavator mounted bucket with tined blades.

2.14.7.2. The removal and control must not be carried out in a tidal reach between 1 February and 30 April, and 1 August and 30 November in any year.

2.14.7.3 The excavator must not enter flowing water

316. Federated Farmers (425.483) requests an amendment to Standard 2.14.7 to remove subclauses 2.14.7.2, 2.14.7.3 and 2.14.7.5 (see below) as the submitter considers that any removal and control of aquatic vegetation is best completed during the warmer months, and therefore this limits the ability for the activity to be conducted when the weather is drier and the activity is able to be conducted.
317. MDC (91.106) requests an amendment to Standard 2.14.7.2 which deletes the dates between August and November as these dates do not serve any ecological purpose.
318. Given that the standards provide some protection and that MDC will undertake the works I prefer the content of its submission to Federated Farmers. I understand that 1 August to 30 November does not relate to whitebait spawning season, with 1 February to 30 April the critical dates for this occurrence.

2.14.7.4. The cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the channel.

319. MDC (91.199) requests an amendment to Standard 2.14.7.4 to accommodate small drainage channels that are less than 2 metres wide, where leaving a 10% margin on each side of the bank is impractical.

This appears to be a practical response to an issue that may arise. It would also be useful for the submitter to indicate their understanding of the width of the Drainage Channel Network e.g. the distance from the centreline of the drain as presumably the network includes the banks.

2.14.7.5. Removed material must be retained on adjacent channel banks for a period not less than 12 hours to provide opportunity for fish and animals to re-enter the drainage channel.

320. Douglas and Colleen Robbins (640.26), Glenda Vera Robb (738.29) and Melva Joy Robb (935.26) request amendments be made to the duration that material is left on the banks to allow fish and animals to re-enter the drain (6 hours is suggested). There is no scientific evidence to support this reduction and given at this stage MDC will undertake the works I prefer the existing provision.

2.12.8 Removal and control of terrestrial vegetation by a floating weedcutter with reciprocating blades, or by hand held cutters (e.g. scythes) mechanical or other physical means.

2.14.8.3. The removal and control must not be carried out in a tidal reach between 1 February and 30 April, and 1 August and 30 November in any year.

321. MDC (91.105) requests an amendment to Standard 2.14.8.3 which deletes the dates between August and November as these dates do not serve any ecological purpose:
322. . As indicated above I understand that 1 August to 30 November does not relate to whitebait spawning season with 1 February to 30 April the critical dates for this occurrence. Accordingly the dates can be deleted.

2.12.10 Discharge of an agrichemical into or onto land for the control of terrestrial vegetation.

2.14.10. Discharge of an agrichemical into or onto land for the control of terrestrial vegetation.

323. MDC (91.214) requests an amendment to Rule 2.12.10 (in reality Rule 2.14.10) to allow for circumstances where the application of agrichemicals are not required to be applied by hand held equipment. The proposed additional standard is as follows:
The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals."

324. This appears to be a reasonable request and will enable better management of the drainage network.

2.12.11 Discharge of an agrichemical to water for the control of aquatic vegetation.

325. MDC (91.76) requests Rule 2.12.11 be deleted as it is a duplication of Rule 2.16.11. While this appears correct I consider its repetition in Rule 2.12 is useful as it is part of a package of rules in the one location in the MEP.

Rule 2.13. Standards that apply to all permitted activities

2.13.1 General

326. KiwiRail (873.960) and NZTA in a further submission requests that a permitted activity standard be included so that any works not be within 20m of regionally significant infrastructure as a means of ensuring that consultation occurs. In my view this is a somewhat heavy handed method and I would anticipate that MDC would undertake consultation with the likes of KiwiRail generally as a matter of course.
327. Transpower (1198.51) request the following amendment to the standards by the addition of the following:

2.13.1.x Within the National Grid Yard:

(a) the activity, and associated works must maintain compliance with the New Zealand Electrical Code of Practice (NZECP34:2001) at all times; and

(b) vegetation planting shall be undertaken to ensure that plants are selected and managed to achieve compliance with the Electricity (Hazards from Trees) Regulations 2003.

328. As a consequence amend the rules that apply to 'Drainage Channel Network Activity' to include the following new non-comply activity:

2.x Non-Complying Activities

Application must be made for a Non-Complying Activity for the following:

[R, D]

2.x.1 Any activity that does not meet Standard 2.13.1.x."

329. The inclusion of the new standard appears generally appropriate given the requirements of the NPS Electricity Transmission. I also note that the standards sought do not, in effect, add restrictions that do not otherwise apply. However I have some concerns regarding the wording of (b). Firstly, I note that in other rules this is generally included as an advice note (rather than a standard) and secondly, I have concerns about whether or not, as a permitted activity, the District Plan can require ongoing management of vegetation planting. My preference is therefore to include clause (a) but amend (b) so that it is an advice note. I also do not support the non-complying status as this class of activity is not provided for in the MEP in order to simplify it and reduce regulation. The Council retains discretion to refuse an application as a discretionary activity under Rule 2.15

2.13.1.1. No refuelling or fuel storage or the storage or placement of any hazardous substance including but not limited to oil, hydraulic fluid or other fluid lubricants must take place within 20m of water.

330. Douglas and Colleen Robbins (640.25), Glenda Vera Robb (738.28) and Melva Joy Robb (935.25) requests an amendment to Standard 2.13.1.1 to exclude areas where fuel is transported to properties via punt. Given that the rule does not apply to the transport of fuel (only the refuelling and storage) it does not appear any amendment is required.

331. Z Energy Limited Mobil Oil New Zealand Limited and BP Oil Limited (1004.29) requests a small amendment to Standard 2.13.1.1 to specify that refuelling should not occur within 20 metres of "surface" water, given the plan is adopting the definition of water from Section 2 of the RMA to which includes groundwater. In my view the suggested amendment is technically correct and avoids the situation of including groundwater and as such the rule should be amended to provide a practical application.

332. Sanford Limited (1140.30) requests an exemption to Standard 2.13.1.1 for vessels, forklifts and machinery on the wharf given the potential proximity to MHWS. Given that the rules apply to the drainage channel network which is not in proximity to MHWS I do not consider that any change is required.

Rule 2.14 Standards that apply to specific permitted activities

General

333. MDC (91.63) requests the inclusion of a new heading of "Sediment Removal" to allow for the removal of sediment from the Drainage Channel Network through the addition of a new permitted activity rule which is subject to a number of standards relating to location of machinery, timing, fish passage and clarity. Generally I consider this is appropriate as it will enable an activity that can be anticipated as part of drainage works and I note is subject to environmental standards. However in respect of proposed Rule 2.14.11.2 relating to excavators possibly working in the channel, this should be clarified as I understand the channels are generally very narrow. At this stage I have not recommended inclusion of "where possible". Similarly proposed Rule 2.14.11.7 relating to Munsell units may change given submissions in the Water Quality topic on this matter. I also note that it is appropriate to add the activity as a permitted activity in 2.12 Permitted Activities to retain the format of the MEP. I also suggest adding in "and associated discharge" to remove any doubt that the activity also includes this matter.

334. MDC (91.109) requests the deletion of the heading in Rule 2.14 to resolve a drafting error as follows:

~~Unless expressly limited elsewhere by rule a in the Marlborough Environment Plan (the Plan), the following activities shall be permitted without resource consent where they comply with the standards:~~

335. The submitter should clarify the drafting error. Presumably the concern is that other standards relating to activities such as discharges, damming and diversion may apply. However I note that for example that Rules 2.2.18 and 2.2.19 General Rules allow for diversion activities associated with the Drainage Network and Rule 2.16.11 the discharge of agrichemicals. It also raises the matter if the qualification under Rule 2.12 should also be deleted and the submitter should comment on these matters. At present no amendment is recommended.
336. Horticulture New Zealand (769.83) requests an amendment to the rules for the application of agrichemicals, including the inclusion of a new standard (2.14.10) and to meet the requirements of 2.22.1. The concerns of the submitter are not entirely clear and should be clarified at the hearing, including the nature of the new standard.

Recommendation

337. That Rules 2.12.1 and 2.14.1 are amended by the following:

*Rock, concrete block or gabion structural bank protection works*²⁸.

338. That Rule 2.13.1.1 is amended by the following:

*2.13.1.1. No refuelling or fuel storage or the storage or placement of any hazardous substance including but not limited to oil, hydraulic fluid or other fluid lubricants must take place within 20m of surface water*²⁹.

339. That the following are added to Rule 2.13.1 Standards that apply to all permitted activities

*2.13.1.4 The works or structures do not prevent any existing fish passage.*³⁰

2.13.1.5 Within the National Grid Yard:

(a) the activity, and associated works must maintain compliance with the New Zealand Electrical Code of Practice (NZECP34:2001) at all times; and

*Advice Note: Vegetation planting shall be undertaken to ensure that plants are selected and managed to achieve compliance with the Electricity (Hazards from Trees) Regulations 2003.*³¹

340. That Rule 2.14.6.1 is amended by the following:

*When vegetation is planted for the purposes of aquatic habitat protection and/or prevention of bank erosion, native plant species ~~must be preferentially planted~~ shall be utilised in the first instance except in those circumstances where non native species will achieve better edge and aquatic habitat protection and/or prevention of bank erosion.*³²

341. That Rule 2.14.7.2 is amended by the following:

*Rule 2.14.7.2 The removal and control must not be carried out in a tidal reach between 1 February and 30 April, and ~~1 August and 30 November~~ in any year.*³³

342. That Rule 2.14.7.4 is amended by the following:

²⁸ MDC (91.111 and .110)

²⁹ Oil Companies (1004.29)

³⁰ New Zealand Fish Passage Advisory Group (994.22)

³¹ Transpower (1198.51)

³² DOC 479.180)

³³ MDC (91.106)

For drainage channels with a width greater than 2m, the ~~The~~ cutting must not be carried out over more than 90% of the channel width by leaving an uncut strip on each side of the channel.³⁴

343. That Rule 2.14.8.3 is amended by the following:

The removal and control must not be carried out in a tidal reach between 1 February and 30 April, ~~and 1 August and 30 November~~ in any year.³⁵

344. That the following is added to Rule 2.14.10 as follows;

2.14.10.5 The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.³⁶

345. That a new permitted activity and standards is added to 2.12 Permitted Activities and 2.14 Standards that apply to specific activities, as follows:

2.12.12. Sediment removal and associated discharge

2.14.11 Sediment removal and associated discharge

2.14.11.1 The removal must be necessary for maintaining the drainage carrying capacity of the drainage channel, or for the stability of the banks of the channel banks.

2.14.11.2 •Excavators must operate from the bank of the drainage channel!

2.14.11.3 The removal must not be carried out in water greater than 2m average depth.

2.14.11.4 The sediment removed must be retained on adjacent drainage channel banks for a period not less than 12 hours to provide opportunity for fish and animals to re-enter the drainage channel.

2.14.11.5 The removal must not be carried out in a tidal reach between 1 February and 30 April in any year.

2.14.11.6 The removal must not limit fish passage.

2.14.11.7 Any discharge of sediment into water associated with the removal must not, after reasonable mixing, cause a change in colour of the receiving water of more than 5 Munsell units or a decrease in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month.³⁷

346. That Rule 2.14.10 is amended by the addition of the following standard as follows:

2.14.10.5 The application must be carried out in accordance with Sections 5.3 and 5.5 of NZS 8409:2004 Safe Use of Agricultural Compounds and Plant Protection Products – Management of Agrichemicals.³⁸

³⁴ MDC (91.199)

³⁵ MDC (91.105)

³⁶ MDC (91.214)

³⁷ MDC (91.63)

³⁸ MDC (91.214)

Chapter 3 Rural Environment Zone Rules

Key Matter – Rules 3.2.1.7, 3.2.1.15 and 3.2.1.16 and 3.3.10

Submissions and Assessment

Rule 3.2.1.7 A habitable structure or accessory building must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.

347. The rule is supported by Ernslaw One Limited (505.25 and .39), MFIA (962.146) and NZFS (933.26).

348. Federated Farmers (425.507) submit that the rule should only apply to “dwellings” and not other buildings such as pump sheds. NZFS in a further submission submits that “habitable buildings” should be retained as the definition includes dwellings, visitor and worker accommodation for workers, all of which can pose a significant fire risk.

349. I agree that with NZFS that habitable building is a more appropriate term given its wider meaning and subsequent risk. In terms of an “accessory building” I believe that this requires some clarification in the rule as it appears the rule is intended to apply to an accessory building that is accessory to the habitable structure, rather than other buildings such as pump sheds. This interpretation reflects Policy 11.1.22 and represents a reasonable approach to structures in proximity to plantation forests.

Rule 3.2.1.15 A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.

350. The rule is opposed by S and S White (93.11), R Light (129.2), P Bown (277.1), C Tozer (319.19), Federated Farmers (425.510) and Timms Family (475.3) relating to the type of buildings and structures that are subject to the rule. The submission from R Light relates more to the accuracy of the flood hazard overlays which is dealt with below in the Flood Hazard Areas section of this report.

351. It is recognised that structures can have a potential adverse effect by diverting floodwaters onto other assets and resources. I note however in terms of the current rule, any building or structure will have the potential to divert water simply by their presence in the flood hazard area. (The definition of diversion in the MEP is “means altering the natural course or flow of water from a surface water...resource”). The definitions of “building” and “structure” in the MEP are also potentially wide ranging, and the rule potentially captures structures such as fences and small accessory buildings. In this respect while I understand a post and wire stock fence may be appropriate vineyard support post and wire may not be because of its “mass”. I also note that the objectives and policies in Chapter 11 appear more focused on habitable dwellings in terms of structures in Level 2 areas.

352. Accordingly I agree with the submitters that an amendment to the rule is appropriate to recognise that some structures are unlikely to have a significant effect and the practicality of undertaking activities such as farming. To this end I have suggested an amendment to the rule below.

Rule 3.2.1.16 A building or structure must not be within a Level 3 Flood Hazard Area.

353. The rule is opposed by S and S White (93.12), R Light (129.2), P Bown (277.2), C Tozer (319.19), Murray Chapman (425.511) and Federated Farmers (425.511) relating to the type of buildings and structures that are subject to the rule. The submission from R Light relates more to the accuracy of the flood hazard overlays which is dealt with below in the Flood Hazard Areas section of this report.

354. The submissions to this rule raise similar issues to Rule 3.2.1.16 above in terms of buildings and as such I consider some amendment is appropriate as set out below.

Rule 3.3.10.3 There must be no carbon sequestration forestry planting within 100m of a habitable structure or accessory building located on any adjacent land under different ownership.

355. I Bond (469.13) submits there have been instances of habitable structures under different ownership being illegally constructed within the 100m of an already planted forest and which should be addressed in the wording of the rule.

356. The submitter should provide further details in respect of illegal habitable structures as under normal circumstances a building consent is required. At this stage I do not recommend any change but the clarification of accessory buildings identified in Rule 3.2.1.7 should be included as a consequential amendment.

Recommendation

357. That Rule 3.2.1.7 is amended by the following:

Rule 3.2.1.7 A habitable structure or an accessory building to the habitable structure must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.³⁹

358. That Rule 3.2.1.15 is amended by the following:

3.2.1.15 A building or structure that has the potential to divert water must not be erected within a Level 2 Flood Hazard Area provided that the following buildings or structure are exempt – post and wire stock and boundary fences, structures which are both less than 6m² in area and less than 2 metres in height; and masts, poles, radio and telephone aerials less than 6 metres above mean ground level.⁴⁰

359. That Rule 3.2.1.6 is amended by the following:

Rule 3.2.1.16 A building or structure must not be erected within a Level 3 Flood Hazard Area provided that the following buildings or structure are exempt – post and wire stock and boundary fences, structures which are both less than 6m² in area and less than 2 metres in height; and masts, poles, radio and telephone aerials less than 6 metres above mean ground level.⁴¹

360. That Rule 3.3.10.3 is amended by the following:

Rule 3.3.10.3 There must be no carbon sequestration forestry planting within 100m of a habitable structure or an accessory building to the habitable structure located on any adjacent land under different ownership.⁴²

Chapter 4 Coastal Environment Zone Rules

Key Matter - Rules 4.2.1.6, 4.2.1.13 and 4.2.1.14

Submissions and Assessment

Rule 4.2.1.6 A habitable structure or accessory building must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.

361. The rule is supported by M and K Gerard (424.140) and NZFS (933.31).

³⁹ Federated Farmers (425.507)

⁴⁰ Sand S White (93.11)

⁴¹ Sand S White (93.12)

⁴² Consequential amendment.

362. Federated Farmers (425.626) submit that the rule should only apply to “dwellings” and not other buildings such as pump sheds. NZFS in a further submission submits that “habitable buildings” should be retained as the definition includes dwellings, visitor and worker accommodation for workers, all of which can pose a significant fire risk.

363. The submissions to this rule raise similar issues to Rule 3.2.1.7 above in terms of habitable buildings and as such I consider some amendment is appropriate as set out below.

Rule 4.2.1.13 A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.

364. T Offen (151.4) states the rule should not apply to any lots created out of Lot 1 DP 5648. The submission relates more to the accuracy of the flood hazard overlays which is dealt with below in the Flood Hazards Areas section of this report.

365. The rule is opposed by Federated Farmers (425.633) relating to the type of buildings and structures that are subject to the rule. The submission to this rule raises similar issues to Rule 3.2.1.15 above in terms of appropriate buildings in the flood hazard overlay and as such I consider some amendment is appropriate as set out below.

Rule 4.2.1.14 A building or structure must not be within a Level 3 Flood Hazard Area.

366. The rule is opposed by Federated Farmers (425.634) relating to the type of buildings and structures that are subject to the rule. The submission to this rule raises similar issues to Rule 3.2.1.16 above in terms of appropriate buildings in the flood hazard zone and as such I consider some amendment is appropriate as set out below.

Recommendation

367. That Rule 4.2.1.6 is amended by the following:

Rule 4.2.1.6 A habitable structure or an accessory building to the habitable structure must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.⁴³

368. That Rule 4.2.1.13 is amended by the following:

Rule 4.2.1.13 A building or structure that has the potential to divert water provided that the following buildings or structures are exempt from the rule- post and wire stock and boundary fences; structures which are both less than 6m² in area and less than 2 metres in height; and masts, poles, radio and telephone aerials less than 6 metres above mean ground level.⁴⁴

369. That Rule 4.2.1.14 is amended by the following:

Rule 4.2.1.14 A building or structure must not be within a Level 3 Flood Hazard Area provided that the following buildings or structures are exempt from the rule- post and wire stock and boundary fences; structures which are both less than 6m² in area and less than 2 metres in height; and masts, poles, radio and telephone aerials less than 6 metres above mean ground level.⁴⁵

Chapter 19 Open Space 3 Zone Rules

Key Matter- Rules 19.2.1.4, 19.2.1.8 and 19.2.1.9

Submissions and Assessment

⁴³ Federated Farmers (425.626)

⁴⁴ Federated Farmers (425.634)

⁴⁵ Federated Farmers (425.634)

Rule 19.2.1.4 A habitable structure or accessory building must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.

370. The rule is supported by NZFS (933.84).

371. Federated Farmers (425.714) submit that the rule should only apply to “dwellings” and not other buildings such as pump sheds. NZFS in a further submission submits that “habitable buildings” should be retained as the definition includes dwellings, visitor and worker accommodation for workers, all of which can pose a significant fire risk.

372. The submissions to this rule raise similar issues to Rule 3.2.1.7 above in terms of habitable buildings and as such I consider some amendment is appropriate as set out below.

Rule 19.2.1.8 A building or structure that has the potential to divert water must not be within a Level 2 Flood Hazard Area.

373. The rule is opposed by Federated Farmers (425.718) and P Bown (277.4) relating to the type of buildings and structures that are subject to the rule. The submissions to this rule raise similar issues to Rule 3.2.1.15 above in terms of appropriate buildings in the flood hazard overlay and as such I consider some amendment is appropriate as set out below.

Rule 19.2.1.9 A building or structure must not be within a Level 3 Flood Hazard Area.

374. The rule is supported by PMNZ (433.189). The rule is opposed by Federated Farmers (425.719) and P Bown (277.5) relating to the type of buildings and structures that are subject to the rule. The submission to this rule raises similar issues to Rule 3.2.1.16 above in terms of appropriate buildings in the flood hazard zone and as such I consider some amendment is appropriate as set out below

Recommendation

375. That Rule 19.2.1.4 is amended by the following:

Rule 19.2.1.4 A habitable structure or an accessory building to the habitable structure must have a fire safety setback of at least 100m from any existing commercial forestry or carbon sequestration forestry on any adjacent land under different ownership.⁴⁶

376. That Rule 19.2.1.8 is amended by the following:

Rule 19.2.1.8 A building or structure that has the potential to divert water provided that the following buildings or structures are exempt from the rule- fences and support structures for growing horticulture crops in which the fences and support structures do not exceed 2 metres in height; and structures which are both less than 6m² in area and less than 2 metres in height; and masts, poles, radio and telephone aerials less than 6 metres above mean ground level.⁴⁷

377. That Rule 19.2.1.9 is amended as follows:

Rule 19.2.1.9 A building or structure must not be within a Level 3 Flood Hazard Area provided that the following buildings or structures are exempt from the rule- fences and support structures for growing horticulture crops in which the fences and support structures do not exceed 2 metres in height; and structures which are both less than 6m² in area and less than 2 metres in height; and masts, poles, radio and telephone aerials less than 6 metres above mean ground level.⁴⁸

⁴⁶ Federated Farmers (425.714)

⁴⁷ Federated Farmers (425.718)

⁴⁸ Federated Farmers (425.719)

Chapter 21 Floodway Zone Rules

Key Matter - Rules

Submissions and Assessment

General

378. As indicated above, Rules 21.1-21.5 relate to flood mitigation activities in the Floodway Zone, in order the risk of flooding of adjoining land is reduced. Similar to the Drainage Channel Network rules, only Council may undertake the permitted activities. The submissions on the permitted activity and their accompanying standards are considered under the one heading in this report e.g. Rule 21.1.1 and Rule 21.3.1 are dealt with together.
379. The rules are generally supported by DOC (479.261). It is not clear what the request in the submission by G Verkaaik (158.1) relates to and should be clarified by the submitter.
380. Davidson Group Ltd (172.11) submits the rules only provides for works carried out by Council whereas there are some extensive private stopbanks and other protection works which need to be maintained by these parties. Accordingly it is suggested that the rules need to provide for works by entities other than Council, applying the same standards.
381. I understand that there are some “private protection” works which form part of the overall protection system managed by MDC along various rivers in the district. Given that the works are private I consider that it is prudent there is some kind of assessment of these works to ensure they are integrated with Council’s works and do not cause unintended flooding consequences and also to ensure they are maintained (refer Policy 11.1.12). Accordingly I consider that a resource consent process is appropriate for private works.
382. NZTA (1002.218) requests a new standard that in the Zone that requires all outdoor lighting and exterior lighting to be directed away from roads so as to avoid any adverse effects on traffic safety. This matter is dealt with in Topic 18 Nuisance Effects.

21.1 Permitted Activities

21.1.1 Maintenance or reconstruction of a stopbank that is structurally weak, damaged or that has developed isolated low points.

21.3.1.2. Works must be undertaken outside of the wet part of the riverbed.

383. MDC (91.229) requests the addition of the following (underlining) to the rule given that it may not be possible for an excavator to remain on dry land during stopbank works.

Works must be undertaken outside of the wet part of the riverbed, where possible.

384. While it is acknowledged that work may involve “wet riverbed works” I consider that “where possible” is somewhat uncertain for a permitted activity rule. I believe the rule can be improved by incorporation of words “where practicable” which while not definitive is somewhat more certain.
385. Davidson Group Ltd (172.11) makes a similar submission to (172.12) above to change the provision to allow for private stopbank maintenance. I do not support the submission for the reasons outlined above.

21.1.2. Rock or gabion structural bank protection works.

21.3.2. Rock or gabion structural bank protection works.

386. MDC (91.126) requests an amendment to Rule 21.1.2 to include “concrete block” in order to reflect the different types of materials used for bank protection works. This appears to be a reasonable request and I understand this type of material is currently used.
387. DOC (479.262 and .263) requests that a further standard is added to 21.3.2 Standards relating to works not disturbing inanga spawning habitat. NZTA in a further submission considers this is too onerous. I do not consider these matters are required given that MDC works are likely to have input from a number of Council departments, including the Environment Science section and appropriate mitigation measures put in place where possible. I note that vegetation removal cannot be undertaken between 1 February and 30 April which may be more critical. However, I agree a general standard is appropriate relating to existing fish passage and have suggested a new permitted activity standard in relation to Rule 21.2. In these circumstances no amendments are recommended to Rule 21.1.2.

21.3.2 Rock or gabion structure bank protection works.

388. Similar to MDC (91.126), MDC (91.125) requests an amendment to Rule 21.3.2 to include “concrete block” as a material. For the reasons above, I agree with this amendment.
389. T. James (307.2) requests that plans are submitted to the Council for any rock wall activities for comments, to ensure environmental effects are properly considered. Additionally, if a rock wall is proposed to extend through inanga spawning zones, a resource consent should be required.
390. I do not consider these matters are required for the reasons above in Rule 21.1.2.

21.1.5. Maintenance of a culvert or floodgate.

391. MDC (91.232) requests provision be made for the “replacement of culverts or floodgates. This appears appropriate given that this activity is likely to occur and in my view this is a reasonable request.

21.3.5. Maintenance of a culvert or floodgate.

392. Similar to MDC (91.232), MDC (91.231) requests provision be made for the “replacement of culverts or floodgates.” As indicated above this appears appropriate.
393. NZ Fish Passage Advisory Group (994.27) requests that in respect of culvert installation (Rules 21.3.5.4-7) a standard is inserted in relation to fish passage. I note that Rule 21.3.5.8 specifically refers to fish passage and I have also recommended existing fish passage is addressed in a new permitted activity standard.

21.1.6. Shaping and beaching.

21.3.6. Shaping and beaching.

394. DOC (479.262 and .265) requests that a further standard is added to 21.3.6 Standards stating that no works are permitted within 50m of nesting birds from 1 September to 31 December. I note this is similar to Rule 21.3.8.11 and in the absence of opposition to the submission I recommend its inclusion, although in order to be consistent with the recommendation on Rule 2.8.1.5, the rules should only apply to indigenous species.

21.1.8. Gravel and sediment removal within a dry part of a riverbed.

395. Fulton Hogan (71.76) notes that the plan formalises the gravel permit system through policies and methods but that the MEP defaults to discretionary activity status for gravel extraction not covered by a gravel permit and that the gravel permit system appears to only apply to the floodway zone. The submitter states this is a shift from the previous approach taken by the operative plans which applied the gravel permit system to all rivers north of and including the Wairau River.
396. Accordingly the MEP should recognise that gravel extraction can occur with minimal effects outside of the floodway zone and this should be provided for by amending Rule 21.1.8 to apply to all rivers north of and including the Wairau River and its tributaries by the following:

21.1.8. Gravel and sediment removal within a dry part of a riverbed within the gravel permit overlay.

397. I understand that the Floodway Zone has been imposed to manage flooding in the district and that part of that management is the removal of gravel to mitigate flood flows. I therefore do not consider it appropriate that gravel is removed as a permitted activity where it is not required for flood purposes. As such I do not support the proposed amendment (and I am unsure what the “gravel permit overlay” refers to). However I note that MDC is proposing additional floodway zone areas by way of separate submission which will potentially increase the area available for gravel removal.
398. Mike Eldridge Contracting and Civil Contractors Ltd (971.2) appear to request that “gravel processing facilities” are added to the rule. This matter is dealt with under Rule 21.1.10 in which MDC in a submission (91.126) has recognised that such facilities are appropriate but as part of “gravel and sediment stockpiling.”

21.1.9. Gravel and sediment removal within a wet part of a riverbed

399. Fulton Hogan (71.82) makes a similar submission to (71.76) in respect of Rule 21.1.8 above, and for similar reasons I do not recommend acceptance.

21.3.9. Gravel and sediment removal within a wet part of a riverbed.

400. T. James (307.5) states a standard be added that works in riverbeds shall not interfere with stream banks or change the natural meander pattern. Generally I do not consider this type of standard is required given that the words are somewhat uncertain; the existing standards in the rule; the standard may be incompatible with the primary purpose of flood control; and the river is a dynamic system which is likely to change after river flows and freshes.
401. MDC (91.228) submits that Rule 21.3.9.2 is amended to reflect the original intention of the standard as follows:

Gravel or sediment removal must not be carried out more than once in any 12 month period in any reach of any floodway.

402. I consider this amendment is appropriate as the original wording would be too restrictive, although I note that “reach” is essentially part of a river and potentially permissive, but in the circumstances appears appropriate.
403. MDC (91.104) submits that Rule 21.3.9.6 is amended as follows given that the deleted dates do not serve any ecological purpose.

The removal must not be carried out in a tidal reach between 1 February and 30 April, ~~and 1 August and 30 November~~ in any year.

404. As indicated above, I understand that the 1 February to 30 April relates to whitebait spawning which is the critical period, while the later date relates to migration of the whitebait up the river which are unlikely to be unduly affected by sediment disturbance. Accordingly I recommend acceptance of this submission.

21.1.10. Gravel and sediment stockpiling within a dry part of a riverbed.

405. MDC (91.240) requests the addition of gravel processing facilities to this rule in recognition of an existing activity that is undertaken. This appears to be a reasonable request and is an activity associated with gravel removal. I also note there are standards controlling noise in the zone, which addresses this potential adverse effect in respect of processing.

21.1.11 Planting vegetation for the purposes of edge and aquatic habitat protection or prevention of bank and stopbank erosion

21.3.11 Planting vegetation for the purposes of edge and aquatic habitat protection or prevention of bank and stopbank erosion

406. MDC (91.122) requests deletion of Rule 21.3.11.1 relating to the planting of crack willow as it is not required given that the matter is covered under the Biosecurity Act 1993. I support the submission as it removes duplication and confusion. In this particular instance, I understand that the Bio Security Act prohibits the sale and propagation of crack willow which effectively stops planting of the species.

21.1.12 Removal or control of aquatic vegetation in a river by cutting with an excavator mounted bucket with tined blades.

21.3.12 Removal or control of aquatic vegetation in a river by cutting with an excavator mounted bucket with tined blades.

407. MDC (91.248) request the following amendment to Rule 23.3.12.1

Cutting must not be carried out more than once in any 12 month period on any river reach, except that the Lower Opaoa River may be cut up to four times per year and the Taylor River may be cut up to two times per year.

408. I understand that the suggested frequency of cutting in the Taylor River is current standard practice and accordingly appear appropriate for inclusion.

409. MDC (91.247) requests the addition of the following to Rule 21.3.12.3:

The excavator must not enter flowing water, where possible.

410. While it is acknowledged that work may involve “wet riverbed works” I consider that “where possible” is somewhat uncertain for a permitted activity rule. I believe the rule can be improved by incorporation of words “where practicable” which while not definitive is somewhat more certain.

21.1.14 Removal or control of terrestrial vegetation in a riverbed by mechanical or other physical means.

21.3.14 Removal or control of terrestrial vegetation in a riverbed by mechanical or other physical means.

411. MDC (91.246) requests that Rule 21.3.14.2 is amended as below given that there are technical difficulties with this matter but that it will not increase flooding risk.

Vegetation greater than 100mm in diameter must be removed from a riverbed wider than 3m, except in the Floodway Zone in the Upper Wairau River.

412. I understand that the “technical difficulties” relates to the significant presence of crack willow in the Upper Wairau (above the Waihopai confluence) which is creating erosion difficulties. The time spent on complete removal makes complete elimination difficult and it is proposed to cut the felled vegetation into short lengths or spray to decompose in order to reduce the flooding risk, on what is a large river. Given that MDC will be undertaking the works in accordance with defined asset management plans the requested amendment appears reasonable.

21.1.16. Farming undertaken by any person.

21.3.16. Farming undertaken by any person.

413. Federated Farmers (425.760) request that the rule is retained as notified provided that clarity is provided with regards to the need for a formal agreement (Rule 21.3.16.1) to move livestock across the Floodway Zone.

21.3.16.1. The activity must be authorised by the Council through a formal agreement.

414. Fonterra (1251.90) requests deletion of this rule as it is not appropriate for compliance with a permitted activity to rely on an agreement that is not provided for as part of the district plan. C Tozer (319.5) request that if the Floodway Zone is not removed from his property, then remove the requirement for the formal agreement. D and C Robbins (640.62), G Robb 9738.62) and M Robb (936.62) also request deletion of the rule as the farming is a continuation of an existing activity.

415. In respect of the submissions on Rules 21.3.16.and 23.3.16.1, I understand that the reference to a formal agreement relates to grazing of Council leased land in the Floodway Zone. Such an agreement, in terms of natural hazards assists MDC in controlling potential adverse effects in relation to assets such as stopbanks and riparian plantings. However, I understand that there is some private land within the Floodway Zone and accordingly I agree that reference to a Council agreement is not relevant in these circumstances. Therefore I consider some amendment is appropriate.

21.3.16.3. Standards 2.9.9.1 to 2.9.9.3 (inclusive) in the General Rules for livestock entering onto, or passing across, the bed of a river apply.

416. Beef and Lamb (459.36) requests the rule is simplified. I note this submission depends on the outcome of submissions on stock crossing of waterways which is being dealt with in the Resource Quality -Water Topic 13.

21.2. Standards that apply to all permitted activities

417. Transpower (1198.146 and .147) states the rules do not contemplate the potential adverse effects on the National Grid of works in the Floodway Zone. I note this matter is dealt with in Topic 20 Utilities.

21.3. Standards that apply to specific permitted activities

418. Te Atiawa o Te Waka-a-Maui (1186.211) submits the standards that apply to all permitted activities in the Floodway Zone, should account for cultural matters and protect cultural sites, areas and resources. (Specifically standards 21.3.1, 21.3.3, 21.3.6, 21.3.7, 21.3.8, 21.3.9, and 21.3.14).

419. The submitter has not provided an example of an appropriate standard, which for a permitted activity must be certain. While I am not necessarily opposed to such a standard I note that the permitted activities are generally of a low impact and that any standard must be definite. Accordingly at this stage, I have not recommended any change.

21.4. Discretionary Activities

21.4.2. Any use of land not provided for as a Permitted Activity.

420. MDC (91.121) requests the addition of "by any person" as it will enable persons other than MDC to apply for resource consent given that the Introduction to the Rules states the rules only apply to activities undertaken by MDC in terms of its flood control functions.

421. Constellation Brands NZ Ltd (631.39) supports the rule although I note the submission appears to relate to the take and use of water.

21.4.3. Any use of the bed of a lake or river not provided for as a Permitted Activity.

422. MDC (91.120) requests the addition of "by any person" as it will enable persons other than MDC to apply for resource consent given that the Introduction to the Rules states the rules only apply to activities undertaken by MDC in terms of its flood control functions.

423. Constellation Brands NZ Ltd (631.40) supports the rule although I note the submission appears to relate to the take and use of water.

424. In respect of these submissions (91.120 and .121) I concur that some amendment appears appropriate to make it clear persons other than Council are subject to a discretionary activity application, particularly as the reference to Council is in the Introduction, rather than in a standard.

Recommendation

425. That Rule 21.1.2 is amended by the following:

*Rock, concrete block or gabion structural bank protection works.*⁴⁹

426. That Rule 21.1.5 is amended by the following:

*Replacement or Maintenance of a culvert or floodgate.*⁵⁰

427. Amend Rule 21.1.10 by the following

*Gravel and sediment stockpiling, and gravel processing facilities, within a dry part of a riverbed.*⁵¹

428. That the following is added to Rule 2.21.1 Standards that apply to all permitted activities:

*21.2.1.5 The works or structures do not prevent any existing fish passage.*⁵²

429. That Rule 21.3.1.2 is amended by the following:

21.3.1.2. Works must be undertaken outside of the wet part of the riverbed where practicable.⁵³

430. That Rule 21.1.2 is amended by the following:

*Rock, concrete block or gabion structural bank protection works.*⁵⁴

431. That Rule 21.3.5 is amended by the following:

*Replacement or Maintenance of a culvert or floodgate.*⁵⁵

432. That Rule 21.3.6 is amended by the addition of the following:

*21.3.6.6 During the period of 1 September to 31 December in any year no works must occur within 50m of a nesting indigenous bird in a lakebed or riverbed.*⁵⁶

433. That Rule 21.3.8.11 is amended by the addition of the following:

*21.3.8.11 During the period of 1 September to 31 December in any year no removal must occur within 50m of a nesting indigenous birds on the riverbed.*⁵⁷

434. That Rule 21.3.9.2 is amended by the following

*Gravel or sediment removal must not be carried out more than once in any 12 month period in any reach of any floodway.*⁵⁸

435. That Rule 21.3.9.6 is amended as follows:

*The removal must not be carried out in a tidal reach between 1 February and 30 April, ~~and 1 August and 30 November~~ in any year.*⁵⁹

⁴⁹ MDC (91.126)

⁵⁰ MDC (91.232)

⁵¹ MDC (91.240)

⁵² New Zealand Fish Passage Advisory Group (994.27)

⁵³ MDC (91.229)

⁵⁴ MDC (91.125)

⁵⁵ MDC (91.231)

⁵⁶ DOC (479.262)

⁵⁷ Consequential amendment.

⁵⁸ MDC (91.228)

436. Amend Rule 21.3.10 by the following:

*Gravel and sediment stockpiling, and gravel processing facilities, within a dry part of a riverbed.*⁶⁰

437. Delete Rule 21.3.11.1 as follows:

~~*Crack willow must not be planted on any floodway, except for the Wairau River downstream of the Wye River confluence.*~~⁶¹

438. Amend Rule 23.3.12.1 as follows:

*Cutting must not be carried out more than once in any 12 month period on any river reach, except that the Lower Opaoa River may be cut up to four times per year and the Taylor River may be cut up to two times per year.*⁶²

439. That Rule 21.3.12.3 is amended by the following:

*21.3.12.3. Works must be undertaken outside of the wet part of the riverbed where practicable.*⁶³

440. That Rule 21.3.14.2 is amended as follows:

*Vegetation greater than 100mm in diameter must be removed from a riverbed wider than 3m, except in the Floodway Zone in the Upper Wairau River (above the Waihopai confluence).*⁶⁴

441. That Rule 21.4 is amended by the addition of the following:

*21.4.5 Any activity provided for as a Permitted Activity undertaken by any person other than Marlborough District Council.*⁶⁵

442. That Rules 21.1.15 and 21.3.15 is amended by the following:

*21.3.15 Discharge of agrichemicals into or onto land by any person.*⁶⁶

443. That Rule 21.3.16.1. is amended by the following:

*Rule 21.3.16.1. Theat any activity on Council owned land be must be authorised by the Council through a formal agreement*⁶⁷.

Definitions

Key Matter- Definitions

Submissions and Assessment

444. NZTA (1002.255) notes that “rock rip-rap” is often used in coastal protection works, but the definition of “rock rip-rap” only relates to its use in rivers and requests that the definition for rock rip-rap should either specify that the definition relates to its use in rivers only, or expand the definition to relate to its use in

⁵⁹ MDC (91.104)

⁶⁰ MDC (91.239)

⁶¹ MDC (91.122)

⁶² MDC (91.248)

⁶³ MDC (91.247)

⁶⁴ MDC (91.246)

⁶⁵ MDC (91.120)

⁶⁶ Federated Farmers (425.780)

⁶⁷ Fonterra (1251.90)

coastal protection. Port Clifford Ltd in a further submission supports that rock rip rap is identified as being used in coastal protection works.

445. In my view it is a reasonable request to include rock rip rap as applying to coastal protection works as it is used in these works. I note however there is no direct reference to rock rip rap in the Coastal Environment Zone or the Coastal Marine Zone

Recommendation

446. That the definition of Rock rip-rap is amended as follows:

Rock rip-rap

*means broken rock from a quarry that is placed on a river bank or on a coastal area to resist river flow bank erosion and coastal erosion.*⁶⁸

Overlay Maps-Flood Hazard Areas

Key Matter- Flood Hazard Areas

Submissions and Assessment

General

447. Many of the submissions to the Overlay Maps-Flood Hazard Areas have been addressed in a report prepared by Gavin Cooper of GDC Consulting and Laddie Kuta of e2Environment Ltd. This report is attached as Appendix 1.

448. Federated Farmers (425.783) requests that the Flood hazard maps are removed from the MEP until new mapping is completed that more accurately represents the current flood risk. I understand that MDC has maintained a "Flood Hazard Atlas" for a considerable period of time while the report of Cooper and Kuta sets out the technical assessment used. Given Council's obligations under the RMA in respect of natural hazards including Section 6(h), the approach adopted by Council would appear to be a reasonable one. As indicated below there are a number of submissions which have raised individual queries which are dealt with by the submission process.

Flood Hazard Area 4

449. S Groome (344.10) and DJ Groome (350.1) states the flood risk for the site at Totaranui Road, Clova Bay, PN 527704 is more accurately represented by the flood hazard in the MSRMP. The report from Cooper and Kuta recommends accept in part.

450. A Harvey (388.1) states his site at Totaranui Valley is not in a flood hazard area and should be removed. The report from Cooper and Kuta recommends accept in part.

451. T. Offen (151.1 and .5) states that any flood hazard on the Totaranui Valley floor in Clova Bay be contained to the area that is currently shown in the current MSRMP. Furthermore, that if it should be determined that a 1 in 50 year flood hazard does exist for the Totaranui Valley Floor, the overlay should be no higher than a Level 1 flood hazard. That standard 4.2.1.13 or any similar or substitute standard should not apply to any lots of land created out of Lot 1 DP 5648 under resource consent U060765. The report from Cooper and Kuta recommends accept in part.

Flood Hazard Area 13

452. S Parkes (339.28) requests the flood overlay on 850, 868 and 1263 Queen Charlotte Drive, Linkwater be reviewed. The report from Cooper and Kuta recommends accept in part.

⁶⁸ NZTA (1002.255)

Flood Hazard Area 15

453. G Hutchings (48.1) submits that the hazard overlay should now be removed for 245b Waikawa Rd and any other affected property in light of the works and remediation that was carried out in approximately 2011 to widen the Waikawa Stream to prevent the stream overflowing its banks. The report from Cooper and Kuta recommends reject.

Flood Hazard Area 22

454. NZIS (996.38) requests that the Flood Hazard overlay is updated to reflect current flood hazard reports, for the lower terraces located in Renwick. The report from Cooper and Kuta recommends reject.

Flood Hazard Area 23

455. C Tozer (319.17) requests consultation be undertaken between the submitter and MDC to determine the appropriate flood hazard area. The report from Cooper and Kuta recommends accept in part.
456. Raeburn Property Partnership (1084.7) request the flood hazard overlay is amended to correct any inaccuracies at Raeburn farm. The report from Cooper and Kuta recommends accept in part.

Flood Hazard Area 24

457. D and R Mundy (34.1) and R Light (129.1) seeks a review of the flood hazard overlay in the Tuamarina West area. The report from Cooper and Kuta recommends accept in part.
458. AJ Tyson (182.1) and J Broughan (327.1) requests the flood hazard overlay is reviewed in respect of PN 140767 being Part Section 3 Wairau District. The report from Cooper and Kuta recommends accept in part.
459. R Parkes (324.2) requests that the Flood Hazard area for PN 527704 to remain the same as is identified by the submitter's engineers' reports. The report from Cooper and Kuta recommends reject in respect of the flood hazard area (noting that the submission is coded under Planning Map 19).
460. M Broughan (229.1) requests the flood hazard overlay is reviewed in respect of PN 534667 being Lot 3 DP 419233. The report from Cooper and Kuta recommends accept in part.
461. S Butler (385.1) requests the flood hazard overlay is reviewed in respect of a site in the Tuamarina West area. The report from Cooper and Kuta recommends accept in part.

Flood Hazard Area 28

462. P Bown (277.7) requests the flood hazard overlay is reviewed in respect of PN 160485. The report from Cooper and Kuta recommends reject.
463. Timms Family (475.2) requests the flood hazard overlay is reviewed in respect of a site at Keith Coleman Lane, Wairau Valley. The report from Cooper and Kuta recommends accept in part.
464. P Wilhemus and Ormond Aquaculture Ltd (1035.4) requests the flood hazard overlay is reviewed in respect of a site at Keith Coleman Lane, Wairau Valley. The report from Cooper and Kuta recommends accept in part.

Flood Hazard Area 30

465. J and T Mark (373.1) requests that accreted land is rezoned from Floodway Zone to Rural Living. The report from Cooper and Kuta recommends accept.

Flood Hazard Area 33

466. Tim and Franzi Trust (353.1) request the Level 2 Flood Hazard Overlay at 65 Cob Cottage Road is reviewed. The report from Cooper and Kuta recommends accept in part.

Recommendation

467. That the amendments to the MEP are made in accordance with the accept, and accept in part recommendations of the Cooper and Kuta report.

Zoning Maps

Key Matter- Zoning Maps

Submissions and Assessment

General

468. The submissions to the Zoning maps relate to those from private individuals and organisations and MDC, with the latter submissions dealt with below under the heading MDC Submissions. The submissions made by persons other than the MDC have been addressed in a report prepared by Gavin Cooper of GDC Consulting and Laddie Kuta of e2Environment Ltd. This report is attached as Appendix 1.
469. Federated Farmers (425.780) that the Floodway Zone as mapped in the Plan takes in some private property. It is not clear whether this is the intention or whether this is a mapping error. Federated Farmers submits that where private property is encompassed by the Floodway Zone, landowners should be able to do the same activities as they can do on their land with regards to application of agrichemicals, farming and livestock access to beds of lakes and rivers as a permitted activity as it is in the Rural Environment Zone and that the Zone is reviewed in respect of private property.
470. It is noted that the Floodway Zone does contain some private land but that farming by any person is a permitted activity in the zone (Rule 21.1.17). However, it is agreed that Rule 21.1.15 relating to the discharge of agrichemicals should be amended to include person such as farmers (the recommendation is included under Chapter 21). Some of the other activities referred to will be dependent on submissions on other provisions in the MEP.

Zoning Map 14

471. Timberlink NZ Ltd (460.2) requests that the proposed Floodway Zone on Map 14 applying to the property currently leased to Timberlink and used as a sawmill is rezoned to Industrial 2, to reflect current and anticipated future use of the property. The report from Cooper and Kuta recommends reject.

Zoning Map 19

472. Gerard Verkaaik (158.2) submits there should be a cooperative approach with Council, RSA, and local residents to continue improving the environment around the Taylor River floodway, gradually extending the recreational areas that traverse the growing urban development along either side and around the Omaka Aerodrome. The submission is noted.

Zoning Map 34

473. Michael Patrick Limited (434.1) submits that the flood hazard overlay be removed from 8 Market Street, Picton or that the Council undertake a Notice of Requirement process to expand the existing designation (843). If the Council does seek to acquire additional land for such purposes, then a Notice of Requirement to designate the land is required to demonstrate such a need and the landowner is to be financially compensated. The report from Cooper and Kuta recommends accept.

Zoning Map 149

474. C Tozer (319.4) requests the removal of the Floodway Zone from the submitter's property back to the land title boundary to match the designation boundary. The report from Cooper and Kuta recommends accept.

Zoning Map 169

475. J Park and M Tschepp (373.1) requests that accreted land is rezoned from Floodway Zone to Rural Living. The report from Cooper and Kuta recommends accept.

Zoning Maps 158-160 and 169-170.

476. Constellation Brands Ltd (631.42) supports the rezoning of the Opoao River floodway from Conservation Zone in the WARMP to Floodway Zone in the MEP, which is noted.

MDC Submissions

477. MDC (91.264 -.310) have made a number of submissions requesting further areas are added to the Floodway Zone. I understand that following the notification of the Plan, the Council's Rivers Department identified further water bodies that would be appropriate to zone Floodway, as it is anticipated that the Council may need to exercise its functions, duties and powers to undertake river control and drainage works in those locations in the future. These waterbodies are not included in the Rivers and Land Drainage Asset management Plan.
478. I note Te Atiawa o Te Waka-a-Maui Trust oppose the addition of new permitted standards that allow works within riverbeds, and banks of waterways that have significance to iwi and any reduction in the monitoring of resources and reduction in reporting requirements of MDC as to the state of resources. Trustpower Limited also opposes a Waihopai River Floodway Zone as it considers that it is unclear what the implication for the operation and management of the Waihopai Hydro Scheme would be.
479. Levide Capital Limited oppose the inclusion of section of Fifteen and Sixteen Valley Streams into the Floodway Zone as a floodway zone overlay in these areas may restrict future use and conversion to wetland areas. The Oil Companies do not oppose the principle of adding the Floodway Zone to additional areas provided that the mapping is appropriate and reasonable.
480. I understand that Mr Geoff Dick of the Rivers Department will provide evidence for the additional areas and as such it will be incumbent on him to establish that it is appropriate for MDC to exercise its statutory powers in respect of the Soil Conservation and Rivers Control Act and the Land Drainage Act in these areas and also respond to the further submitters. I note however that in respect of the further Te Atiawa submission it is not anticipated Council monitoring or reporting requirements will reduce.

Recommendation

481. That in respect of the submissions, other than the MDC submissions, the amendments to the MEP are made in accordance with the accept, and accept in part recommendations of the Cooper and Kuta report.
482. That a recommendation on the MDC submissions is deferred until the hearing of evidence.

**Appendix 1: Cooper and Kuta Report-Flood Hazard Overlay
and the Floodway Zone Maps**

Proposed Marlborough Environment Plan (PMEP)

**Section 42A Hearings Report for Hearing Commencing
28 May 2018**

Report dated 23 April 2018

**Report on submissions and further submissions
Topic 9: Natural Hazards**

Report prepared by

Gavin Cooper (Consultant Planner)

Laddie Kuta (Consultant Rivers Engineer)

Contents

- Proposed Marlborough Environment Plan (PMEP) 1
- Introduction and Experience 5
 - Gavin Cooper 5
 - Laddie Kuta 5
- Code of Conduct 6
- Scope of Report 6
- Overview of Provisions 6
 - Flood Hazard Area Overlay Maps 7
 - General Submissions on the Floodway Zone 8
- Statutory Documents 9
 - Resource Management Act 1991 (RMA) 9
 - Other Legislation 9
 - Other Documents 10
- Analysis of Submissions 11
 - Flood Hazard Area Overlay Maps 11
 - General Submissions on the Floodway Zone 49

List of Figures

- Fig 1: PMEPP Level 2 Flood Hazard Overlay - Groomes
- Fig 2: Amended PMEPP Level 2 Flood Hazard Overlay - Groomes
- Fig 3: PMEPP Level 2 Flood Hazard Overlay - Offen
- Fig 4: Amended PMEPP Level 2 Flood Hazard Overlay - Offen
- Fig 5: PMEPP Level 2 Flood Hazard Overlay - Harvey
- Fig 6: Amended PMEPP Level 2 Flood Hazard Overlay - Harvey
- Fig 7: PMEPP Level 2 Flood Hazard Overlay - Parkes
- Fig 8: Amended PMEPP Level 2 Flood Hazard Overlay - Parkes
- Fig 9: PMEPP Level 2 Flood Hazard Overlay - Hutchings
- Fig 10: PMEPP Flood Hazard Overlay - New Zealand Institute of Surveyors
- Fig 11: PMEPP Level 2 Flood Hazard Overlay - Raeburn

Fig 12: Amended PMEP Level 2 Flood Hazard Overlay - Raeburn
Fig 13: PMEP Level 2 & 3 Flood Hazard Overlay - Tozer
Fig 14: Amended PMEP Level 1, 2 & 3 Flood Hazard Overlay - Tozer
Fig 15: Amended Level 4 Flood Hazard for Tuamarina Pocket
Fig 16: PMEP Level 2 Flood Hazard Overlay - Light
Fig 17: Amended PMEP Level 2 Flood Hazard Overlay - Light
Fig 18: PMEP Level 2 Flood Hazard Overlay - Mundy
Fig 19: Amended PMEP Level 2 Flood Hazard Overlay - Mundy
Fig 20: Amended PMEP Level 2 Flood Hazard Overlay -Tyson
Fig 21: Amended PMEP Level 2 Flood Hazard Overlay - Tyson
Fig 22: PMEP Level 2 Flood Hazard Overlay - M Broughan
Fig 23: Amended PMEP Level 2 Flood Hazard Overlay - M Broughan
Fig 24: PMEP Level 2 Flood Hazard Overlay - J Broughan
Fig 25: Amended PMEP Level 2 Flood Hazard Overlay - J Broughan
Fig 26: PMEP Level 2 Flood Hazard Overlay - Butler
Fig 27: Amended PMEP Level 2 Flood Hazard Overlay - Butler
Fig 28: Existing & Proposed Flood Hazard Overlay for Tuamarina Pocket - R Parkes
Fig 29: PMEP Flood Hazard Overlay - Bown & White
Fig 30: PMEP Level 1, 2 & 3 Flood Hazard Overlay - Timms, Wilhelmus & Ormond
Fig 31: Amended PMEP Level 1, 2 & 3 Flood Hazard Overlay - Timms, Wilhelmus & Ormond
Fig 32: PMEP Level 1 & 2 Flood Hazard Overlay - Franzí Trust
Fig 33: Amended PMEP Level 1 & 2 Flood Hazard Overlay - Franzí Trust
Fig 34: Hydragraph for Taylor River July & August 2008
Fig 35: PMEP Flood Hazard Overlay - Timberlink New Zealand Limited
Fig 36: PMEP Floodway Zone - Michael Patrick Limited
Fig 37: Amended PMEP Floodway Zone - Michael Patrick Limited
Fig 38: PMEP Floodway Zone - Tozer
Fig 39: Amended PMEP Floodway Zone - Tozer
Fig 40: PMEP Floodway Zone - Tschepp & Parkes
Fig 41: Amended PMEP Floodway Zone - Tschepp & Parkes

Photographs

Photo 1: 1983 Wairau River flood event - Tozer land to bottom of photo (lower terrace), Wairau River to top of photo

Photo 2: Kaituna - Tuamarina Road Bridge looking west (1939 Wairau River flood event)

Photo 3: Kaituna - Tuamarina Road Valley (1939 Wairau River flood event) looking south to Wairau River

Photo 4: Tuamarina Pocket (1998 Wairau River flood event) looking west over Parkes land (Tuamarina Swamp at bottom of photo)

Photo 5: Tuamarina Pocket (1998 Wairau River flood event) looking south (Tuamarina Swamp at bottom of photo)

Photo 6: Flooding during August 2008 flood event, 65 Cob Cottage Road

Photo 7: Flood in Taylor River during August 2008 flood event

List of Appendices

- 1 Record of Site Visits and other Communications - Flood Hazard Overlay Maps - Notes taken by Gavin Cooper
- 2 Record of Site Visits and other Communications - General Submissions on the Floodway Zone - Notes taken by Gavin Cooper
- 3 Recommended decisions on relief requested - Flood Hazard Area Overlay Maps
- 4 Recommended decisions on relief requested - General Submissions on the Floodway Zone

List of Abbreviations

PMEP	Proposed Marlborough Environment Plan
RMA	Resource Management Act 1991
LGA	Local Government Act 1974
NoR	Notice of Requirement
Council	Marlborough District Council
WARMP	Wairau Awatere Resource Management Plan
MSRMP	Marlborough Sounds Resource Management Plan
LiDAR	Light Detection And Ranging survey technique
AEP	Annual Exceedance Probability
ARI	Annual Recurrence Interval
AMSL	Above Mean Sea Level
CBNZ	Constellation Brands NZ Limited
FF	Federated Farmers

Introduction and Experience

Gavin Cooper

1. I am sole Director of my own Project Management & Planning Company, GDC Consulting (2010) Limited, based in Marlborough. I started my company in December 2011 following return from the United Kingdom (UK).
2. My qualifications and experience are as follows:
 - Bachelor of Science Degree from Otago University (1994)
 - Member of the Chartered Institute of Water and Environmental Management (CIWEM, UK, 2010)
 - Member of the Society for the Environment (UK, 2010)
 - Incorporated Engineer, UK Engineering Council (2010)
3. I am also a professionally trained Project Manager (PRINCE2) through the Association of Project Managers (APM Group) (UK, 2008).
4. I have 24 years' experience in project management and resource management fields, both here in New Zealand and overseas (UK and Europe). I have experience preparing resource consents, Notice of Requirements (NoR's) and Project Managed several sensitive projects in Marlborough and overseas.
5. I was not involved with the preparation of the Proposed Marlborough Environment Plan (PMEP). I was contracted by the Marlborough District Council (Council) in January 2017 (after the PMEP submission period had closed) to evaluate the relief requested in submissions received to the Flood Hazard Overlay section and general submissions to the Floodway Zone provisions and to provide recommendations in the form of a Section 42A report. I acknowledge, I have prepared several basic zoning submissions to the PMEP for private clients, but confirm that none of these submissions touch on Flood Hazard Overlay Area Maps or Floodway Zone matters.
6. I have read Council's Section 32 reports, the various engineering reports from local engineers supporting some of the submissions, as attached to the various submissions and the relevant chapters in the PMEP.

Laddie Kuta

7. I am a partner in the Christchurch based engineering firm e2Environmental Limited. I am a Canadian water-resources engineer and permanent New Zealand resident currently based in Christchurch and working throughout the whole of New Zealand. My focus is on rivers and coast; more specifically catchment studies, geomorphologic change and assessment, erosion protection, floodway scheme design/review, hydrodynamic investigation, civil design, on-site construction and contract management, flood-mitigation advisory roles, and long-term strategic planning.
8. My qualifications and experience are as follows:
 - Chartered Professional Member with Engineering New Zealand
 - Committee Member and Treasurer with Water New Zealand Engineering New Zealand Rivers Group - Manatiaki koawa
 - Published scientific author ASCE Journal of Hydraulic Engineering
 - Master of Applied Science (MAsc.), Civil/Environmental - University of Waterloo Canada
 - Bachelor of Engineering (B.Eng.), Civil Engineering - Dalhousie University Canada

- Engineering Diploma, Civil Engineering - Cape Breton University Canada
 - Various river management roles in several New Zealand local and regional authorities
9. I was not involved with the preparation of the PMEP, nor have I prepared any submissions or further submissions for anyone.
 10. I have a diverse global career dedicated to the three-water sciences backed by more than two decades of experience and have a skill-set that helps river management teams achieve sustainable and practical solutions to complex environmental problems.
 11. I have read Council's Section 32 reports, the various engineering reports from local engineers supporting some of the submissions, as attached to the various submissions and the relevant chapters in the PMEP.

Code of Conduct

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

Scope of Report

15. This report is prepared in accordance with Section 42A of the Resource Management Act 1991 (RMA).
16. In this report we assess and provide recommendations to the Hearing Panel on submissions made on the Flood Hazard Area Overlay Maps and general submissions on the Floodway Zone provisions. This includes 24 Submissions on Flood Hazard Area Overlay Maps and 6 on general submissions on the Floodway Zone provisions.
17. As submitters who indicated 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.
18. 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 brought before them by the submitters.
19. This report is intended to be read in conjunction with other Section 42A reports, as follows:
 - Report on Submissions Topic 9: Natural Hazards (Author: Paul Whyte, BECA)

Overview of Provisions

20. Chapter 11 relates to "Natural Hazards". We understand the primary Objectives and Policies within this chapter are regional policy statement type provisions, but others relating to management of activities in flood prone areas are a combination of regional and district policies. As such, the provisions within this chapter are generally set at a high level to provide direction and guidance that flow through into other Objectives and Policies throughout the remainder of the PMEP.
21. Chapter 11 acknowledges that Marlborough is subject to a wide range of Natural Hazards. Earthquakes, tsunamis, land instability, severe rainfall, flooding, wind, fire hail and snowfall can occur across the region. All of these Natural Hazards have the ability to have significant adverse effects on individuals and the wider community, including loss of life, personal injury, damage to property and

disruption of day-to-day life, business and the provision of community infrastructure. It is our understanding that the primary Objective (Objective 11.1) seeks to reduce the risks to life, property and regionally significant infrastructure from Natural Hazards.

22. Not surprisingly, the PMEPP lists the most potentially damaging Natural Hazards for Marlborough as:
 - major floods in the Wairau catchment; and
 - high magnitude earthquakes from a rupture or fault.
23. Whilst earthquakes have been prevalent of late, flooding has been the most regular Natural Hazard experienced in Marlborough. Historically, flooding has caused significant damage to properties and infrastructure, especially to residential properties in both rural and urban environments, farm properties (including stock losses) and transportation links right across Marlborough.

Flood Hazard Area Overlay Maps

24. The overlays in the PMEPP were derived from a Flood Hazard Atlas held in Council. The Atlas is a working folder that Council initiated when the MSRMP and WARMP were notified around 1995. Information in the Atlas is based on known historical levels of flooding, other physical surveys and technically assessed and applied to 1:50 year and 1:100 year events.
25. Policy 11.1.1 seeks to establish the extent of land subject to flooding, liquefaction and tunnel gully erosion and identify this land within the PMEPP on Hazard Area Overlay Maps. (writers emphasis)
26. Policy 11.1.1 is trying to reduce the risk of natural hazards by identifying the land likely to be subject to these hazards. This 'identification' allows new land uses in these areas to be managed in a way that recognises the inherent risks of the development proceeding. The natural hazards identified in the Policy are those to which management can be applied to reduce risk using the provisions of the RMA. These natural hazards have been mapped (or otherwise identified) and included in the PMEPP (refer Flood Hazard Area Maps, Vol 4). Where there is uncertainty over the spatial extent of a natural hazard, the PMEPP makes it clear that a precautionary approach will be taken. This means that the Flood Hazard Area Overlay in a particular area may be a conservative estimation for a variety of reasons, including, but not limited to, lack of information on flood depth and information gaps on ground contours and topographic survey. Council has determined that this approach is considered appropriate given the potentially significant consequences of natural hazards, especially loss of life.
27. Given the potential effects of flooding events, Council seeks to manage activities in flood prone areas and has established a hierarchy of flood risk as follows (ref 11.1.9, Vol 1, PMEPP):
 - Level 1 - land that suffers flooding of shallow, low velocity water in a 1 in 50 year flood
 - Level 2 - land that suffers flooding but not well understood in a 1 in 50 year flood
 - Level 3 - land that suffers deep and fast flowing water in a 1 in 50 year flood
 - Level 4 - land that could suffer deep and fast flowing conditions if protection works are overwhelmed.¹

(Paraphrased)
28. Flood risk increases from Level 1 to Level 4, creating a hierarchy of risk. The hierarchy allows the management of flooding to be specifically tailored to reflect risk. The relevant Policies and Rules all appear to seek controls on the erection of houses and other structures within areas subject to a Flood Hazard Overlay. The PMEPP directs a conservative approach where details are not complete.
29. Many of the specific concerns raised in the submissions were concerned with the Levels 2 and 4 Flood Hazard Area Overlays and the implications this has for the sustainability and ongoing development on the respective submitters' land.

¹ The Level 4 Flood Hazard Overlay is more of a residual risk layer

General Submissions on the Floodway Zone

30. The inclusion of a Floodway Zone in the PMEP is new, but the general areas are identified or referenced in the Wairau Awatere Resource Management Plan (WARMP) and Marlborough Sounds Resource Management Plan (MSRMP), usually by way of Designation.
31. Unless specified otherwise, the Floodway Zone provisions apply to river control and drainage works only when carried out by the Marlborough District Council exercising its functions, duties and powers under the Soil Conservation and River Control Act 1941, the Land Drainage Act 1908 and in accordance with the Marlborough District Council Rivers and Drainage Asset Management Plan or the Council's Marlborough Rivers Gravel Extraction Strategy.
32. **Flooding and Flood Management** is identified as a regional function (writers emphasis).
33. Policy 11.1.3 seeks to actively manage any flooding through the provision and maintenance of flood defences and other flood mitigation works, where there is significant community benefit.
34. One of the main ways of reducing the risk of flooding is to provide flood defences to protect the population, properties and important community infrastructure. On the Lower Wairau Plain, significant investment has been made over a considerable period of time to protect Blenheim, other towns and the surrounding rural land through the construction and maintenance of stopbanks and the training and diversion of rivers. The Waitohi and Waikawa Rivers in Picton are the only other rivers to which the Council has administered formal flood defences.
35. The costs of managing flood risk are significant. Policy 11.1.3 identifies a threshold for justifying such intervention. The initial expenditure to establish flood defences and the ongoing maintenance expenditure must be warranted by significant community benefit. Those benefits will have to be identified and evaluated on a case-by-case basis.
36. We note that this Policy is also supported by the remaining provisions of this chapter, which seek to avoid or mitigate the adverse effects of flooding by management of new land uses in flood prone areas. This should reduce the demand for additional flood defences and importantly, reduce risk to life, property and community infrastructure.
37. Policy 11.1.4 is another regional function and seeks to establish and maintain floodway capacities for Marlborough's (main) rivers to the following standards:
 - a) to an annual recurrence interval (ARI)² of 1 in 100 years for major rivers on the Wairau River floodplain (below the confluence with the Waihopai River)
 - b) to an ARI of 1 in 50 years for the Waitohi and Waikawa Rivers
 - c) to an ARI of 1 in 50 years for rivers and drainage channels that provide for urban stormwater disposal.
38. We note Policy 11.1.4 establishes standards for the rivers for which the Council provides flood defences. It also applies to rivers and drainage channels that receive urban stormwater discharges. Historical records of flood flows are used to determine the ARI's specified in the Policy. The Standards in a) to c) reflect those adopted by the Council in the Rivers and Land Drainage Asset Management Plan. The Standards seek to provide a measure of the level of protection provided by stopbanks, river diversions, detention dams, stopbank erosion protection measures, river channel clearing, channel excavation channel training, flow control gates and other flood mitigation measures.
39. Policy 11.1.5 is both a Regional and District function and seeks to enable the maintenance of existing Council administered flood defences and other Council initiated flood mitigation works.

² An annual recurrence interval is sometimes also known as 'return period'. It is the average number of years that it is predicted will pass before an event of a given magnitude occurs. For example, a 100 year ARI event would on average happen every 100 years.

40. Given the population and community infrastructure that relies on the protection provided by existing Council administered flood defences, we agree it is important that flood defences be maintained to the Standards specified in Policy 11.1.4. The Policy signals that the maintenance of the flood defences and other flood mitigation works will be enabled. Maintenance could involve works in the river bed or floodway, or on the landward side of flood banks. Regional and District Rules will therefore both be required to implement the Policy. These Rules will assist to provide for the social and economic wellbeing and safety of the communities protected by the Council administered flood defences.
41. The designation of Council administered Floodways also enables any maintenance works that would otherwise be covered by Sections 9(3) of the RMA to occur (see Policies 11.2.1-11.2.3). By and large, the main river systems that flow through or adjacent to urban centres in Marlborough are designated for "Floodway Purposes and River Control Works".

Statutory Documents

42. The following statutory documents are relevant to the provisions and/or submissions within the scope of this report.

Resource Management Act 1991 (RMA)

Section 6 - Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- 6(h) the management of significant risks from natural hazards

[Section 6(h) inserted on 19 April 2017, by Section 6 of the Resource Legislation Amendment Act 2017 (2017 No. 15)].

Section 31 - Functions of territorial authorities

- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:
 - (a) the establishment, implementation, and review of Objectives, Policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district;
 - (aa) the establishment, implementation, and review of Objectives, Policies, and Methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district
 - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
 - (i) the avoidance or mitigation of natural hazards,...

Section 35(3) - Duty to gather information, monitor, and keep records

- (3) Every local authority shall keep reasonably available at its principle office, information that is relevant to the administration of Policy Statements and Plans ...
- (5) The information to be kept by a local authority under subsection (3) shall include:
 - (j) records of natural hazards to the extent that the local authority considers appropriate for the effective discharge of its duties [refer S5(j)].

Other Legislation

Local Government Act 1974:

Under Section 11A(d) of the Local Government Act, Council has a statutory obligation to ensure core services are provided to avoid and mitigate natural hazards within the community.

Building Act 2004:

Section 71 of the Building Act - "Building on land subject to natural hazards" directs the building consent authority to be **cautious** in approving building consents for buildings on land subject to natural hazards (writers' emphasis).

Other Documents

Rivers & Land Drainage Asset Management Plan 2015-2025:

This Plan was notified with the PMP in 2016.

Analysis of Submissions

43. The following general assessment information applies to all submissions:
44. As part of the post notification consultation process Council attempted to meet with all submitters who submitted on the Flood Hazard Area Overlays. The writers visited each area where submissions were made. An undertaking was given at those meetings that a technical review of the Overlay would be carried out using outcomes from the site visit and any other relevant survey data that was available.

Flood Hazard Area Overlay Maps

45. We have reviewed all of the submissions we consider are related to the Flood Hazard Levels 1-4 Overlays. We have reviewed 24 submissions in total.

46. We have grouped the Submissions into the following Flood Hazard Area Overlay Maps:

Flood Hazard Area 4 & 6 - Clova Bay - Shane & Deborah Groome (344.1 & 350.1), Trevor Offen (151.1 & 151.5) & Adrian Harvey (388.1)

Flood Hazard Area 13 - Linkwater - Sharon Parkes (339.28)

Flood Hazard Area 15 - Picton - Grant Hutchings (48.1)

Flood Hazard Area 22 - Renwick - New Zealand Institute of Surveyors (996.38)

Flood Hazard Area 23 - Waikakaho Valley - Raeburn Property Partnership (Pat & Mary O'Sullivan) (1084.7)

Flood Hazard Area 23 - Wairau Plain - CG and WA Tozer (319.17)

Flood Hazard Areas 18 & 24 - Kaituna-Tuamarina Road - Rebecca Light (129.1), Matt Broughan (229.1), Jack Broughan (327.1), Anna Tyson (182.1), Dion & Rosalind Mundy (34.1), Stephen Butler (385.1) & Rodney Parkes (324.02)

Flood Hazard Area 28 - Northbank - Peter Bown (277.7) & Spencer & Susan White (93.11 & 93.15)

Flood Hazard Area 28 - Wairau Valley - KJ, JS & JA Timms (475.2) & Pieter Wilhelmus & Ormond Aquaculture Limited (1035.4)

Flood Hazard Area 33 - Riverlands - Timon Henric Smit and Franziska van Bruggen-Smit as trustees of the Tim and Franzi Trust (353.1)

Corporate/Professional Body Submissions - Oil Companies (1004.110) and Federated Farmers (425.780)

Key Issues and Assessment

47. We have set out our analysis of the Submissions by Area, location, party and main issue(s):

Flood Hazard Areas 4 & 6

Matter 1: Clova Bay - Submitters - Shane & Deborah Groome (344.1 & 350.1), Trevor Offen (151.1 & 151.5) & Adrian Harvey (388.1)

48. Five submissions were received from landowners in the bay.

49. All submissions were concerned with the extent of the Level 2 Flood Hazard Area Overlay shown in the PMEP covering the entire Totaranui Valley floor. In all cases the submitters considered the extent of the level 2 Flood Hazard Overlay was excessive in the PMEP and all wanted the area reviewed and pulled back to be no more than the extent of the Flood Hazard Overlay mapped in the operative MSRMP.

50. The **Groomes** own a 12.14 hectare property in the Valley. The land was subdivided sometime in 2003. A residence has been built on the property on the southern side of the valley river terrace adjacent to Totaranui Road above what appears to be the flood breakout channel.
51. **Trevor Offen** has several properties along the coastline of the bay situated on the alluvial fan.
52. **Adrian Harvey** farms the top of the Totaraunui Valley under Mt Stokes.

Relief Sought:

53. **Shane & Deborah Groome** - Requested that Council revert to extent of existing Flood Hazard Overlay in the operative MSRMP.
54. **Adrian Harvey** - Wanted Level 2 Flood Hazard Area Overlay area to reflect actual flood area.
55. **T Offen** - That any Flood Hazard Area Overlay on the Totaranui Valley Floor, Clova Bay, Pelorus Sound be contained to that area that is currently shown in the current MSRMP. However, the submission goes on to state that if it should be determined that a 1:50 year flood hazard does exist for Totaranui Valley Floor that is greater than the existing hazard map of the MSRMP, that the PMEP Flood Hazard Overlay for the Totaranui Valley should be no higher than Level 1 Flood Hazard Area Overlay (obviating the need to apply for resource consent for dwelling that has already had minimum floor levels set - 600mm to adjacent ground level).³

Technical Assessment:

56. Laddie Kuta's review of the Level 2 Flood Hazard Area Overlay follows. Essentially this was a technical review of the original extent of the Flood Hazard Overlays in the PMEP. Where appropriate, extent of Overlay has been amended.
57. For completeness, Laddie Kuta has outlined the "assessment tools" he used, his Assessment, and his Recommendations as follows:

Assessment Tools:

- MSRMP Flood Hazard Layer Maps
- Dekho - PMEP Further Information Layer - Flood Hazard Layer
- Dekho PMEP Flood Hazard Layer
- Davidson Partners Report dated Aug 2006 (ref no. 23299)
- Nelson Consulting Engineers Limited. Report 28 May 2007 (project no. 07150)
- Site visit on 21/02/2018 (Gavin Cooper, Laddie Kuta).

Assessment:

58. The MSRMP Flood Hazard Layer represented an approximate Level 2 Flood Hazard based on historical information and the estimated channel/flood behavior, but with no significant breaching scenarios mapped.
59. The Davidson Partners Report dated Aug 2006 (ref no. 23299) provides evidence in Sec 3.1-3.4 that flooding could breach the banks of the main channel due to its lack of conveyance during an event upwards of a 2% Annual Exceedance Probability⁴ (AEP; i.e. 1:50 year event) or larger event. If flooding was to breach the banks other features on the alluvial fan would prevent shallow overland flooding from continuing to spread laterally (e.g. river terrace).

³ Refer Environment Court Decision ENV-2007-CHC-220)

⁴ The term AEP describes the probability of a flow of a certain size occurring in any river or stream in any given year. A 100 year flood event is a flood event that has a 1% chance probability of occurring in any given year, A 50 year flood can be referred to as a 2% flood since its annual exceedance probability is 2%.

60. The site visit on 21/02/2018 confirmed overland flow paths and a gentle downward grade towards the north from the road.
61. Following the site visit it was acknowledged that the entire area currently depicted as Level 2 Flood Hazard in the PMEP be reviewed and amended to generally follow the natural grade and terrace topography.
62. The information on record provides enough evidence to suggest an increase to the MSRMP Flood Hazard area; however, if the river was to breach during a 2% AEP (or larger) event or due to a blockage the resulting flood waters would spread across the fan out and up to any physical constraints (i.e. river terrace).
63. The amended PMEP Level 2 Flood Hazard Area (overlay) for overland flow paths shown on the annotated aerials overleaf provides a reasonable position that is aligned with the Policies in the PMEP.

(Recommendations overleaf)

Recommendation 1:

64. **Shane & Deborah Groome (344.1 & 350.1):**

65. Accept submissions in Part.

66. The Level 2 Flood Hazard Area Overlay for the land should be amended with a reduced Level 2 Flood Hazard extent that follows the river terrace and overland flow paths, as illustrated at Figure 2.

67. A detailed hydrologic / hydraulic review would be required to further amend this revised Level 2 Flood Hazard.

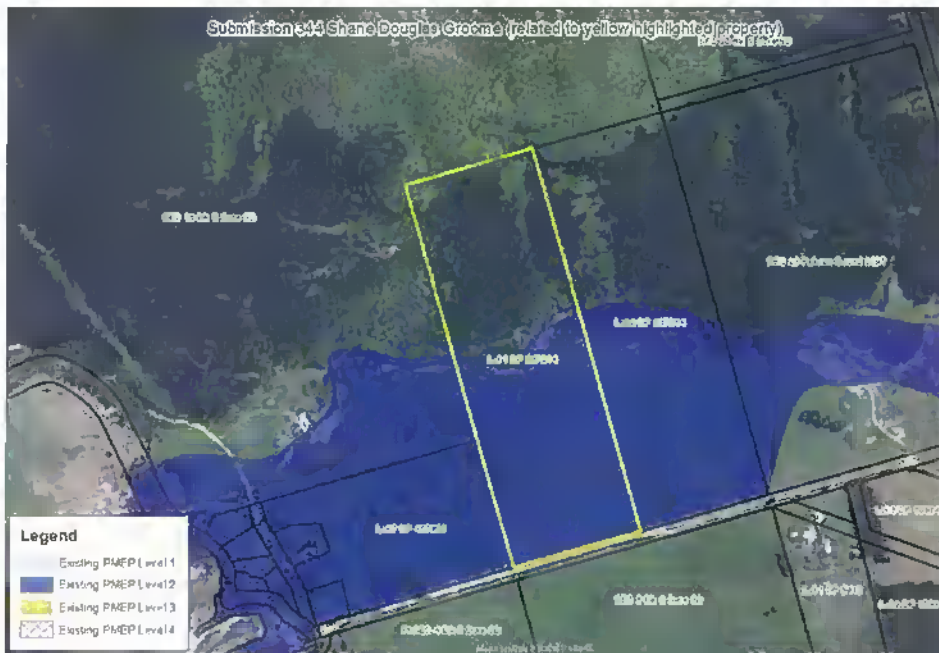


Fig 1: PMEP Level 2 Flood Hazard Overlay - Groome

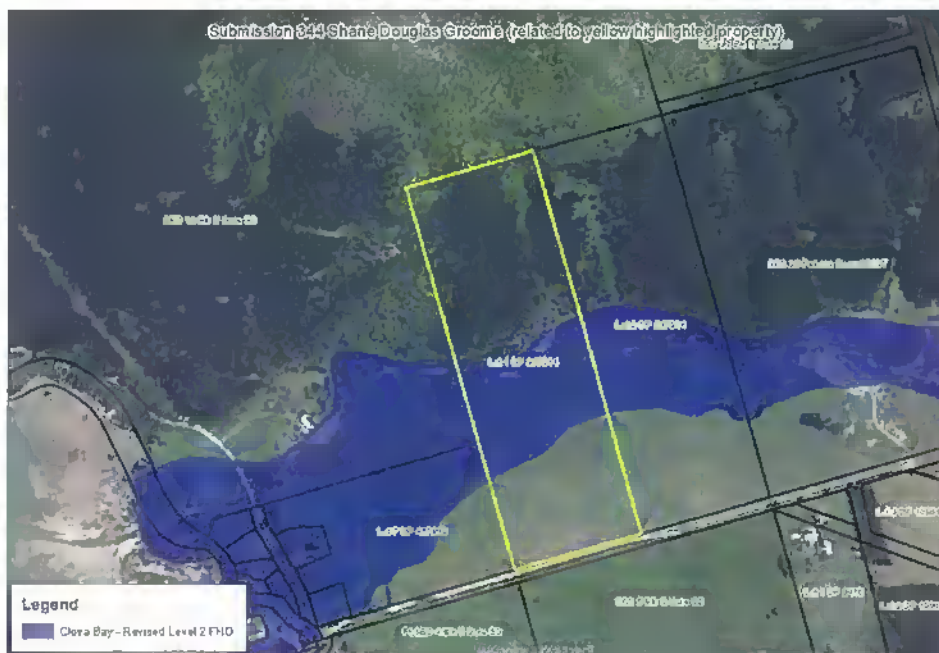


Fig 2: Amended PMEP Level 2 Flood Hazard Overlay - Groome

Recommendation 2:

68. Trevor Offen (151.1⁵ & 151.5):

69. Accept Submission 151.1 in Part.

70. The land should remain in Level 2 Flood Hazard as depicted in the amended Overlay shown at **Figure 4**, with the exception that the extent of the Level 2 Flood Hazard to the south-east corner of property be amended and area reduced.

71. A detailed hydrologic / hydraulic review would be required to further amend this revised Level 2 Flood Hazard.



Fig 3: PMEP Level 2 Flood Hazard Overlay - Offen



Fig 4: Amended PMEP Level 2 Flood Hazard Overlay - Offen

⁵ (writers are not sure if 151.1 is relevant as refers to the Flood Hazard Area 6 Map which does not cover Clova Bay)

Recommendation 3:

72. **Adrian Harvey (388.1):**

73. Accept Submission in Part.

74. The Level 2 Flood Hazard Area Overlay for the land should be revised. The Level 2 Flood Hazard extent should be reduced to follow the terrace and overland flow paths illustrated in Figure 6.

75. A detailed hydrologic/hydraulic review would be required to further amend this revised Level 2 Flood Hazard.

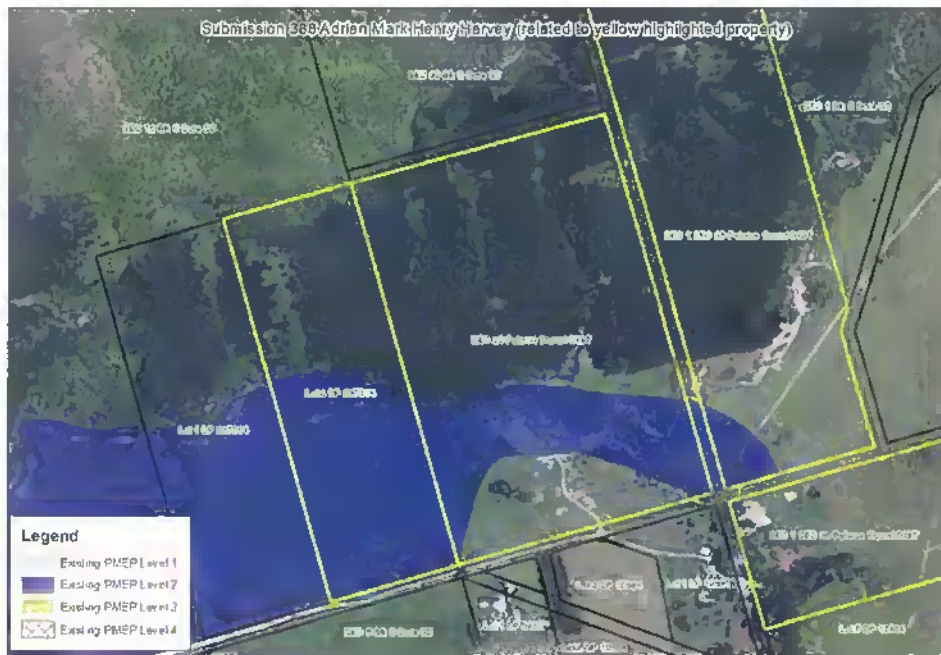


Fig 5: PMEP Level 2 Flood Hazard Overlay - Harvey

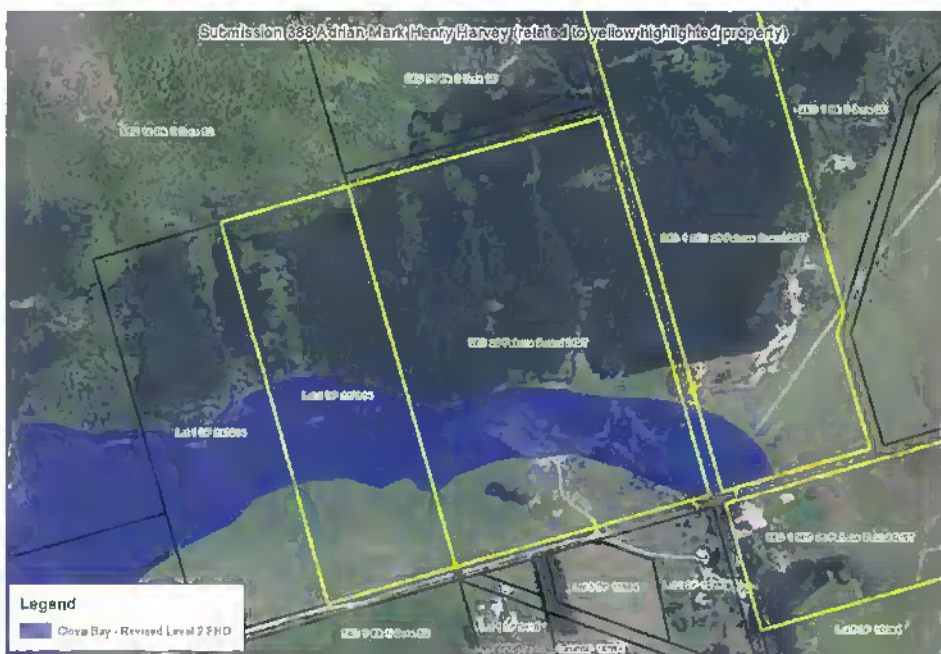


Fig 6: Amended PMEP Level 2 Flood Hazard Overlay - Harvey

Flood Hazard Area 13

Matter 2: Linkwater - Submitter - Sharon Parkes (339.28)

76. Sharon Parkes' main concern was the extent of the Level 2 Flood Hazard Area on her properties at 850 & 888 Queen Charlotte Drive, particularly the extent of the affected land.
77. Mrs Parkes' secondary concern was that she wanted to construct a new hayshed at the top of the farm, but within the Level 2 Flood Hazard Area Overlay.

Relief Sought:

78. **Sharon Parkes** - Wanted the extent of the Level 2 Flood Hazard Area reviewed on her properties to better reflect the true extent of Flood Hazard.

Technical Assessment:

79. Laddie Kuta's review of Level 2 Flood Hazard Area Overlay follows. Essentially this was a technical review of the original extent of the Overlays in the PMEP. Where appropriate, extent of Area has been amended.
80. For completeness, Laddie Kuta has outlined the "assessment tools" he used, his Assessment, and his Recommendations as follows:

Assessment Tools:

- Dekho - PMEP Further Information Layer - Flood Hazard Layer
- Dekho PMEP Flood Hazard Layer
- PMEP Flood Hazard Layer Map
- Site visit on 21/02/2018 inc. photographs (Gavin Cooper, Laddie Kuta).

Assessment:

81. The MSRMP Flood Hazard Layer represented an approximate flood hazard based on historical information and the estimated channel/flood behavior, but with no significant breaching scenarios.
82. The site investigation allowed for better understanding of the local topography and identification of flow paths in the case of a significant breach of the stream banks.

(Recommendations overleaf)

Recommendations:

- 83. Accept submission in Part.
- 84. The Level 2 Flood Hazard Area Overlay for the land should be revised. The Level 2 Flood Hazard extent should be reduced to ensure it is more reflective of the local topography as illustrated in Figure 8.
- 85. A detailed hydrologic/hydraulic review would be required to further amend this revised Level 2 Flood Hazard.

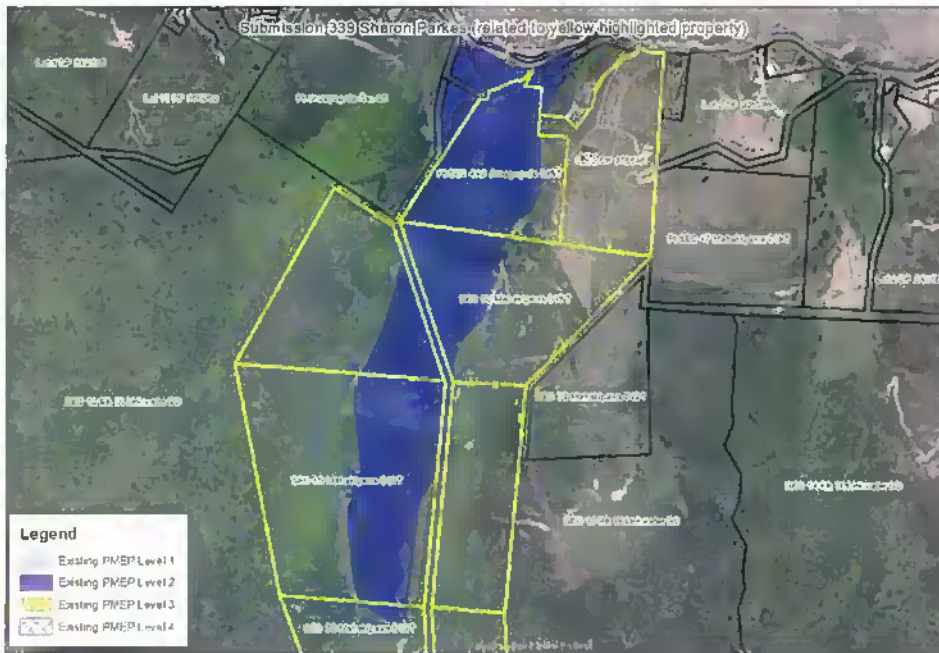


Fig 7: PMEP Level 2 Flood Hazard Overlay - Parkes

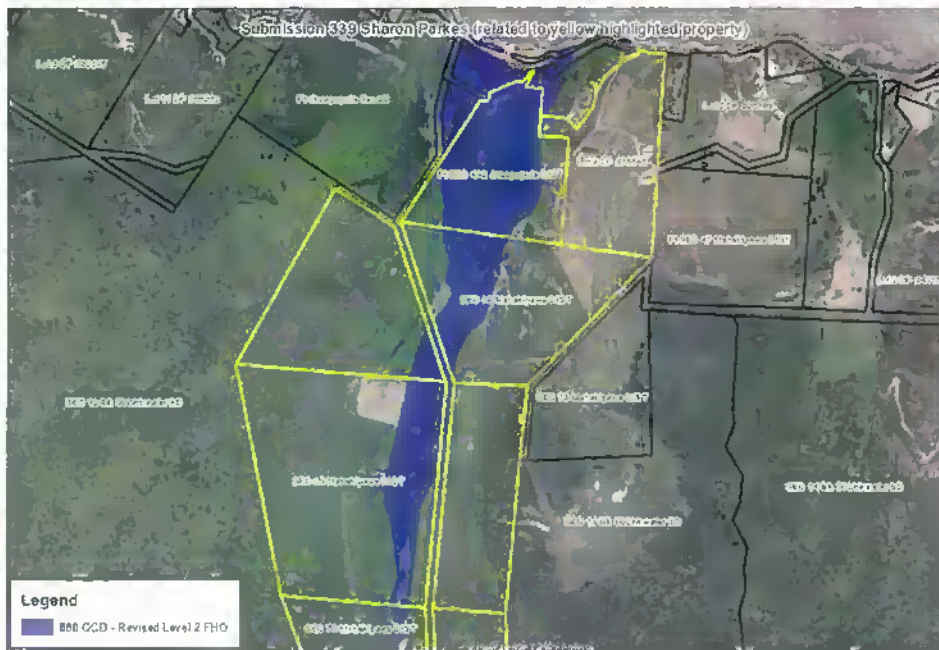


Fig 8: Amended PMEP Level 2 Flood Hazard Overlay - Parkes

Flood Hazard Area 15

Matter 3: Picton - Submitters - Grant Hutchings (48.1)

86. **Grant Hutchings** is in the process of developing his vacant residential site.
87. The property (245b Waikawa Road) sits adjacent to the true right bank of Waikawa Stream.
88. The property slopes down from the access to the Stream boundary and is orientated to the north-west.
89. We understand the development takes the form of smaller residential houses on Unit Titles for residents over 45 years of age. Six (6) residential units are currently consented under Council consent decision U110435.
90. The submitter raised concerns with the Level 2 Flood Hazard crossing the bottom part of the property adjacent to the Stream and the impact this might have on his development.

Relief Sought:

91. That the Level 2 Flood Hazard Overlay be removed.

Technical Assessment:

92. Laddie Kuta's review of the Level 2 Flood Hazard Area Overlay follows. Essentially this was a technical review of the original extent of the Overlays in the PMEP. Where appropriate, the extent of the Overlay has been amended.
93. For completeness, Laddie Kuta has outlined the "assessment tools" he used, his Assessment, and his Recommendations as follows:

Assessment Tools:

- MSRMP Flood Hazard Layer Maps
- Council Dekho database - PMEP Further Information layer - Flood Hazard Layer
- Council Dekho PMEP Flood Hazard Layer
- Resource Consent Decision U110435
- Site visit on 21/02/2018 (Gavin Cooper, Laddie Kuta).

Assessment:

94. Resource Consent U110435 allows Grant Hutchings to raise ground levels to the extent stated in the resource consent application (approximately 0.5-1m west to east across lower part of site); however, it is not clear whether this land, if raised, will affect flood design levels in Waikawa Stream (estimated 1% AEP event is 70 cumecs) and further assessment is required to fully understand implications.
95. As it stands today, only floor levels must meet building consent requirements.
96. Prior to making a decision as to whether the Level 2 Flood Hazard Overlay can be amended on the property, further assessment needs to occur. Council is in the process of undertaking a complete hydraulic analysis of the Waikawa Floodway.

(Recommendations overleaf)

Recommendations:

97. Reject Submission.
98. The results from the hydraulic analysis will identify with greater certainty the design flood level around Grant Hutchings property, which may or may not lead to a potential amendment of the existing PMEP Level 2 Flood Hazard on his property.
99. Any changes required going forward would need to occur via formal Plan Variation or Plan Change processes.



Fig. 9 PMEP Level 2 Flood Hazard Overlay - Hutchings

(Intentionally left blank)

Flood Hazard Area 22

Matter 4: Renwick - New Zealand Institute of Surveyors (996.38)

100. The Submitter states that the Flood Hazard Area Overlay Maps required updating to reflect current flood hazard reports (for eg. lower terraces located in Renwick).

Relief Sought:

101. That the Flood Hazard Area Overlay Maps require updating to reflect current flood hazard reports. An example is provided for the lower terraces in Renwick.

Technical Assessment:

102. The Flood Hazard Area Overlays remain dynamic. Areas can be expanded or reduced as further information comes to hand following detailed analysis or following flood events.

103. Regarding the request to amend the lower terrace at Renwick, Council agrees that whilst work has started to identify flood risk, it would prefer to hold off making final amendments to the PMEP until the upgrade works are undertaken sometime in 2019/2020. Any changes necessary can then be completed in one step via formal Plan Variation or Plan Change processes.

Recommendation:

104. Reject the Submission.



Fig 10: PMEP Flood Hazard Overlay - New Zealand Institute of Surveyors (Renwick)

Flood Hazard Area 23

Matter 5: Waikakaho Valley - Raeburn Property Partnership (Pat & Mary O'Sullivan) (1084.7)

105. One submission was received.

106. The submitter was concerned with the extent of the Level 2 Flood Hazard shown in the PMEP as it applied to their lands.

Relief Sought:

107. With regard to the Flood Hazard Overlay Maps, Raeburn Properties contend they are incorrect and requested that Flood Hazard areas be amended to improve accuracy.

Technical Assessment:

108. Laddie Kuta's review of Level 2 Flood Hazard Area Overlay follows. Essentially this was a technical review of the original extent of the Overlays in the PMEP. Where appropriate, extent of Overlay has been amended.

109. For completeness, Laddie Kuta has outlined the "assessment tools" he used, his Assessment, and his Recommendations as follows:

Assessment Tools:

- WARMP Flood Hazard Layer
- Council Dekho - MEP Further Information Layer - Flood Hazard Layer
- Council Dekho MEP Flood Hazard Layer
- PMEP Flood Hazard Layer Map
- Council historical photos
- Council historical river gauge data
- Site visit on 7 March 2018 inc. photographs (Gavin Cooper, Laddie Kuta).

Assessment:

110. The site visit provided a better understanding of limited sections of the river terrace topography, which allowed for refinement of the Level 2 Flood Hazard Overlay.

111. It is suggested the existing Level 2 Flood Hazard Overlay be amended to follow a more realistic terrace topography, which was confirmed during the site visit (refer Figure 12 overleaf).

(Recommendations overleaf)

Recommendations:

- 112. Accept Submission in part.
- 113. The land should remain in Level 2 Flood Hazard with a reduced Level 2 Flood Hazard Overlay extent on the land as shown in **Figure 12**.
- 114. To further revise this amended PMEP Flood Hazard Area Overlay a more extensive site study, detailed topographical survey, and possibly flood hydraulic analysis would be required.

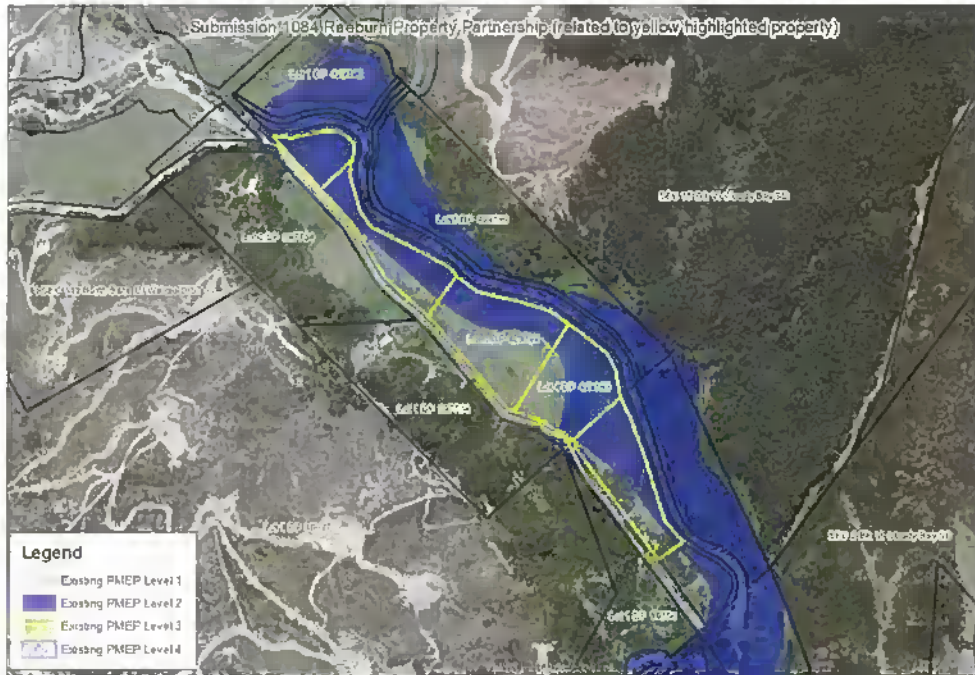


Fig 11: PMEP Level 2 Flood Hazard Overlay - Raeburn

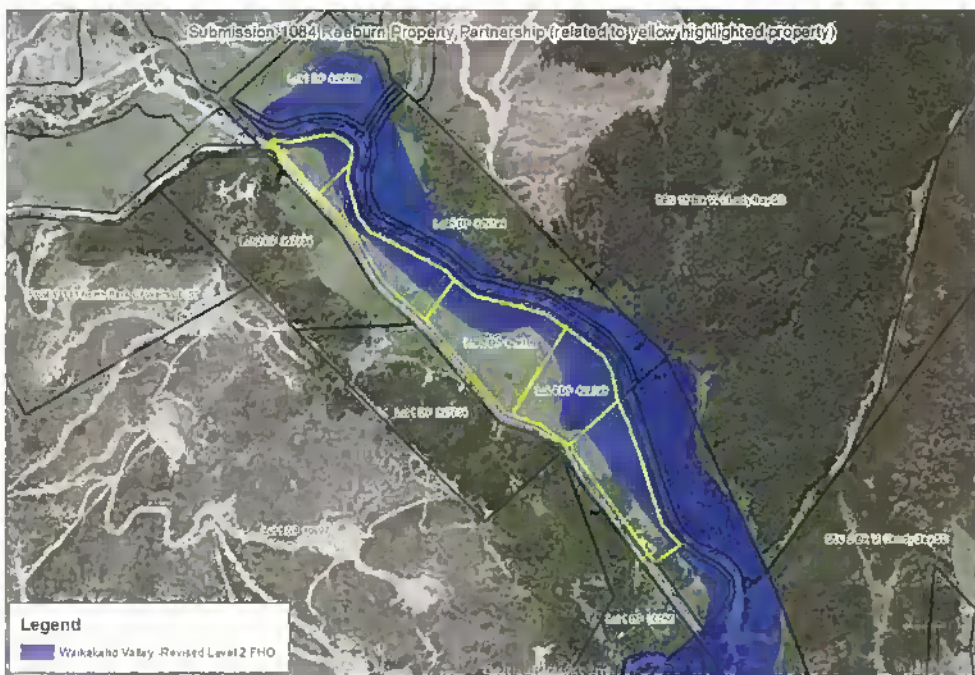


Fig 12: Amended PMEP Level 2 Flood Hazard Overlay - Raeburn

Matter 6: Wairau Plain - CG and WA Tozer (319.17)

115. The submitter raised multiple issues with regards to Levels 2 & 4 Flood Hazard Overlays, stating that the Overlays created major uncertainty, restrictions and costs around their current and future land use plans.

Relief Sought:

116. The submission states that based on their knowledge of the property they consider significant areas of the property and the greater portion of the more elevated southern terrace in particular meet Level 1 criteria.

Technical Assessment:

117. Laddie Kuta's review of Level 2 Flood Hazard Area Overlay follows. Essentially this was a technical review of the original extent of the Overlays in the PMEP. Where appropriate, extent of Overlay has been amended.
118. For completeness, Laddie Kuta has outlined the "assessment tools" he used, his Assessment, and his Recommendations as follows:

Assessment Tools:

- WARMP Flood Hazard Layer
- Council Dekho - PMEP Further Information Layer - Flood Hazard Layer
- Council Dekho PMEP Flood Hazard Layer
- PMEP Flood Hazard Layer Map
- Council historical photos
- Council historical river gauge data
- Council 2014 LiDAR survey (vertical accuracy +/- 60mm)
- Council Wairau River Hydraulic Analysis 2009
- Site visit on 13/03/2018 (Gavin Cooper, Laddie Kuta)

Assessment:

119. The site visit on 13/03/2018 provided a better understanding of the topography.
120. Further investigation of historical photos revealed lower flood potential for some of the higher ground located at the southwest corner of the property.
121. Further investigation of the 2014 LiDAR quantified the extent of raised land in the southwest corner of the property.
122. The land east of Cravens Creek gently falls to the east and therefore any surface water that makes it onto the land will drain off in that direction prior to evaporation and soakage.
123. A stopbank exists on the true right bank of Cravens Creek with levels between 9.8-10.0m AMSL; therefore, any backwater or floodwater west of Cravens Creek would spill over this stopbank and drain to the east in such a circumstance.
124. The road access to the property follows the remnants of historically raised land and therefore is less likely to flood.
125. The existing Level 2 Flood Hazard Overlay in the PMEP should be revised to offer relief to potential flood waters above the 10.0m MSL, which could be reclassified as Level 1 Flood Hazard.
126. The access drive into the reclassified south western area of the property could also be revised to Level 1 Flood Hazard as illustrated in Figure 14 due to its raised nature.

127. Photo from 1983 Wairau Flood event below. The lower terrace of submitters block is in the foreground. Cravens Creek at bottom right of photograph.



Photo 1: 1983 Wairau River Flood Event - Submitters land to bottom of photo (lower terrace), Wairau River to top of photo

(Recommendations overleaf)

Flood Hazard Areas 18 & 24 (note section of 23 also affected)

Matter 7: Kaituna-Tuamarina Road - Submissions by Rebecca Light (129.1), Matt Broughan (229.1), Jack Broughan (327.1), Anna Tyson (182.1), Dion & Rosalind Mundy (34.1), S Butler (385.1) & Rodney Parkes (324.02)

131. Seven submissions were received from landowners in the Kaituna - Tuamarina Road area (locally known as Tuamarina Pocket).
132. All submissions were concerned with the extent of the Level 2 & 4 Flood Hazard Overlays shown in the PMEP covering the Tuamarina Pocket. In all cases the submitters considered the extent of the Overlays was excessive and all wanted the areas reviewed and extent reduced or removed.
133. Two submitters (Butler & Parkes) also raised concerns about effect on business.

Relief Sought:

134. **Rebecca Light** - Until further consultation occurs and background information supplied, Council continue with the Rules and Maps contained in the WARMP.
135. **Matt Broughan** - Requested that the Hazard Overlay mapping be reconsidered.
136. **Anna Tyson** - Requested that Council review the Flood Hazard Areas in overlay Map 24 as it relates to her property.
137. **Jack Broughan** - Requested that Council review the Flood Hazard Areas in overlay Map 24 as it relates to his property.
138. **Dion and Rosalind Mundy** - Review flood hazard risk levels and explain why flood risk has increased.
139. **Stephen Butler** - Requested that reasons be fully explained for this proposed change and that consultation occur with property owners.
140. **Rodney Parkes** - Requested that the Flood Hazard Overlays on his land be reviewed.
141. In all cases the submitters raised concerns about the extent of the Level 2 and 4 Flood Hazard Area Overlays and the effect the overlays had on their respective properties from a development, sale and insurance perspective.
142. One submitter wanted to know why the flood hazard risk had increased on their property.

Technical Assessment:

143. Laddie Kuta's review of the Level 2 and Level 4 Flood Hazard Area Overlays follows. Essentially this was a technical review of the original extent of the Flood Hazard Overlays in the PMEP. Where appropriate, extent of Overlay has been amended.
144. For completeness, Laddie Kuta has outlined the "assessment tools" he used, his Assessment, and his Recommendations as follows:

Assessment Tools:

- WARMP Flood Hazard Layer
- Council Dekho - PMEP Further Information Layer - Flood Hazard Layer
- Council Dekho PMEP Flood Hazard Layer
- PMEP Flood Hazard Layer Map
- Council historical photos (selection attached)
- Council 2014 LIDAR survey (vertical accuracy +/- 60mm)
- Council historical river gauge data
- Site visit on 28/02/2018 (Gavin Cooper, Laddie Kuta)
- Site Visit to Stephen Butler on 5 March 2018 (Gavin Cooper)

Assessment:

145. The Tuamarina Pocket (the Pocket) is a fortified area with stopbanks surrounding the north, east, south and the hill country rising to the west.
146. The Pocket can be affected by both stormwater flood events and larger Wairau River flood events holding water up back into the Pocket or stopbanks being overwhelmed.
147. Stormwater is managed in the Pocket via a rural drainage pump station system. It is important to note that this system is not an urban stormwater system. The existing pump station has been upgraded in 2000 to cater for approx. 25,000 l/m (416 l/s) or 22.6mm/24 hrs. Prior to 2000, pump capacity was 17,400 l/m (290l/s) or 15.2mm/24hrs.
148. The Pocket has an area of 170ha with a design 2% AEP stormwater flood level of 5.75m AMSL.
149. It is agreed that parts of all of the submitters' properties were not inundated during the 1998 flood, which is considered to be close to the 2% AEP stormwater event for the Pocket (i.e. 1:50 year event).
150. The surveyed level of 5.75m Above Mean Sea Level (AMSL) from the 1998 Wairau River Flood event was subsequently analysed with the 2014 LiDAR topography to estimate a refined flood hazard extent. Further to this, a 150mm reduction⁶ was applied to the 5.75m AMSL stormwater flood level to assess the areas that would potentially be classed as shallow flooding⁷. The current and amended Flood Hazard Overlays for the Pocket are illustrated in Figures 15-28.
151. The flood protection works and hill country offer flood mitigation up to the 1% AEP event; however, if these works were to be overwhelmed in an event larger than the 1% AEP then the valley floor has the potential to act as a reservoir to store the incoming flood waters. The question then becomes "If the flood protection works were jeopardized during an event greater than the design event, would the volume of the incoming flood waters be significant enough to flood the entire Pocket?"
152. In order to flood the entire valley floor in the Pocket the flood level would need to increase to 7.0m AMSL, or an additional 1.25m depth of flood water above the 5.75m level. This additional flood water depth and the area of the valley floor can be multiplied to arrive at an estimated volume of 2.2M m³ of water required to enter the Pocket through an overwhelmed flood protection system, which is required to flood the entire area.
 - A failure in the stopbank near Waterfall Creek occurred during the 1998 event. Using the characteristics of the Waterfall Creek stopbank failure as an example of an overwhelmed system along with the measured depth and duration data from the 1983 Wairau River Flood Level (i.e. peak flood level of 8.5m AMSL with levels above 7.0m AMSL for a duration of 14 hours), the argument can be put forward that a minimum volume of 2.2M m³ of flood water

⁶ 150mm is a minimum floor level requirement described in New Zealand Building Code - Clause E1.

⁷ Explanation: If 5.75m is considered the flood level (using the 1998 Wairau River flood event, i.e. estimated 50 year return period), then ask the question what is considered shallow flooding? Answer: 150mm, therefore reducing 5.75m by 150mm we arrive at 5.6m. This creates a zone of shallow flooding between 5.6 - 5.75m.

could come into the Pocket during an overwhelming event that was equivalent to the 1983 flood event and the 1998 event which overwhelmed the flood protection network at Waterfall Creek. This evidence based example suggests the entire Pocket could flood in a large event that overwhelms the flood protection system.

- Site visits on 28 February 2018 and 5 March 2018, combined with the 2014 LiDAR topographical survey provided a better understanding of the Pocket's topography, which allowed for amendment of the PMEPP Levels 1, 2, and 4 Overlays.
- Selection of photographs showing flood levels in the Pocket during 1939 and 1998 Wairau River flood events are shown overleaf.

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1939:



Photo 2: Kaituna - Tuamarina Road Bridge looking west. Road Bridge off SH1 to Kaituna - Tuamarina Road (1939 Wairau River flood event)



Photo 3: Kaituna - Tuamarina Road (1939 Wairau River flood event) looking south to Wairau River

1998:



Photo 4: Tuamarina Pocket (1998 Wairau River flood event) looking west over Parkes land (Tuamarina Swamp at bottom of photo)



Photo 5: Tuamarina Pocket (1998 Wairau River flood event) looking south (Tuamarina Swamp at bottom left of photo)

Recommendation 1: Level 4 Flood Hazard Overlay (as applies to all submitters properties)

153. The existing Level 4 Flood Hazard Area Overlay in the PMEP applying to the Tuamarina Pocket should remain, but subject to a slight revision on the western extent to match the surrounding river protection work heights (i.e. 9.5m AMSL) as shown in Figure 15.

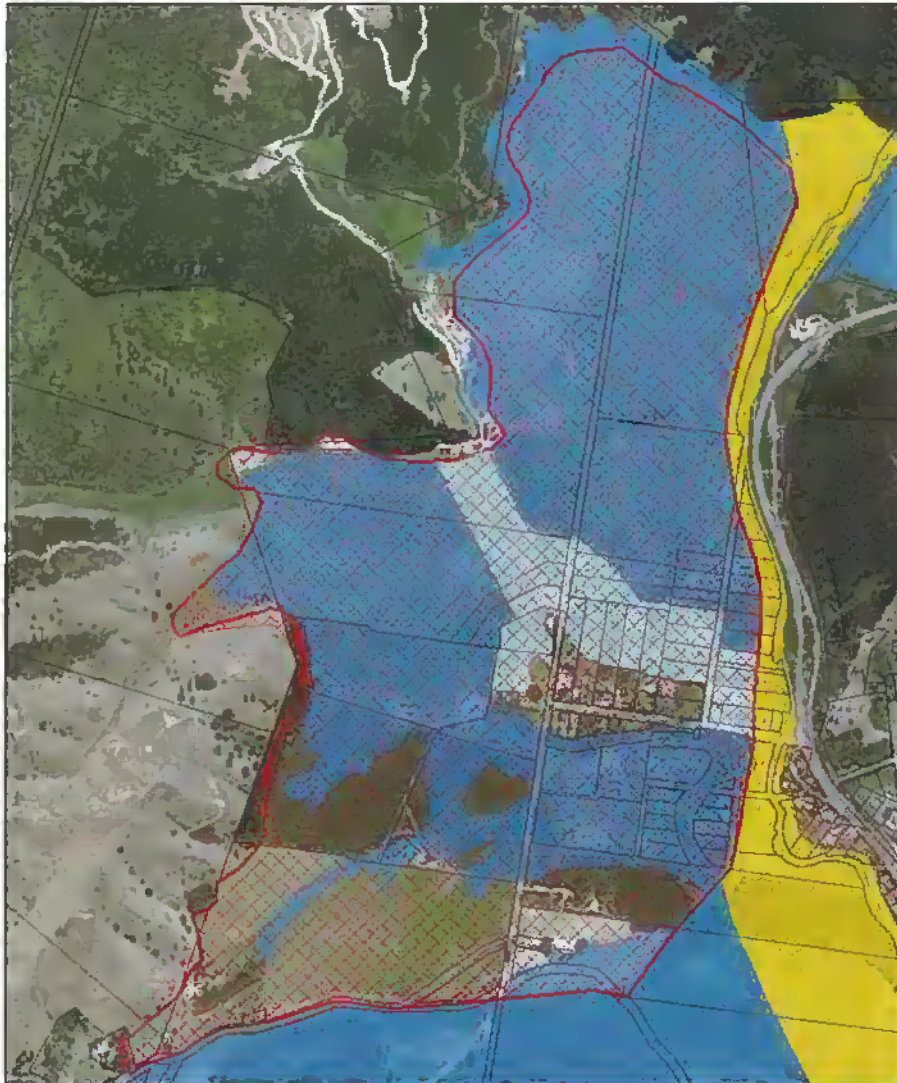


Fig 15: Amended Level 4 Flood Hazard for Tuamarina Pocket (light red cross hatch = existing PMEP Level 4 Flood Hazard Overlay, dark red outlined area = amended Level 4 Flood Hazard Overlay)

Level 1 & 2 Flood Hazard Overlays

Recommendation 2:

154. **Rebecca Light:**

155. Accept Submission in part.

156. An amended Level 2 Flood Hazard area should apply to the property, with a reduction in Flood Hazard to Level 1 around the western, northern and southern sides of the house. Note, the house site and land to the immediate north and east is now not affected by Level 1 or Level 2 Flood Hazard - refer **Figure 17**.

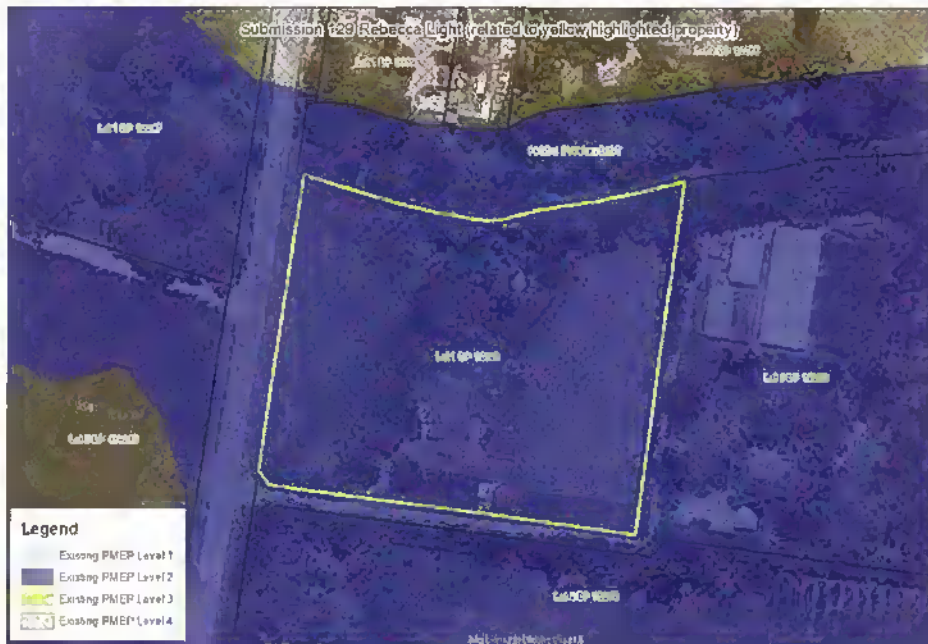


Fig 16: PMEP Level 2 Flood Hazard Overlay - Light



Fig 17: Amended PMEP Level 2 Flood Hazard Overlay - Light

Recommendation 3:

157. Dion and Rosalind Mundy:

158. Accept Submission in part.

159. A reduced Level 2 Flood Hazard area should apply. A reduction to Level 1 Flood Hazard around the house site and part of the access is warranted due to its slight rise in elevation - refer Figure 19.



Fig 18: PMEP Level 2 Flood Hazard Overlay - Mundy

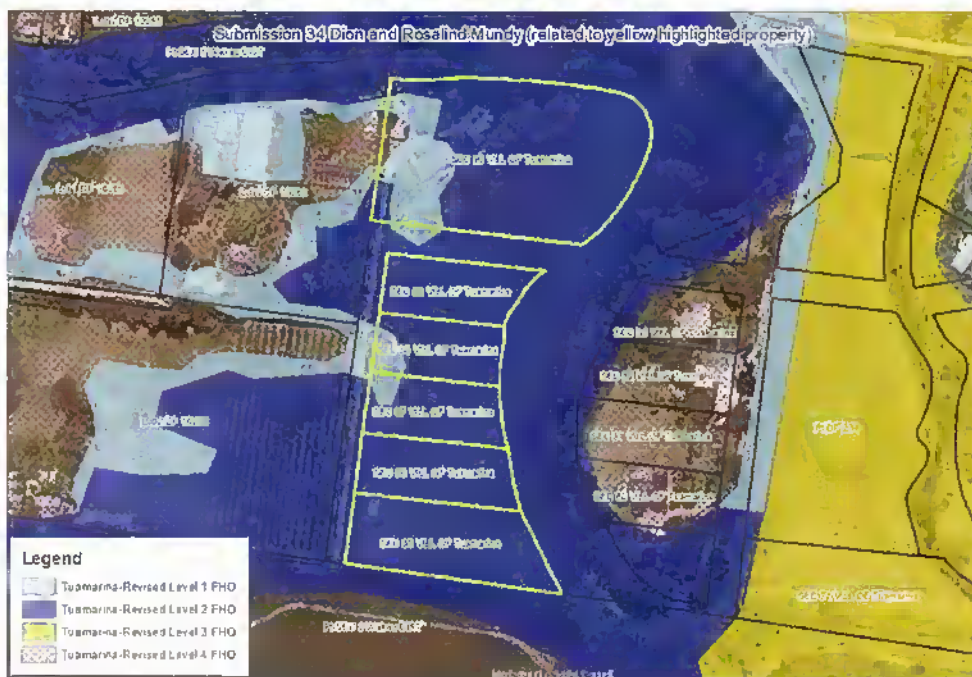


Fig 19: Amended PMEP Level 2 Flood Hazard Overlay - Mundy

Recommendation 4:

160. **Anna Tyson:**

161. Accept Submission in part.

162. A reduced Level 2 Flood Hazard area should apply. A reduction to Level 1 around the wider areas of the house site and farm sheds is warranted. The house site, lawns and farm sheds are now clear of Level 1 & 2 Flood Hazard due to a slight rise in elevation - refer Figure 21.

163. A reduced Level 4 Flood Hazard area should apply to the western boundary of the property.

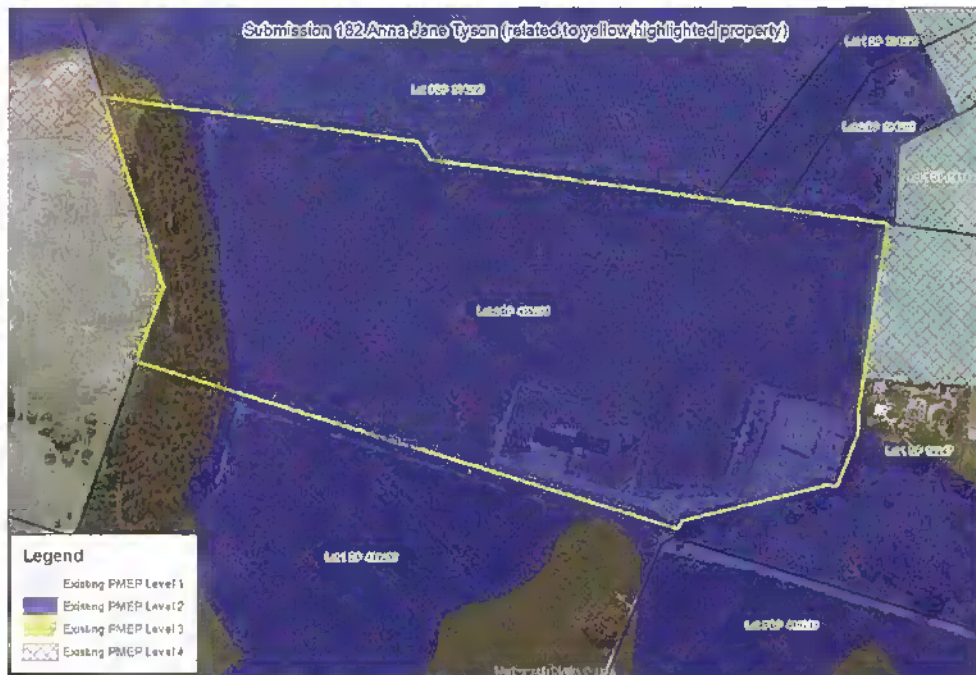


Fig 20: Amended PMEP Level 2 Flood Hazard Overlay - Tyson

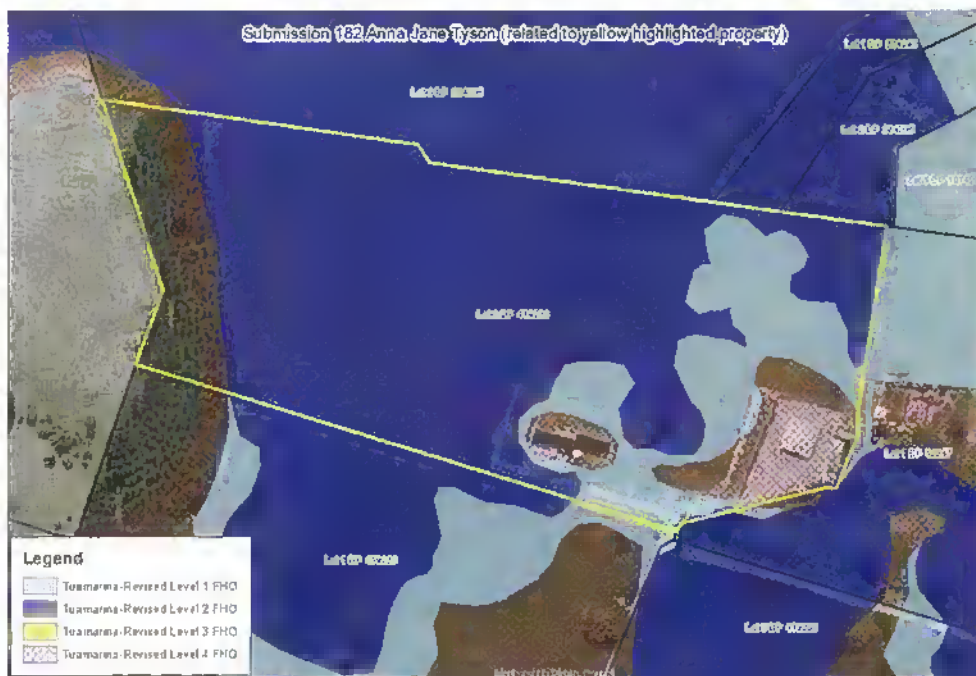


Fig 21: Amended PMEP Level 2 Flood Hazard Overlay - Tyson

Recommendation 5:

164. **Matt Broughan:**

165. Accept Submission in part.

166. A reduced Level 2 Flood Hazard area should apply. A reduction to Level 1 Flood Hazard is warranted to the east of the house site, as is a small area to the north-east of the property due to the slight rise in elevation in these areas - refer Fig 23.



Fig 22: PMEP Level 2 Flood Hazard Overlay - M Broughan

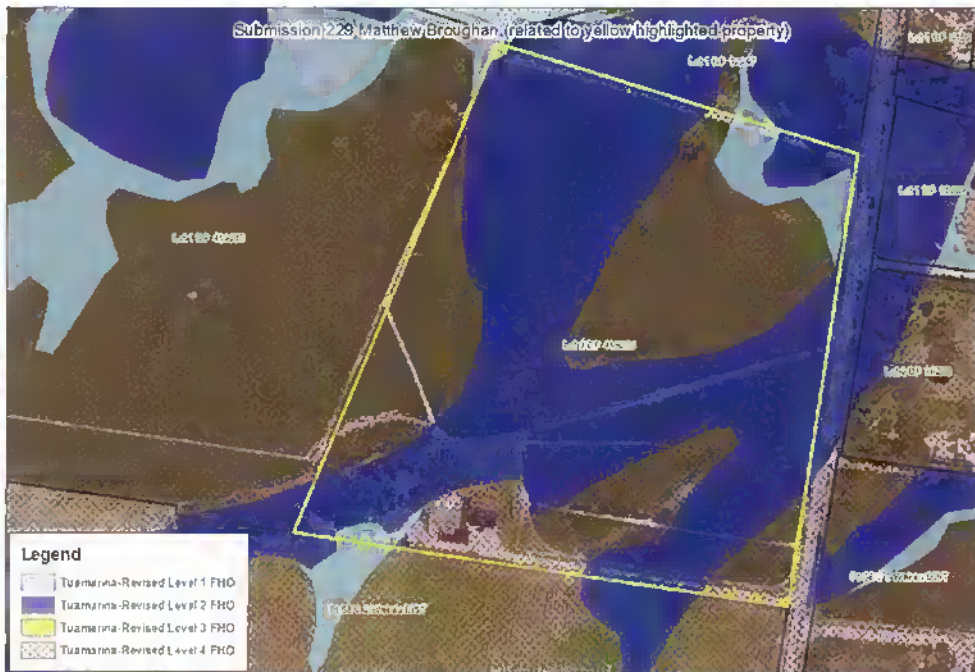


Fig 23: Amended PMEP Level 2 Flood Hazard Overlay - M Broughan

Recommendation 6:

167. **Jack Broughan:**

168. Accept Submission in part.

169. A reduced Level 2 Flood Hazard area should apply. A reduction to Level 1 Flood Hazard is warranted to the north of the property due to its slight rise in elevation. A small section of land alongside the Kaituna-Tuamarina Road is now not affected by Level 1 & 2 Flood Hazard due to its slight rise in elevation - refer Figure 25.

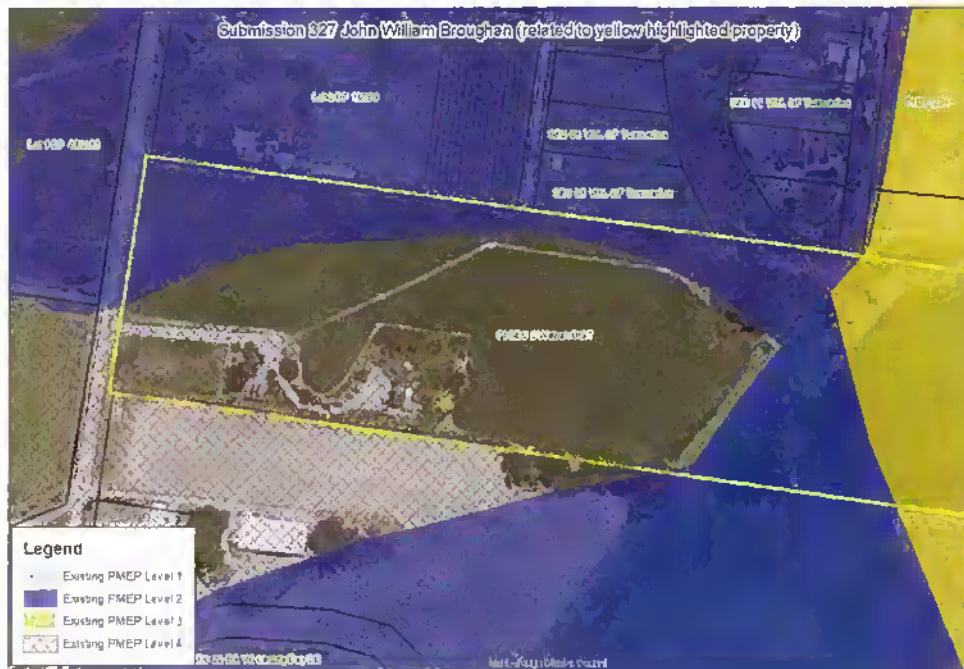


Fig 24: PMEP Level 2 Flood Hazard Overlay - J Broughan



Fig 25: Amended PMEP Level 2 Flood Hazard Overlay - J Broughan

Recommendation 7:

170. **Stephen Butler:**

171. Accept Submission in part

172. A reduced Level 2 Flood Hazard area should apply. A reduction to Level 1 Flood Hazard is warranted to the north and south of the property. The existing house and gardens are now not affected by Level 1 or 2 Flood Hazard due to a slight rise in elevation in these areas - refer **Figure 27**.



Fig 26: PMEP Level 2 Flood Hazard Overlay - Butler

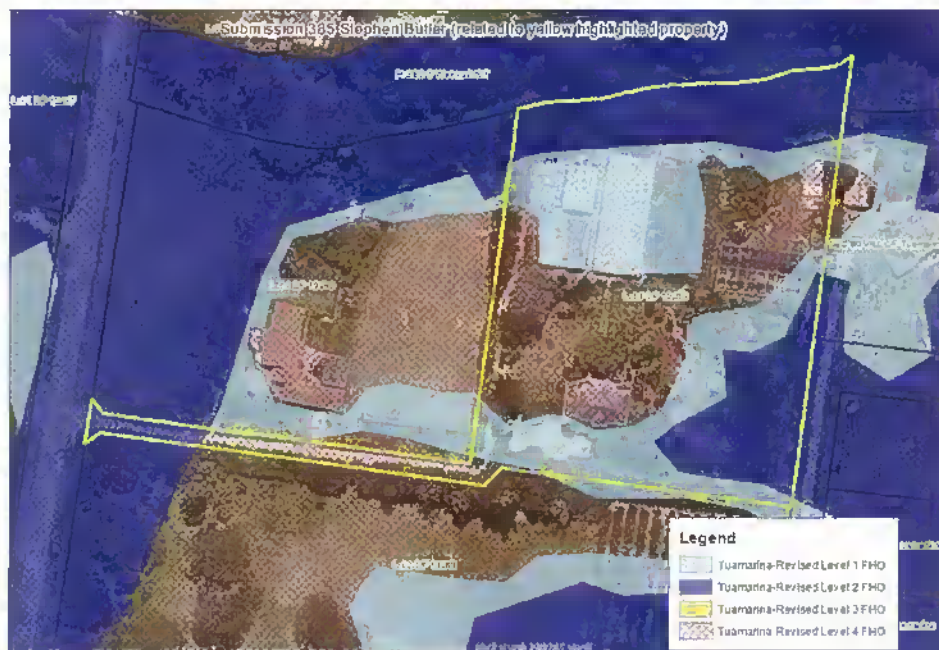


Fig 27: Amended PMEP Level 2 Flood Hazard Overlay - Butler

Recommendation 8:

173. Rodney Parkes (Windermere Forest Limited)

174. Reject Submission

175. The land should remain in Level 2 Flood Hazard as shown in Figure 28.

176. The land should also remain in Level 3 & 4 Flood Hazard Area Overlay as shown in Figure 28.

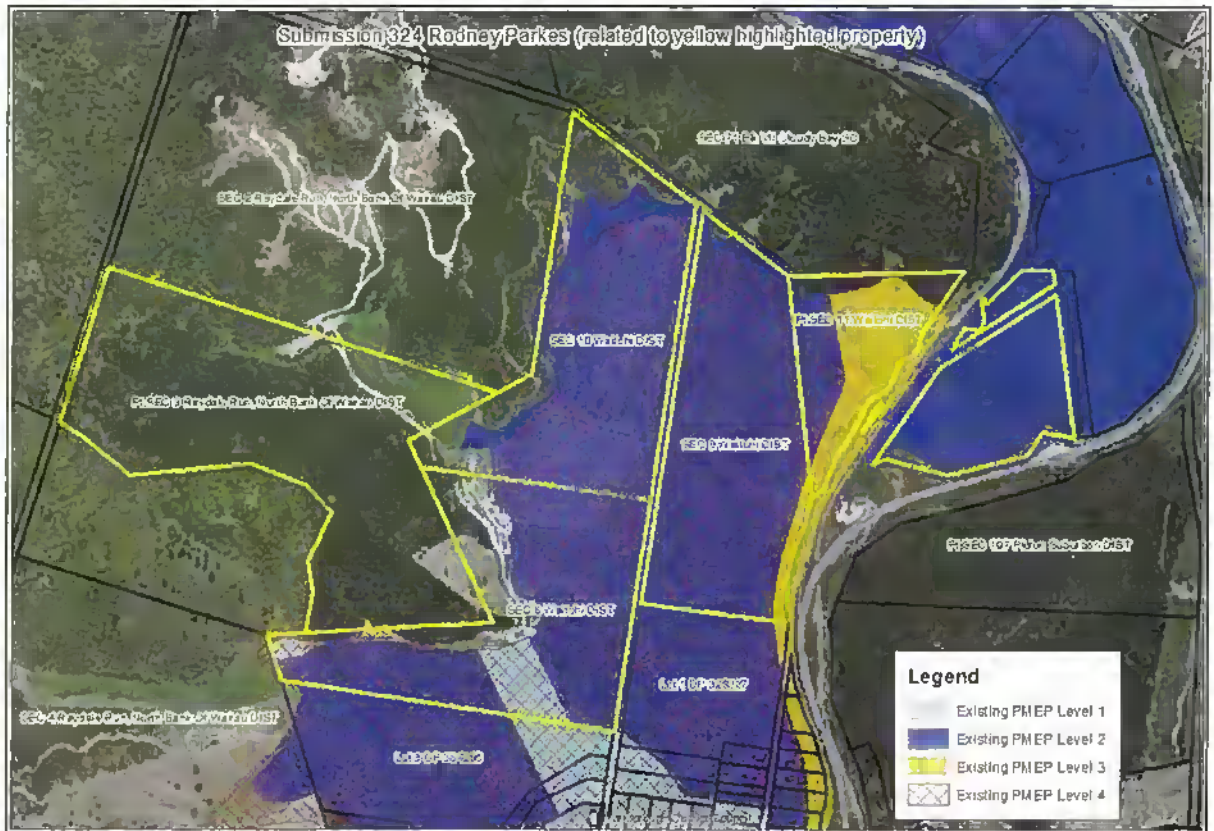


Fig 28 - Flood Hazard Overlay for Tuamarina Pocket (R Parkes)

Flood Hazard Area 28

Matter 8: Northbank - Peter Bown (277.7) & Spencer & Susan White (93.11 & 93.15)

177. Two submissions were received.
178. The submitters were concerned with the extent of the Level 2 Flood Hazard Overlay shown in the PMEP as it applied to their lands.
179. The Bowns farm drystock and sheep above and below Northbank Road at Cat Creek Road. The lower terraces below the road run down to the Wairau River.
180. Timms Creek flows through the Bown's property as do several tributaries that feed into Timms Creek.
181. The Whites operate a dairy farm operation at Te Rou Road. Part of the property is situated below Northbank Road.
182. The Whites also farm Powells Island which sits in the middle of the Wairau Floodway Zone and queried what restrictions would be placed on farming practices on the land covered by Flood Hazard Overlays going forward.
183. One submitter (White) raised concerns with the extent of the Level 3 Flood Hazard on a section of their land.

Relief Sought:

184. **Peter Bown** - Review and reclassify some of the Levels 2 & 3 Flood Hazard Overlay areas on the property.
185. **Spencer & Susan White** - want clarification that they retain the right to undertake farming practices and installation of fences, irrigation lines, water troughs and buildings on land affected by Level 2 & Level 3 Flood Hazard Overlays. The submitter farms Powell's Island located in the Wairau River and also wanted clarification around rights to continue farming on the island going forward.

Technical Assessment:

186. Laddie Kuta's review of Level 2 Flood Hazard Area Overlay follows. Essentially this was a technical review of the original extent of the Overlays in the PMEP. Where appropriate, extent of Overlay has been amended.
187. For completeness, Laddie Kuta has outlined the "assessment tools" he used, his Assessment, and his Recommendations as follows:

Assessment Tools:

- Council Dekho - PMEP Further Information Layer - Flood Hazard Layer
- Council Dekho PMEP Flood Hazard Layer
- PMEP Flood Hazard Layer Map
- Council historical photos
- Council historical river gauge data
- Site visit on 7 March 2018 (Gavin Cooper, Laddie Kuta)

Assessment:

188. The site visit provided a better understanding of the topography. The geological makeup of the substratum is alluvial and the river could induce erosion and new flow paths during an extreme flood event.
189. Both submitters properties suffer flood hazard from the Wairau River and Timms Creek.

190. The degree of flood hazard has been lessened by historic flood control works that have been undertaken by Council from 1960 to 1994 and at times by the landowner. However, Council (since 1994) does not have responsibility for building or maintaining river works in the area (the area is outside of the Wairau Flood Protection Scheme). There is no guarantee of maintenance of these river control works into the future or building of new river works should they be required.
191. The Whites also farm Powells Island, which sits in the middle of the Wairau Floodway and as such is subject to erosion and geomorphologic change induced by large flood events.

Recommendations:

192. Reject Submissions from Bown (ref 277.7) and White (93.11 & 93.15)
193. The Level 2 & 3 Flood Hazard Area Overlays proposed in the PMEP for the properties related to Submission 277 and 93 should remain as currently mapped in the PMEP (refer **Figure 29**).

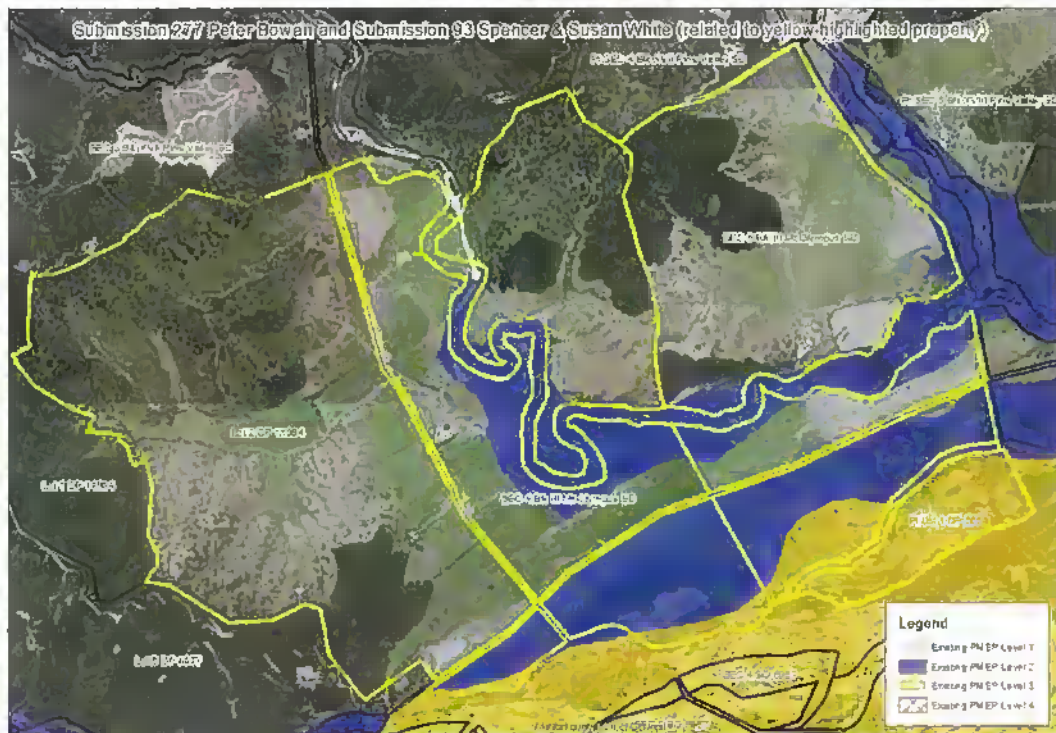


Fig 29: PMEP Flood Hazard Overlay - Bown & White

Matter 9: Wairau Valley - KJ, JS & JA Timms (475.2) & Pieter Wilhelmus & Ormond Aquaculture Limited (1035.4)

194. Two submissions were received and reviewed.
195. **KJ, JS & JA Timms** - The submitters family has a long association with the property and area and was concerned that the areas shown as flood hazard areas with respect to the Timms property do not accurately reflect true flood hazard risks on the property and adjoining land.
196. **Pieter Wilhelmus & Ormond Aquaculture Limited** - The submitter has a long established aquaculture farm, located on leased land. The operation is situated on the top terrace, accessed off Keith Coleman Lane. As it stands at present, some of the submitters operation is covered with a Flood Hazard 2 & 3 Overlays.

Relief Sought:

197. **KJ, JS & JA Timms** - That the boundaries of the Levels 2 & 3 Flood Hazard Area be re-assessed to more accurately depict flood hazard areas on their land and in the general vicinity.
198. **Pieter Wilhelmus & Ormond Aquaculture Limited** - Requested that the Flood Hazard extent with respect to the submitters property be re-assessed.

Technical Assessment:

199. Laddie Kuta's review of Level 2 and Level 3 Flood Hazard Area Overlays follows. Essentially this was a technical review of the original extent of the Overlays in the PMEP. Where appropriate, extent of Overlay has been amended.
200. For completeness, Laddie Kuta has outlined the "assessment tools" he used, his Assessment, and his Recommendations as follows:

Assessment Tools:

- WARMP Flood Hazard Layer
- Council Dekho - PMEP Further Information Layer - Flood Hazard Layer
- Council Dekho PMEP Flood Hazard Layer
- PMEP Flood Hazard Layer Map
- Council historical photos
- Council historical river gauge data
- Council 2011 LiDAR survey
- Drone footage of local flooding on 21 February 2018
- Site visit on 14/03/2018 (Gavin Cooper, Laddie Kuta)

Assessment:

201. A site visit on 14/03/2018 provided a better understanding of the topography.
202. Further investigation of the 2011 LiDAR quantified the extent of raised and low-lying land across the whole of the property.
203. The recent event on 21/02/2018 was a significant runoff event for the area and revealed a better understanding of overland flow paths.
204. A natural terrace exists on the north-western edge of the property, which is an obvious divide of the Level 2 and Level 3 Flood Hazard Areas and therefore the Flood Hazard Overlays should be revised to reflect this.
205. The property has been in single ownership for several generations and water breaching from the lower terrace on the northwestern edge of the property to the next raised terrace has never been witnessed.

206. Historical flood photos do not support the current PMEP Level 2 and Level 3 Flood Hazard Overlay Interface alignment along the north-west boundary of the property.
207. Recent drone coverage along the southern end of the property east to Keith Coleman Lane has confirmed that most of the current PMEP Level 2 Flood Hazard area can be reduced to Level 1.
208. The leased section of the property (Wilhelmus & Ormond) located to the northeast corner of the Timms block also has a raised section of land along the true-right bank of Mill Stream that runs through the lower terrace, which is also an obvious divide between the Levels 2 & 3 Flood Hazard.

Recommendations:

209. Accept the Submission in Part.
210. The Level 1, Level 2, and Level 3 Flood Hazard Overlays throughout the property should be amended to reflect the actual overland flow paths and terrace formation. These changes are illustrated in **Figure 31**.
211. Specifically:
 - a reduction from Level 3 to Level 2 Flood Hazard is warranted at the north-west end of the property - refer **Figure 31**
 - a reduction in a section of the Level 2 Flood Hazard to Level 1 at mid property east to Keith Coleman Lane is also warranted - refer **Figure 31**.

Note: Any further amendment to this revised PMEP proposed Flood Hazard Overlay would require additional detailed evidence to be provided and analysed.

(Flood Hazard Overlay Maps overleaf)

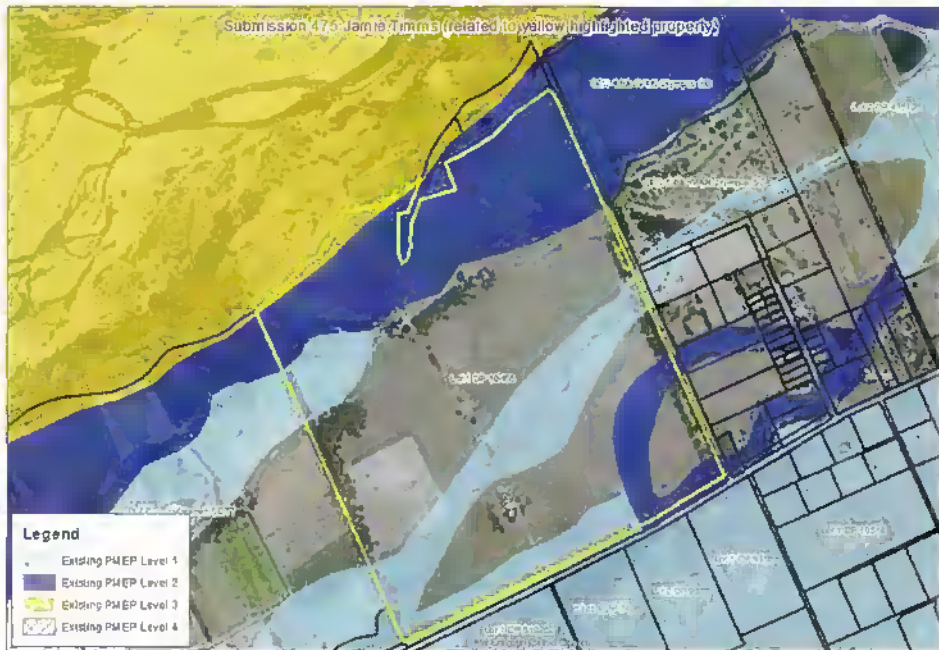


Fig 30: PMEP Level 1, 2 & 3 Flood Hazard Overlay - Timms, Wilhelmus & Ormond

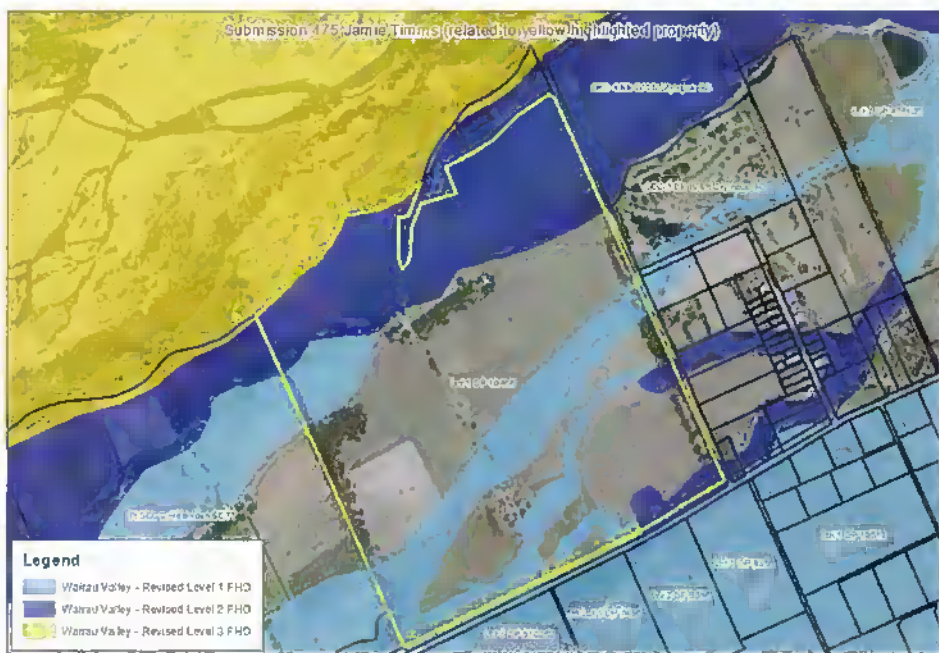


Fig 31: Amended PMEP Level 1, 2 & 3 Flood Hazard Overlay - Timms, Wilhelmus & Ormond

Flood Hazard Area 33

Matter 10: Riverlands (Cob Cottage Road) Timon Henric Smit and Franziska van Bruggen-Smit as trustees of the Tim and Franzi Trust (353.1)

212. One submission was received.

213. The submitter was concerned with the blanket Level 2 Flood Hazard Overlay over the whole property and considered that the overlay did not appear to take into account the difference in levels across the property. The submitter also pointed out that the newly built dwelling and other structures have been constructed on high ground which will not, or is less likely to, be flooded.

Relief Sought:

214. Submitter requested that Council supply details about how the different Flood Hazard Overlays were determined, have these reviewed and amended where appropriate on the submitter's property at 65 Cob Cottage Road.

Technical Assessment:

215. Laddie Kuta's review of the Level 2 Flood Hazard Area Overlay follows. Essentially this was a technical assessment of the original extent of the Overlays in the PMEP. Where appropriate, extent of Overlay has been amended.

216. For completeness, Laddie Kuta has outlined the "assessment tools" he used, his Assessment, and his Recommendations as follows:

Assessment Tools:

- WARMP Flood Hazard Layer
- Council Dekho - PMEP Further Information Layer - Flood Hazard Layer
- Council Dekho PMEP Flood Hazard Layer
- PMEP Flood Hazard Layer Map
- Council historical photos (August 2008)
- Council historical surveyed flood level
- Council 2011 LiDAR survey
- Council 2016 LiDAR survey (vertical accuracy +/- 60mm)
- Site visit on 14/03/2018 (Gavin Cooper, Laddie Kuta)

Assessment:

217. A site visit on 14/03/2018 provided a better understanding of the topography.

218. Further investigation of the 2011 & 2016 LiDAR quantified the extent of raised and low-lying land across the whole of the property.

219. A flood photo taken during the August 2008 event revealed the extent of ponded water levels on the property.

220. An August 2008 flood level of 1.55m AMSL was estimated within the property using the photo from August 2008 (photo 6 overleaf) and the 2011 LiDAR topographic survey.

221. A depth reduction of 150mm was applied to the estimated flood level to further relax the Level 2 Flood Hazard to account for shallow flooding^a.

222. The 2016 LiDAR data set was used with a flood level of 1.40m MSL to refine the Levels 1 and Level 2 Flood Hazard Overlays as illustrated in **Figure 33**.

^a 150mm is a minimum floor level requirement described in NZBC Clause E1.



Photo 6: Flooding during August 2008 event, 65 Cob Cottage Road

(Recommendations overleaf)

Recommendations:

- 223. Accept Submission in part
- 224. It is recommended the Level 1 and Level 2 Flood Hazard Overlay be amended as illustrated at **Figure 33**. The house site, equestrian field and stables area revert to Level 1 Flood Hazard due to the slight rise in elevation across the site.
- 225. To further amend this revised PMEP Flood Hazard Area Overlay additional detailed evidence would need to be provided and analysed.

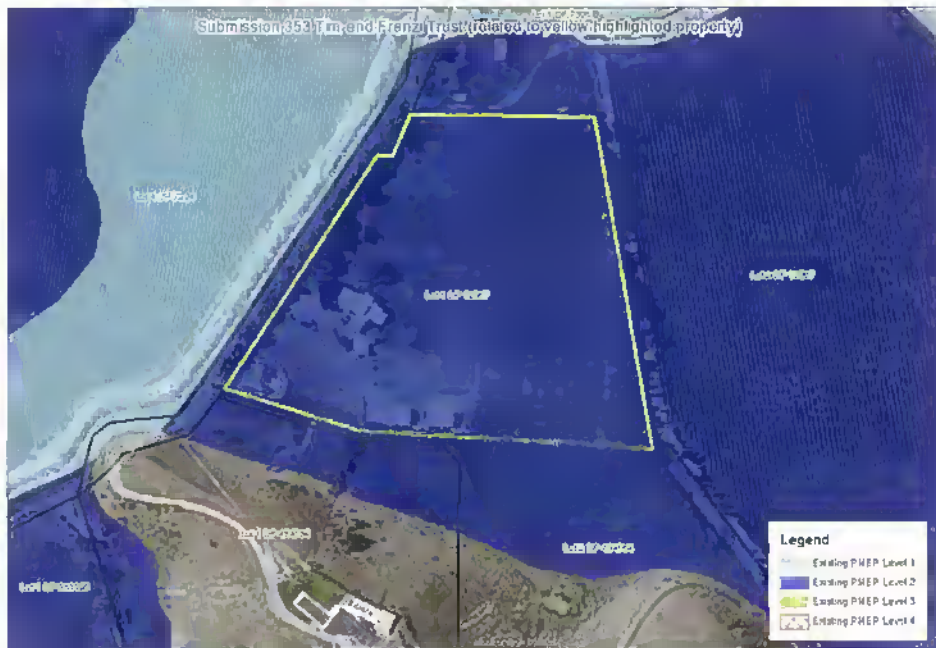


Fig 32: PMEP Level 1 & 2 Franz Trust



Fig 33: Amended PMEP Level 1 & 2 Franz Trust

Matter 11: Submitter - Burton Planning Consultants on behalf of Z Energy Limited, BP Oil Limited & Mobil Oil NZ Limited ("The Oil Companies") (1004.110) and Federated Farmers (425.780)

226. Two submissions were received from corporate organisations/ professional bodies.

227. **Burton Planning Consultants on behalf of Z Energy Limited, BP Oil Limited & Mobil Oil NZ Limited ("The Oil Companies")** - On 19 February 2018, Burton Consultant representative (the submitters agent) confirmed in telephone conversation with Gavin Cooper that the "Oil Companies" submission supported the Flood Hazard Overlay Policies and Objectives.

Relief Sought:

228. Nil sought.

Recommendation:

229. n/a.

230. **Federated Farmers (425.780)** - general comments on appropriateness of Flood Hazard Area Maps

Relief Sought:

231. That the Flood Hazard Area Maps be removed from the PMEP until new mapping is completed that more accurately represents current flood risk

Technical Assessment:

232. The Flood Hazard Area Maps identify known flood areas or low lying areas susceptible to flooding.

233. Many of the areas identified in the PMEP were generally identified in the operative WARMP and MSRMP. As further information has come to hand, Council has collated and considered implications from regional and localised flood events in the district and included in the Flood Hazard Area Overlay mapping series contained in Vol 4 of the PMEP.

234. Identification of areas in the Flood Hazard Area Maps contained in the PMEP is based on survey information, 2011, 2014 and 2016 LiDAR investigations, drone footage, recent flood events, photographs and staff experience.

235. It is acknowledged that some of the land in outlying valleys suffer from a lack of data, but the Policy direction in the PMEP still recommends a conservative approach to risk be taken. This position makes practical sense and is reconfirmed by the national hierarchy status afforded to "natural hazards" in the RMA.

236. To remove the Maps would not be sensible.

Recommendation:

237. Reject the Submission.

General Submissions on the Floodway Zone

238. We have reviewed all of the submissions we consider are related to the General Floodway Zone provisions topic. We consider there are 6 submissions which require Engineering input.

239. The Submitters are:

1. **Zoning Map 14** - Timberlink New Zealand Limited (460.2)
2. **Zoning Map 19** - Gerard Verkaaik (158.19)
3. **Zoning Map 34** - Michael Patrick Limited (434.1)
4. **Zoning Map 149** - CG & WA Tozer (319.4)
5. **Zoning Map 169** - Mark Tschepp & Janet Park (373.1)
6. **Constellation Brands NZ Limited** (631.42)

Key Issues and Assessment

240. We have set out our analysis of the submissions by Zoning Map number and party:

Zoning Map 14:

Matter 1: Submitter - Timberlink New Zealand Limited (460.2)

241. Primary concern from Floodway Zone perspective relates to an area of land located in the Floodway Zone leased by Timberlink from Council (Refer Sec 232 Omaka SD, Map 14).

Relief Sought:

242. The area leased, comprising 4200m² is currently leased to Timberlink with "Type of Activity" specified in the Lease Agreement as "storage of timber and associated uses" (refer indicative area at Figure 35). The area is currently zoned Floodway in both the WARMP and PMEP, but the submitter requests that Council should rezone this land Industrial 2 to reflect current and projected future use.

Technical Assessment:

243. The Lease land is located within the Floodway Zone.

244. The primary purpose of the Floodway Zone is for Floodway Purpose and River Control Works.

245. The 1:100 year event for the Taylor River has been established at 170 cumecs.

246. The hydrograph at **Figure 34** identifies flood flows during two flood events - July and August 2008. The July event recorded 130 cumecs which equates to a 1:40 year event. The July event peaked during the night so no photos are available. Whilst smaller, a photo was taken of the general area during the August 2008 event (refer **photo 7**).

247. **Figure 35** identifies general location of Lease area within the Floodway.

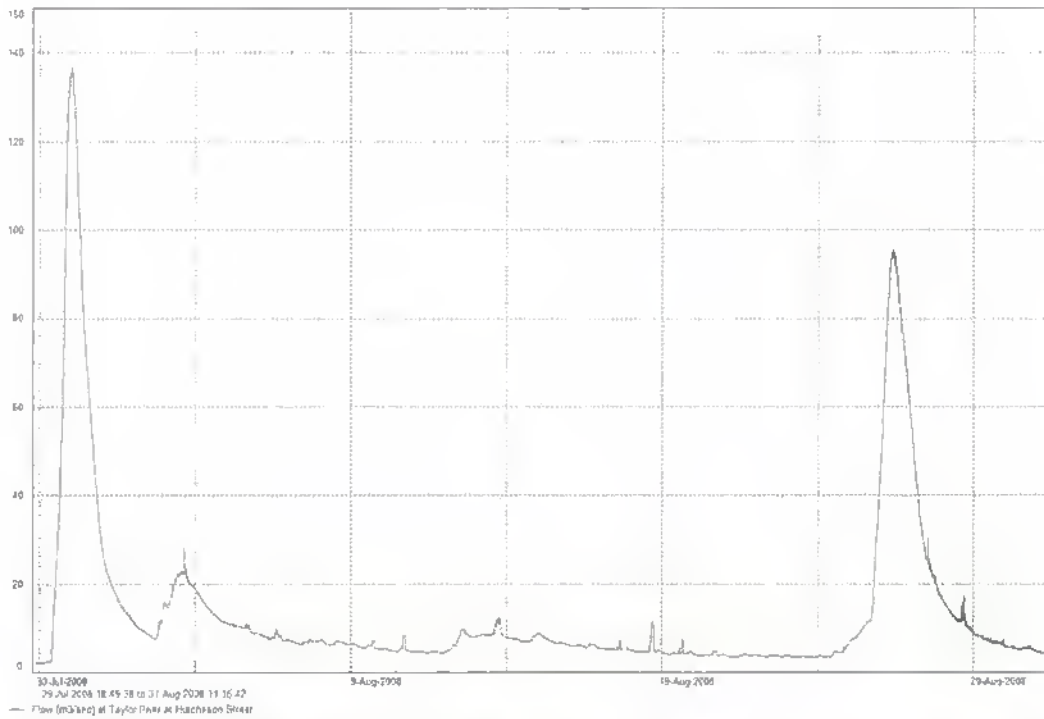


Fig 34: Hydragraph for Taylor River July & August 2008



Photo 7: Flood in Taylor during August 2008 flood event

Recommendations:

248. Reject Submission.

249. Retain Floodway Zoning.

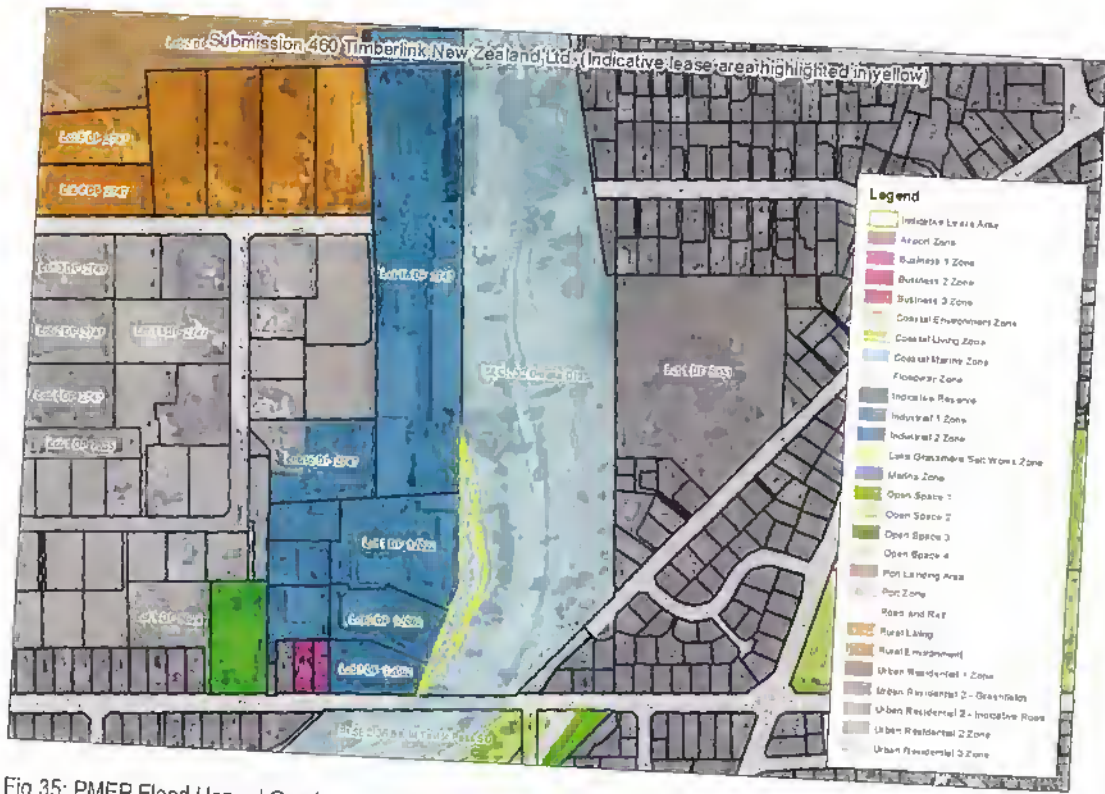


Fig 35: PMEP Flood Hazard Overlay - Timberlink New Zealand Limited

(Intentionally left blank)

Zoning Map 19

Matter 2: Submitter – Gerard Verkaaik

250. Retain RSA Olive Grove and maintain co-operative management approach to ongoing management.

Relief Sought:

251. Retain co-operative approach with MDC, RSA and locals to continue to improve the environment around the Taylor River Floodway and gradually extend recreational areas that traverse the Taylor Pass Reserve.

Recommendations:

252. Submission is noted.

253. Council is very happy with the way the Olive Grove is managed within the Floodway. Under normal situations, there is no need for river works to be undertaken in the olive grove, but obviously the primary reason for the Floodway Zone is "Floodway Purpose and River Control Works". This primary purpose will remain in force.

Notes from conversations attached at **Appendix 2**.

Zoning Map 34

Matter 3: Michael Patrick Limited

254. The submitter owns 8 Market Street.

255. Currently a residence is located on the site.

256. Waitohi Stream borders the eastern side of the property and the Floodway Zone currently extends some distance into the site, well beyond the Level 2 Flood Hazard Overlay extent.

Relief Sought:

257. That the Floodway Zone over part of the property at 8 Market Street, Picton be removed.

Recommendations:

258. Accept Submission.

259. The extent of the Floodway Zone at 8 Market Street was conservatively extended west in the PMEP.

260. Since the channel's top of bank is further to the east it is recommended the Floodway Zone be revised to follow a more accurate alignment of the top of bank as illustrated in **Figure 37**.

261. It is recommended the Floodway Zone and Industrial1 Zone be revised in the PMEP – refer **Figure 37**.

Note: minor amendment reducing extent of Floodway Zone also now applies to 10A Market Street, Picton.



Fig 36: PMEP Floodway Zone (light blue highlight) - Michael Patrick Limited



Fig 37: Amended PMEP Floodway Zone (light blue highlight) - Michael Patrick Limited

Zoning Map 149

Matter 4: Submitter – CG & WA Tozer (319.4)

262. The submitters' primary concern relates to the fact that the Council proposes to zone the land on the inside of the stopbank on their property as Floodway Zone. The land affected apparently equates to 1ha of an 8 ha block.
263. The Floodway Zone was applied to the area to protect the stopbank toe loading works undertaken in 2003.
264. The submitters highlight various rules and restrictions that will apply to their property if the Floodway Zoning is not removed. The submitters confirm that they have a legal agreement with Council controlling the types of activities that can occur within the toe works area on their property.

Relief Sought:

265. Amend the Zoning Maps to remove the Floodway Zone from their property back to the land title boundary to match the designation boundary.

Technical Assessment:

266. Significant and concerning hydraulic piping occurred beneath the designated stopbank near Selmes Road during the peak of the November 1994 flood event.
267. A follow up mitigation project was carried out after the November 1994 event and into the early 2000s which involved toe-loading earthworks over a length of approximately 1km on the landward side of the stopbank.
268. The toe-loading earthworks extended the landward toe of the stopbank approximately 15m to the south - essentially widening the footprint of the stopbank.
269. The PMEP proposed to move the Floodway Zone in this area to the extent of the toe-loading work inside the submitters property; however, since:
- the Level 2 Flood Hazard Overlay applies
 - any work within 8 metres of stopbank requires resource consent approval
 - the submitter has a written agreement with Council for activities permitted ; and
 - the work is completed.
270. The Floodway Zoning requirement has been reviewed and the writers agree with the submitter that the Floodway Zoning can be removed on their property. Zoning should revert to Rural Environment Zone - refer **Figure 39**.
271. For completeness, it is also appropriate for the Floodway Zone to be realigned on the adjacent properties to the west of the submitters property.

(Recommendations overleaf)

Recommendations:

272. Accept the submission.

273. For completeness, the Floodway Zoning should also be removed from the two properties to the west (i.e. Lot 1 & 2 DP 7455).

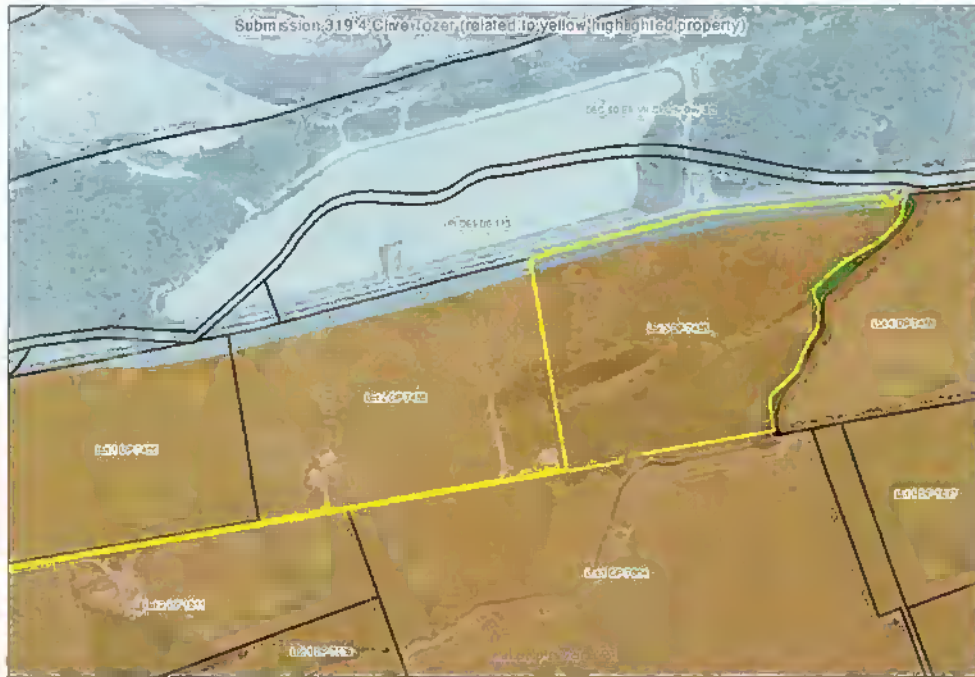


Fig 38: PMEP Floodway Zone - Tozer

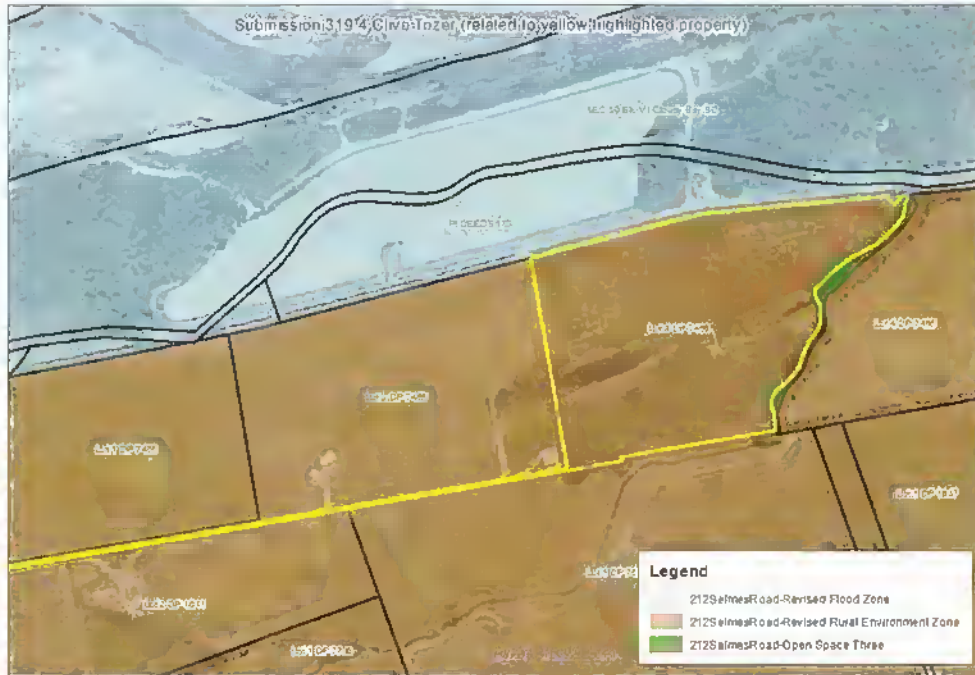


Fig 39: Amended PMEP Floodway Zone - Tozer

Zoning Map 169

Matter 5: Mark Tschepp & Janet Park (373.1)

274. The submitter raised concerns with the Floodway Zoning currently being applied across the western part of his land adjacent to the Waihopai River.
275. The Submitter confirmed that the land in question had been part of successful accretion claim and consent was held to develop a vineyard. The vineyard has been planted (refer U170768).
276. The writers visited the property on 7 March 2018 and walked the affected land with Mark Tschepp.
277. During the site walkover Mark Tschepp confirmed that he had no issue with the Level 2 Flood Hazard Overlay on the western portion of the land remaining. This overlay essentially restricts any structures or buildings being constructed on the land once the PMEP is made operative. Continued access is still available under s330 RMA emergency works provisions in the RMA.
278. Notes are attached at **Appendix 2**.

Relief Sought:

279. Remove the Floodway Zone provision and rezone the affected land Rural Environment Zone.

Technical Assessment:

280. Accretion land on the western side of the property has had earthworks carried out (i.e. minor private stopbank) which mitigates flooding on the accreted section of the property.
281. Since the Level 2 Flood Hazard Overlay still applies and given that some private protection works have been completed (low bund) which partially protects the land it is recommended the Floodway Zone boundary be revised as illustrated in **Figure 41**.
282. Following review of the Floodway Zone requirement we agree with the submitter that the Floodway Zoning can be removed. Zoning should revert to **Rural Environment Zone - refer to Figure 41**. The previously identified Floodway Zone should be reclassified as **Rural Environment Zone**.

(Recommendations overleaf)

Recommendation:

283. Accept the Submission.

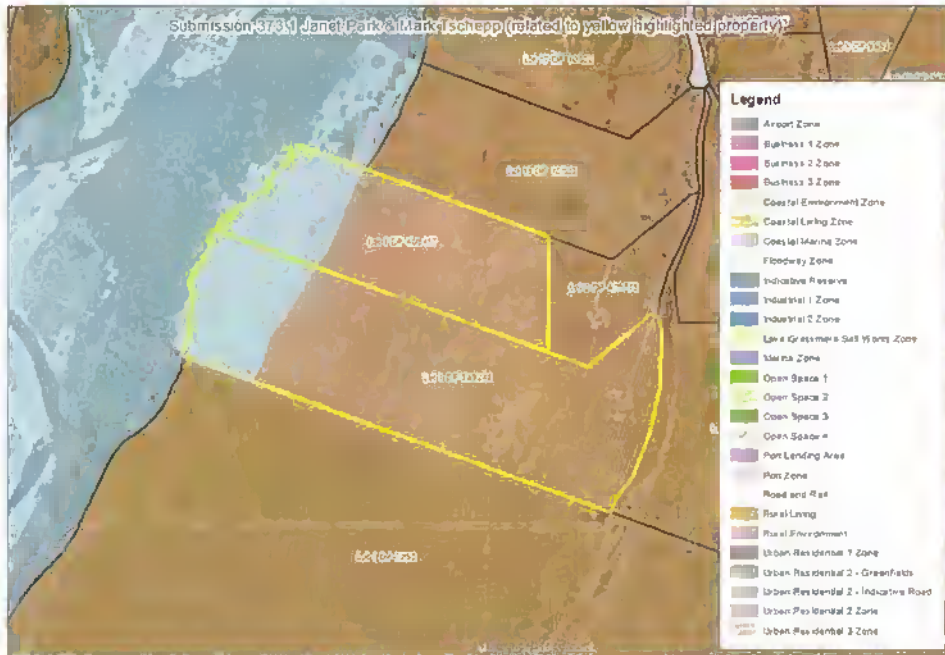


Fig 40: PMEP Floodway Zone - Tschopp & Parkes

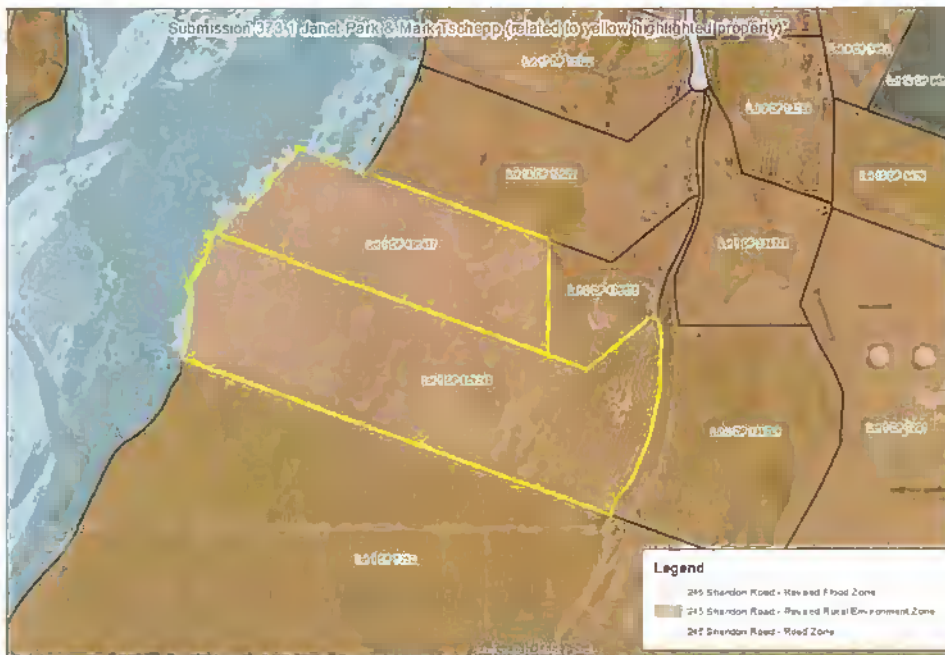


Fig 41: Amended PMEP Floodway Zone - Tschopp & Parkes

Matter 6: Constellation Brands NZ Limited (CBNZ) (631.42)

284. CBNZ supports the rezoning of the Opaoa River Floodway from Conservation Zone under the Wairau/Awatere Resource Management Plan to "Floodway" under the Marlborough Environment Plan (refer maps 158, 159, 160, 169 and 170).

Relief Sought:

285. Nil.

Recommendations:

286. Accept the Submission.

287. MDC Rivers Section notes and appreciates the support from this Submitter. It is important to ensure that the Opaoa is effectively managed as a Floodway.

[Finish]

Appendix 1: Record of Site Visits and other Communications

Flood Hazard Area Overlays - Notes taken by Gavin Cooper following site visits and communications

288. All of the Submitters (and or agents) who raised issues with the Flood Hazard Overlays referred to in this Report were consulted with after the notifications of the PMEP. Where applicable, site visits were undertaken to each of the sites submitted on and submitters or their representatives consulted, either via onsite meetings or via telephone conversations.

Flood Hazard Areas 4 & 6

Matter 1: Clova Bay - Submitters - Groomes (344.1 & 350.1), Offen (151.1 & 151.5) & Harvey (388.1)

289. The writers visited Clova Bay on 21 February 2018. Local landowner and Submitter, Mr Adrian Harvey spent 3.5 hrs outlining his concerns and showing the writers around the valley.

Flood Hazard Area 13

Matter 2: Linkwater - Submitter - Sharon Parkes (339.28)

290. The writers visited Linkwater on 21 February 2018. Local landowner and Submitter, Sharon Parkes spent 1.5 hrs explaining her concerns and showing the writers around her property.

Flood Hazard Area 15

Matter 3: Picton - Submitters - Grant Hutchings (48.1)

291. The writers visited Picton on 21 February 2018. Local landowner and Submitter, Mr Grant Hutchings spent an hour explaining his concerns and showing the writers around his property at 245b Waikawa Road.

Flood Hazard Area 22

Matter 4: Renwick - New Zealand Institute of Surveyors (996.38)

292. Gavin Cooper spoke with Vicki Nalder on 6 April 2018.

Flood Hazard Area 23

Matter 5: Waikakaho Valley - Raeburn Property Partnership (Pat & Mary O'Sullivan) (1084.1)

293. The writers visited the submitters on 7 March 2018.

Matter 6: Wairau Plains - CG and WA Tozer (319.17)

294. The writers visited site with the submitter on 14 March 2018.

Flood Hazard Areas 18 & 24

Matter 7: location - Submitters - Kaituna-Tuamarina Road - Submissions by Rebecca Light (129.1), Matt Broughan (229.1), Jack Brougham, Anna Tyson (182.1), D & R Mundy ((34.1), S Butler (385.1) & R Parkes (324.02)

295. The writers visited the Tuamarina area on 28 February 2018 to meet Rebecca Light and Alan Anderson, Anna Tyson, Jack & Matt Broughan, and Dion & Rosiland Mundy.

296. Gavin Cooper visited Stephen Butler on 5 March 2018.

297. Anna Tyson and Matt and Jack Broughan requested they meet together (family).

298. The writers met Rodney Parkes at Council Offices on 14 March 2018.

Flood Hazard Area 28

Matter 8: Northbank – Peter Bown (277.7) & Spencer & Susan White (93.11 & 93.15)

299. The writers visited the submitters on 7 March 2018.

300. Each submitter was seen individually.

Matter 9: Wairau Valley - KJ, JS & JA Timms (475.2) & Pieter Wilhelmus & Ormond Aquaculture Limited (1035.4)

301. The writers visited the submitters property on 14 March 2018.

302. Pieter Wilhelmus & Ormond Aquaculture Limited were represented by Steve Wilkes, consultant planner.

Flood Hazard Area 33

Matter 10: Riverlands - Timon Henric Smit and Franziska van Bruggen-Smit as trustees of the Tim and Franzi Trust (353.1)

303. The writers visited 65 Cob Cottage Road and met with Tim Smit on 14 March 2018.

Other Submitters

Matter 11: Submitter - Burton Planning Consultants on behalf of Z Energy Limited, BP Oil Limited & Mobil Oil NZ Limited ("The Oil Companies") (1004.110) and Federated Farmers (425.780)

304. Gavin Cooper spoke with Karen Blair from Burtons on 19 February 2018.

305. Gavin Cooper spoke with Sharon Parkes from Federated Farmers on 21 February 2018 about matters in general.

Written Correspondence:

306. Notes taken by Gavin Cooper following site meetings or telephone conversation(s) are included. These notes were circulated to Council Rivers staff and respective submitters for completeness shortly following consultation. In three cases, notes were amended slightly to more accurately reflect discussions onsite.

[encl]

Gavin Cooper <gavin.cooper@xtra.co.nz>

4/3/2018 12:19

PEMP Submission, Clova Bay, Shane Groome

To debandshane@xtra.co.nz Copy laddie.kuta@marlborough.govt.nz •
geoff dick <geoff.dick@marlborough.govt.nz>

Hi Shane and Deb,

I have tried calling several times in the last two weeks but with no success so to follow is an email update instead.

I visited Clova Bay with Laddie Kuta, Consultant Rivers Engineer on 21 Feb 2018. We spoke to Adrian Harvey on site and he showed us that the top section of land adjacent to the road was on a flood terrace and that your dwelling was on this terrace, above what appeared to be the flood breakout channel. We also noted that the terrace is well defined. It was agreed onsite that the Flood Hazard 2 Overlay needed further review by the Rivers Team.

Actions that came out of the site visit and my brief teleconference with Trevor Offen following the visit, are as follows:

1. MDC Rivers Engineers to review extent of Flood Hazard 2 Overlay
2. GDC to convey information to AH, Trevor Offen & Shane Groome, if Council protocols allow.

Give me a call if you have any queries in the interim.

Kind regards

Gavin

027 573 5614

Gavin Cooper <gavin.cooper@xtra.co.nz>

4/3/2018 12:05

File Note - PMEP Submissions - Clova Bay Cottages, Clova Bay Road, RD2 Picton, attn: Trevor Offen

To info@clovacribs.co.nz Copy laddie.kuta@marlborough.govt.nz • geoff dick <geoff.dick@marlborough.govt.nz>

Trevor,

As agreed, my draft notes following our site visit to Clova Bay and recent telephone conversation are attached.

Will be in touch soon.

Kind regards

Gavin Cooper

027 573 5614

- File Note 23 Feb 2018 - Trevor Offen.pdf (242 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Pictou 7250 • Mob: 027 5735614 • Email: gavin.cooper@xtra.co.nz

FILE NOTE

Date: 23 February 2018 @ 1250hrs
Job: Submissions on PMEP
Telecon: Gavin Cooper (GDC) with Trevor Offen (TO) – Clova Bay Cottages
Re: Clova Bay Cottages - Submission to PMEP

1. GDC explained that he had visited site with Laddie Kuta, Rivers Engineer on 21 February 2018.
2. GDC advised that Adrian Harvey showed us around Valley and river terrace noted to east of Valley.
3. GDC advised that the Rivers Engineer was now reviewing situation with a view to amending extent of Flood Hazard 2 overlay in Valley – although GDC did not know what the amendments were likely to be at this stage.
4. GDC said he would supply any revised maps or Rivers' engineering assessment as it came to hand and supply (subject to Council protocol).
5. TO re-iterated that because his site had had expensive engineering review, his Lots had minimum floor levels set and given no significant inundation during November 1994 event ($\geq 517\text{mm}$ rainfall) as referenced in Davidson Partners Ltd 2006 Report (23299), the very worst his properties should be tagged with is Level 1 Flood Hazard.
6. GDC said he would be back in touch asap.

Conversation terminated.

GDC

Gavin Cooper

Notes written 23/2/18 @ 1305hrs

c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer
Trevor Offen, Submitter

Gavin Cooper <gavin.cooper@xtra.co.nz>

4/3/2018 12:01

Site Visit Notes - PMEP Submissions - Adrian Harvey, Clova Bay, Pelorous Sounds

To mountstokes@xtra.co.nz Copy geoff dick <geoff.dick@marlborough.govt.nz> • laddie.kuta@marlborough.govt.nz

Adrian,

As agreed, my draft notes following site visit are attached.

Will be in touch soon.

Kind regards

Gavin Cooper

027 573 5614

- Notes from site visits 22 Feb 2018 - Adrian Harvey.pdf (213 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Picton 7250 ♦ Mob: 027 5735614 ♦ Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 21 February 2018

Job: Submissions on PMP – Site visit by Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitter: Adrian Harvey (AH)

Location: Adrian Harvey's property, Clova Bay

Time: 1430 – 1700hrs

- AH commented that Flood Hazard 2 overlay does not really affect his operation but he did not agree with Council identifying entire area of Valley floor between river and Totaranui Road as being affected.
- Walkover identified that top section of land adjacent to road was on a flood terrace and that the Groome dwelling was on this terrace, above what appeared to be the Flood breakout channel. River terrace is well defined.
- Agreed onsite that the Flood Hazard 2 Overlay needed final review.

Action:

1. LK to review extent of Flood Hazard 2 Overlay.
2. GDC to convey information to AH, Trevor Offen & Shane Groome if Council protocol allows.
3. GDC to contact Trevor Offen & Shane Groome to confirm visit and initial thoughts.

Trevor Offen contacted 23/2 @ 1250hrs.

Shane Groome phoned 23/2 – no answer – followed up with email.



Gavin Cooper

Notes written 22/2/18, finalised 23/2/18

c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer
Adrian Harvey, Submitter

Gavin Cooper <gavin.cooper@xtra.co.nz>

4/3/2018 12:09

Site Visit Notes - PMP Submissions - Sharon Parkes, 888 QC Drive, RD1, Picton

To sip@farmside.co.nz Copy laddie.kuta@marlborough.govt.nz • geoff dick <geoff.dick@marlborough.govt.nz>

Sharon,

As agreed, my notes following site visit are attached.

Will be in touch soon.

Kind regards

Gavin Cooper

027 573 5614

- Notes from site visits 22 Feb 2018 - Sharon Parkes.pdf (260 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Picton 7250 • Mob: 027 5735614 • Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 21 February 2018

Job: Submissions on PMP – Site visit by Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitter: Sharon Parkes (SP) (sip@farmside.co.nz)

Location: 888, RD3, Linkwater

Time: 1100 – 1220hrs

- SP is concerned with extent of Flood Hazard 2 overlay as it applies to top of farm.
- GDC explained that overlay did not stop normal farm practices or operations, but acted as a 'trigger' requiring Resource Consent to ensure any siting of farm building or structure does not compromise known or anticipated flood water levels or paths. Buildings such as hay sheds will still be acceptable in the Zone, but landowners just have to apply for Resource Consent as well as Building Consent going forward.
- Site walkover undertaken.

Action:

1. LK to investigate situation at top of valley and review extent of Flood Hazard 2 Overlay, but bottom of stream will likely remain Flood Hazard 2.
2. GDC to talk to Steve Murrin about floodgate adjacent to bridge at 888 Queen Charlotte Drive – *done 22/2/18*.



Gavin Cooper

Notes written 22/2/18, finalised 23/2/18.

c.c. Geoff Dick, MDC Rivers Engineering Manager
Laddie Kuta, Consultant Rivers Design Engineer
Sharon Parkes, Submitter

Gavin Cooper <gavin.cooper@xtra.co.nz>

4/3/2018 12:22

Site Visit Notes - PMEP Submissions - Grant Hutchings @ 245b Waikawa Road, Picton

To grant@hutchings.co.nz Copy laddie.kuta@marlborough.govt.nz •
geoff dick <geoff.dick@marlborough.govt.nz>

Grant,

As agreed, my notes following site visit are attached.

Will be in touch soon.

Kind regards

Gavin Cooper

027 573 5614

- Notes from site visits 22 Feb 2018 - Grant Hutchings.pdf (261 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Picton 7250 • Mob: 027 5735614 • Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 21 February 2018

Job: Submissions on PMP – Site visit by Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitter: Grant Hutchings (GH)

Location: 245B Waikawa Road, Picton

Time: 0900 – 1000hrs

- GH comfortable with extent of Floodway Zone but concerned about extent of Flood Hazard 2 Overlay across bottom of his property.
- GH mentioned that his Resource Consent (U110435) allowed him to fill land by up to 1 metre on the bottom terrace. The RL's prescribed in Decision were 8.5m to west & 7.5m to east. Confirmed later that day by GDC following detailed review of Council files.
- GH explained that he had applied for Building Consent in November 2017 for first three houses (but not signed off yet) and that houses programmed to be built in 2018.
- Site walkover undertaken.

Action:

1. GDC to check RC U110435 for survey information & land disturbance conditions – *done 22/2/18*
2. GDC to source survey information from U110435 – *done 23/2/18*
3. GDC to liaise with LK/Geoff Dick
4. LK to review extent of Flood Hazard 2 overlay
5. GDC to revert to GH with interim Rivers Section position as soon as modelling completed (e² Engineering Consultants contracted to undertake these works).

GDC

Gavin Cooper

Notes written 22/2/18, finalised 23/2/18

c.c. Geoff Dick, MDC Rivers Engineering Manager
Laddie Kuta, Consultant Rivers Design Engineer
Grant Hutchings, Submitter

Gavin Cooper <gavin.cooper@xtra.co.nz>

14/3/2018 07:07

Site Visit Notes PMEP Flood Hazard Overlay Submissions - Rayburn Property Partnership (P & M O'Sullivan) (7 March 2018)

To patsully@gmail.com Copy geoff dick <geoff.dick@marlborough.govt.nz> • laddie.kuta@marlborough.govt.nz •
laddie.kuta@e2environmental.com

Pat & Mary,

My notes from recent meeting attached.

Regards

Gavin

027 573 5614

- Notes from site visits 7 March 2018 - Rayburn Property Partnership (Pat & Mary OSullivan).pdf (325 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Picton 7250 ♦ Mob: 027 5735614 ♦ Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 7 March 2018

Job: Submissions on PMP – Site visit by Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitters: Rayburn Property Partnership - Pat O'Sullivan (PO) & Mary O'Sullivan (MO) patsully52@gmail.com

Location: 158 Waikakaho Valley

Time: 1030hrs – 1215hrs

- Following general introductions, GDC explained that he and LK were there to listen and more fully understand the submitter's concerns with the Flood Hazard Overlay.
- LK then explained the meaning of Flood Hazard Overlays 1, 2, 3 & 4 as presented in the proposed Marlborough Environment Plan (PMP).
- LK also explained that Flood Hazard Overlays were based on known Flood Level points taken during major events and extrapolated over the valley floor using those points relative to ground contours and the best available data on record.
- PO & MO raised concerns about the extent of the Flood Hazard Overlays on their property and were particularly concerned that the Level 2 Flood Hazard Overlay was not accurate across their property.
- LK said that much of the information was based on limited topographic information for the Waikakaho Valley, but photographs and anecdotal evidence were considered when the Overlay was prepared.
- LK & GDC explained that following submissions from landowners in the vicinity, MDC Rivers Section will take the opportunity to further review the current Flood Hazard Overlay mapping and LK confirmed he would use any additional information available to get a better understanding of flood extent and assess whether the Level 2 Flood Hazard Overlay boundaries could be amended.
- GDC, LK, PO & MO then drove up the valley and stopped at various sites alongside the road to review ground contours.
- LK confirmed that he would do another "check assessment" of the existing Flood Hazard Overlay in the valley and this information would be reviewed by the senior MDC Rivers Engineer and incorporated into report to Council for inclusion in the Planner's formal

s42A Report to the Hearings Commissioners. The Hearings Commissioners would make the final decision for Council.

- During the site visit, discussion centred on the Waikakaho Valley streams cutting in of the banks at several locations following the Fehi & Gita cyclone events, particularly.
- Several large willows were noted in the river and GDC said he would discuss with Geoff Dick to arrange removal if possible.

Action:

1. GDC to circulate notes for meeting.
2. GDC to meet with Geoff Dick to discuss removal of Willows in riverbed and erosion of riverbanks. 11/03/18 – *Simcox agreed to remove Willows in riverbed.*
3. LK to review extent of Level 2 Flood Hazard Overlay.



Gavin Cooper

Notes written 07/03/18, finalised 11/03/18

c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer (laddie.kuta@e2environmental.com)
P O'Sullivan & M O'Sullivan, Submitters

Gavin Cooper <gavin.cooper@xtra.co.nz>

12/4/2018 07:48

PMEP Submissions - Updated File Note CG & WA Tozer

To Clive & Wendy Tozer <tozer@slingshot.co.nz> Copy geoff dick <geoff.dick@marlborough.govt.nz> - laddie.kuta@marlborough.govt.nz

Clive,

Updated notes attached.

Regards

Gavin

027 5735614

- Notes from site visits 13 March 2018 - CG & WA Tozer UPDATED 11 April 2018.pdf (270 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Picton 7250 ♦ Mob: 027 5735614 ♦ Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 13 March 2018

Job: Submissions on PMEP – Site visit by Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitters: CG Tozer (CT) & WA Tozer (WT)

Location: 212 Selmes Road, Rapaura

Time: 1330hrs – 1445hrs

- Following general introductions, GDC explained that he and LK were there to listen and more fully understand the submitter's concerns with the Flood Hazard Overlay mapping.
- LK then briefly explained the meaning of Flood Hazard Overlays 1, 2, 3 & 4 as presented in the proposed Marlborough Environment Plan (PMEP).
- GDC & LK further explained that Flood Hazard Overlays were based on known flood level points during significant flood events (i.e. 1938, 1983 & 1998 Wairau River Flood events) and extrapolated over the adjacent land using those points relative to ground contours.
- CT raised concerns about the extent of the Flood Hazard Overlay on his property, particularly the Level 2 Flood Hazard Overlay and the unnecessary planning restrictions this potentially placed on his land. CT advised that in his opinion there was several high points on the property and he did not think they deserved Level 2 Flood Hazard Overlay status - at worst, he considered Level 1 should apply. The general wide-scale nature of the Level 4 Flood Hazard Overlay was also a concern to CT and he considered that the new Levels 2 & 4 Overlays created unnecessary uncertainty, restrictions and costs around his current and future land use plans. As an aside, CT was also concerned about the Floodway Zone being in his property adjacent to the stopbank – discussed later.
- CT said that the flooding on the property (ponded Cravens Creek waters) resulted from the culvert floodgate at NE boundary shutting when Wairau River is in flood. This ponding is mainly on the low lying flats on the northern side of the wetlands.
- CT explained that this flooding/ponding can be exacerbated if the floodgate gets jammed open by a log or debris during a Wairau Flood event. It is critical this infrastructure is well maintained and monitored to ensure such malfunctions and blockages are prevented and/or cleared early during freshes and flood events.
- CT then mentioned that during the July 1983 historic Wairau flood peak he witnessed the flood level on the property and noted that the more southern elevated areas were above the ponded waters.
- CT, LK & GDC then walked a section of the property.

- GDC confirmed that the Level 2 Flood Hazard Overlay status on the property meant that when the PMEP was made operative, resource consent would be required before any further buildings or structures could be constructed.
- Responding to CT's query regarding the Level 4 Flood Hazard Overlay, GDC explained that the Level 4 Overlay is essentially a high level residual risk planning tool setting out the Policy direction Council is proposing to take going forward – it is trying to limit intensive development in the area. GDC explained that the Level 4 Flood Hazard Overlay did not trigger any Rules in the PMEP but Policy would be considered for any development under s106 (Subdivisions) and s104 of the RMA (Matters a Consent Authority must have regard to) when assessing a Resource Consent Application.
- GDC explained that following the submissions from CG & WA Tozer, MDC Rivers Section would take the opportunity to further review the current Flood Hazard Overlay mapping and LK mentioned that he would look at the more recent 2014 LIDAR Survey data and with the site visit, get a better understanding of the extent and see if the Level 2 Flood Hazard Overlay boundaries could be amended.
- GDC explained that LK's "check assessment" would be reviewed by the Senior MDC Rivers Engineer and incorporated into a report to Council for inclusion in the Planner's s42A Report to the Hearings Commissioners. The Hearings Commissioners would make the final decision.
- LK and GDC also confirmed that they would discuss the Floodway Zone located to the inside of the stopbank on the Tozers' land with Geoff Dick.
- GDC agreed to supply notes from meeting.

Action:

1. GDC to circulate notes from meeting.
2. LK to review extent of Level 2 Flood Hazard Overlay.
3. LK/GDC to discuss Floodway Zoning implications with Senior MDC Rivers Engineer, Geoff Dick.

GC

Gavin Cooper

Notes written 14/03/18; finalised 16/03/18; updated 11/04/18

c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer (laddie.kuta@e2environmental.com)
CG & WA Tozer, Submitters

Gavin Cooper <gavin.cooper@xtra.co.nz>

7/3/2018 07:24

Site Visit Notes PMEP Submissions - R Light & A Anderson

To becslight@yahoo.co.nz Copy geoff dick <geoff.dick@marlborough.govt.nz> •
laddie.kuta@marlborough.govt.nz • laddie.kuta@e2environmental.com

Alan & Rebecca,

My notes attached following recent meeting at your property.

Kind regards

Gavin

027 573 5614

-
- Notes from site visits 28 Feb 2018 - Light & Anderson.pdf (394 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Picton 7250 • Mob: 027 5735614 • Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 28 February 2018

Job: Submissions on PMEP – Site visit by Gavin Cooper (GDC) (Planner & Project Co-ordinator) & Laddie Kuta (LK) (Rivers Engineer)

Submitters: R Light (RL) & Alan Anderson (AA)

Location: 13 Kaituna-Tuamarina Road

Time: 1300hrs – 1450hrs

- Following general introductions, GDC explained he and LK were there to listen and more fully understand submitters' concerns with the Flood Hazard mapping.
- LK then explained the meaning of Flood Hazard Overlays 1, 2, 3 & 4 as presented in the Proposed Marlborough Environment Plan (PMEP).
- LK further explained that Flood Hazard Overlays were based on known flood level points during significant flood events (i.e. 1938, 1983 & 1998 Wairau River Flood events) and extrapolated over the Tuamarina Valley floor using those points relative to ground contours.
- RL & AA raised concerns about extent of Flood Hazard Overlays on their property, particularly the Level 2 Flood Hazard Overlay and the unnecessary planning restrictions this placed on individual landowners in the Tuamarina Valley. The general wide scale nature of the Level 4 Flood Hazard Overlay was also a concern.
- LK & GDC explained that following submissions from landowners in the Tuamarina Valley, MDC Rivers' Section had taken the opportunity to further review the current Flood Hazard Overlay mapping and LK confirmed he would also use 2014 LIDAR¹ survey data to get a better understanding of extent and see if the Level 2 Flood Hazard Overlay boundaries could be amended. Generally the Flood Level for 1:50 year event has been determined at 5.75m above Mean Sea Level (MSL) (i.e. land below 5.75m could be flooded in such an event whilst land above 5.75m above MSL should be clear of floodwater).
- GDC explained that LK's check assessment would be reviewed by the Senior MDC Rivers Engineer and incorporated into Report to Council for inclusion in the Planner's

¹ LIDAR – Light Detection and Ranging multi-point survey technique

formal s42A Report to Hearing Commissioners. The Hearing Commissioners would make final Decision for Council.

- Responding to question on timeframes, GDC said Rivers' Technical Report had to be supplied to Council in draft by 6 April 2018 and he understood the Hearing was scheduled for some time during w/c 28 May 2018.
- RL/AA asked several questions, as follows:
 - Has maintenance of pump station network increased over the years? *MDC staff and contractors continue to check pump stations weekly as a matter of course. All pump stations are checked prior to rain warnings and visited daily during rain warning periods or flood event. If concerned, residents can phone Council (24hrs) on 03 5207400.*
 - Are there any options for improving capacity of current drainage pump systems/network? *LK responded that currently pumping system was a rural drainage pump system not an urban stormwater pump station pump outfall system which can cater for 3-4 times as much volume. Later GDC established that the existing pump station had been upgraded² in 2000 to cater for approx. 25,000 l/m (416 l/s) or 22.6mm / 24hrs.*
 - Why was entire area overlaid with Level 4 Flood Hazard? *The Level 4 Flood Hazard Overlay shows extent of land in the Tuamarina Valley that has the potential to suffer flooding of deep, fast flowing water in an extreme flood event that overwhelms stopbanks and other constructed flood protection infrastructure. In this case the 1938 and 1983 Wairau flood events (greater than 1:100 year events) were used to provide useful information to assess flood levels. The Level 4 Flood Hazard is essentially a high level residual risk planning tool setting out the policy direction Council is proposing to take going forward – it is trying to limit intensive development in the area. The Level 4 Flood Hazard Overlay does not trigger any Rules, but Policy would be considered for any development under s106 (Subdivisions) and s104 of the RMA (matters a Consent Authority must have regard to) when assessing a Resource Consent Application.*
 - Did pumps activate between cyclones Fehi (9/02/18) & Gita (20/02/18)? *Yes.*
 - Did pumps activate between Food & Wine Festival (09/02/18) and Cyclone Fehi (20/02/18)? *Yes.*
 - Has formal Hearing Date been set yet? *TBC, but provisionally Hearing set down for w/c 28 May 2018. GDC to discuss with Policy Section staff to see if date can be firmed up.*

Action:

1. GDC to respond to questions.
2. LK to review extent of Level 2 Flood Hazard Overlay.
3. LK to review extent of Level 4 Flood Hazard Overlay.
4. GDC to review whether Level 4 Flood Hazard Overlay triggers any specific Rules restricting development (see above).

² Prior to 2000, pump capacity 17,400 l/m (290 l/s) or 15.2mm / 24hrs.

GAC

Gavin Cooper

Notes written 01/03/18, finalised 04/03/18

c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer (laddie.kuta@e2environmental.com)
R Light & A Anderson, Submitters

Gavin Cooper

From: Gavin Cooper <gavin.cooper@xtra.co.nz>
Sent: Friday, 23 March 2018 7:21 a.m.
To: Dion Mundy
Cc: Geoff Dick-7559; Dion Mundy; Laddie Kuta-7543; Laddie Kuta - external email address; Gerald Hope; Richard Coningham-8672
Subject: RE: Site Visit Notes PMEP Submissions - D & R Mundy (GDC's response to questions from D Mundy)
Attachments: 25506 BC140584 Mundy Shed RF comments to BC.pdf; ATT00001.htm

Dion,

I have reviewed your email; the LIM issued in 2012 and the Building Consent for the shed (ref BC140584, issued September 2012) along with the corresponding information from Roger Fitzgerald and your engineer. Ross Davis at Davidson Group (pertaining to the Building Consent for the farm shed).

I agree the LIM issued in 2012 does refer to the land being Level 1. However, the commentary on the map attached to the LIM confirms that the map is intended to give a broad indication of possible flooding levels. The commentary says that the map should not be relied upon (in isolation) and that specific investigations may be required for any future development. I see that you had engineering input into the farm building in 2014. I also see Roger's comments in his email that he relied on flood photos when he assessed the building consent application for the farm shed and that the water level was *indicative* of what he thought could be expected in a 1:50 year event. For completeness I attach copy of email chain between your engineer, MDC Building and Roger Fitzgerald. This information is available on public file via MDC's website.

As we explained at the meeting, one of the MDC's functions is to gather information, monitor, and keep records of such things as natural hazards in accordance with various pieces of Legislation and it has to present this information to the public via the best possible vehicle. In this case, the Policy, Rules and new Flood Hazard Overlay Maps (Maps) were included in the PMEP.

The Rivers section had input into the Policy in the draft PMEP and as put forward in the PMEP advertised. The Rivers section also supplied the Flood Hazard Overlay Maps. Further information was made available following the 2012 LIM and 2014 building consent when the results of the 2014 LiDAR survey (flown over the Wairau Plain) came to hand.

Regarding your earlier query about insurance implications, I have spoken with MDC's Contract Manager. He confirmed that this is not such an easy question to answer and really comes down to the underwriter's risk appetite. He noted that this risk appetite can and does change and this is reflected in annual changes in premiums.

Regards

Gavin

027 573 5614

On 13 March 2018 at 15:45 Dion Mundy <Dion.Mundy@plantandfood.co.nz> wrote:

Hello, and thank you for your summary and contact details as we had some follow up questions after your visit.

We still would like to better understand the change from the level 1 Flood Hazard Overlay (2012) to level 2 Flood hazard overlay as it applies in the PMEP. After your visit we remembered that we have had a building permit for our hay shed since the LIM and again interacted with the rivers group based on a level 1 risk and the needs we had with building to that requirement.

Therefore we would like to formally request a copy of the draft of the PMEP relating to the flood hazard that was sent to council staff including the rivers group and the responses from the rivers group so that we can see how the feedback of the staff involved in the work in this area consulting on LIM's and building consents was included in the planning for the PMEP. This should allow us to understand when and how the risk has changed and what council staff have suggested should be done to manage that risk. We would like to see these documents well before the submissions so that we have time to seek technical advice for any issues raised in them related to our submission.

We look forward to receiving this information and as much of the other requested information you are able to send that we discussed in a timely manner.

Regards Dion

Dion Mundy

Scientist

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E: dion.mundy@plantandfood.co.nz
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85 Budge Street, Blenheim, 7201, New Zealand

<http://orcid.org/0000-0003-3260-0820>

From: Gavin Cooper [mailto:gavin.cooper@xtra.co.nz]
Sent: Wednesday, 7 March 2018 7:20 a.m.
To: Dion Mundy <Dion.Mundy@plantandfood.co.nz>
Cc: laddie.kuta@marlborough.govt.nz; geoff dick <geoff.dick@marlborough.govt.nz>;
laddie.kuta@e2environmental.com
Subject: Site Visit Notes PMEP Submissions - D & R Mundy

Dion and Rosalind,

My notes attached from recent meeting.

I have arranged to talk to an insurance agent next week about insurance implications for residential units.

Regards

Gavin

027 573 5614

The contents of this e-mail are confidential and may be subject to legal privilege. If you are not the intended recipient you must not use, disseminate, distribute or reproduce all or any part of this e-mail or attachments. If you have received this e-mail in error, please notify the sender and delete all material pertaining to this e-mail. Any opinion or views expressed in this e-mail are those of the individual sender and may not represent those of The New Zealand Institute for Plant and Food Research Limited.

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Project Management Services

P O Box 32, Pictou 7250 • Mob: 027 5735614 • Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 28 February 2018

Job: Submissions on PMP – Site visit by Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitters: Dion Mundy (DM) & Rosalind Mundy (RM)

Location: 31 Kaituna-Tuamarina Road

Time: 1800 – 1920hrs

- Following general introductions, GDC explained he and LK were there to listen and more fully understand submitters' concerns with Flood Hazard mapping.
- LK then explained meaning of Flood Hazard Overlays 1, 2, 3 & 4 as presented in the Proposed Marlborough Environment Plan (PMP).
- LK further explained that Flood Hazard Overlays were based on known flood level points during significant flood events (i.e. 1938, 1983 & 1998 Wairau River Flood events) and extrapolated over the Tuamarina Valley floor using those points relative to ground contours.
- DM & RM were concerned as to why the risk had apparently increased from Level 1 Flood Hazard Overlay (2012) to Level 2 Flood Hazard Overlay as it applies to their property under the PMP. DM & RM produced a LIM from 2012 which identified the land as Level 1 Flood Hazard.
- LK & GDC explained that following submissions from landowners in the Tuamarina Valley, MDC Rivers' Section had taken the opportunity to further review the current Flood Hazard Overlay mapping and LK confirmed he would also use 2014 LIDAR¹ survey data to get a better understanding of extent and see if the Level 2 Flood Hazard Overlay boundaries could be amended. Generally the Flood Level for 1:50 year event has been determined at 5.75m above Mean Sea Level (MSL) (i.e. land below 5.75m could be flooded in such an event whilst land above 5.75m above MSL should be clear of floodwater).
- DM & RM raised concerns with the Level 4 Flood Hazard Overlay mapping provision saying it appeared to be reflecting a different type / level of risk than the Level 1-3 Flood

¹ LIDAR – Light Detection and Ranging multi-point survey technique

Hazard Overlays and to blanket it over the entire valley floor was unnecessary and scaremongering.

- DM noted the family residence was sited on 800mm piles and nearby cottage on 500mm pile foundations.
- DM & RM raised other questions:
 - DM reiterated that he wanted to know why risk had increased and some guidance as to how it might affect their insurance and property going forward. *GDC arranging to see Insurance Agents to discuss.*
 - RM questioned why Level 4 Flood Hazard Overlay was considered more extreme? *The Level 4 Flood Hazard Overlay shows extent of land in the Tuamarina Pocket that has the potential to suffer flooding of deep, fast flowing water in an extreme flood event that overwhelms stopbank and other flood protection infrastructure. In this case, the 1938, 1983 & 1998 Wairau flood events provide useful information to determine flood levels. The Level 4 Flood Hazard Overlay is essentially high level residual risk planning tool setting out policy direction Council is proposing to take going forward to manage flood risk in the valley. The Level 4 Flood Hazard Overlay does not trigger any Rules, but Policy would be considered for any development when assessing a Resource Consent Application.*
 - There has been no serious inundation since they bought in 2013 – why greater risk now? *Council is taking a long term approach to managing flood risk, as required by various pieces of Legislation and the PMEP's planning Policy. Council has applied Flood Hazard 1, 2 & 4 Overlays to land in the Tuamarina Valley on the basis of 1:50 & 1:100 year annual return interval flood events. Council is essentially identifying that it wants to manage flood risk in the Tuamarina Valley more closely.*
 - Did pumps activate between Cyclones Fehi (9/2/18) & Gita (20/2/18)? *Yes.*
 - Is light operating on pump station? *Yes, but probably difficult to see during day light hours given its position – light currently being relocated to a more visible position on Pump Station.*
 - Has maintenance of pump station network increased over years? *MDC staff and contractors continue to check pump stations weekly as a matter of course. All pump stations are checked prior to rain warnings and visited daily during rain warning or flood events. If concerned, residents can phone Council (24hrs) on (03) 5207400.*

Action:

1. GDC to respond to questions raised.
2. LK to review extent of Level 2 Flood Hazard Overlay.
3. LK to review extent of Level 4 Flood Hazard Overlay.

LKBL

Gavin Cooper

Notes written 01/03/18, finalised 03/03/18

c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer (laddie.kuta@e2environmental.com)
D & R Mundy, Submitters

Gavin Cooper <gavin.cooper@xtra.co.nz>

7/3/2018 07:14

Site Visit Notes PMEP Submissions - Tyson & Broughan

To matt@liquidaction.co.nz Copy laddie.kuta@marlborough.govt.nz •
geoff dick <geoff.dick@marlborough.govt.nz> • laddie.kuta@e2environmental.com

Matt,

As agreed, find attached my notes from recent meeting with you, Anna and your father.

I don't have email addresses for Anna or your father. Can you please circulate.

Kind regards

Gavin

027 573 5614

- Notes from site visits 28 Feb 2018 - Tyson & Broughan.pdf (375 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Pictou 7250 • Mob: 027 5735614 • Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 28 February 2018

Job: Submissions on PMP – Site visit by Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitters: Anna Tyson (AT), Jack Broughan (JB), Matt Broughan (MB)

Location: Meeting at 8 Kaituna-Tuamarina Road but submissions relate to 8, 38 & 39 Kaituna-Tuamarina Road

Time: 1600hrs – 1750hrs

- Following general introductions, GDC explained he and LK were there to listen and more fully understand submitters' concerns with the Flood Hazard mapping.
- LK then explained meaning of Flood Hazard Overlays 1, 2, 3 & 4 as presented in the proposed Marlborough Environment Plan (PMP).
- LK also explained that Flood Hazard Overlays were based on known Flood Level points taken during major events (i.e. 1938, 1983 & 1998 Wairau Floods) and extrapolated over the valley floor using those points relative to ground contours.
- LK mentioned that he would now also use 2014 LIDAR (Light Detection and Ranging) survey data to gain better understanding of flood extent and see if Level 2 Flood Hazard Overlay boundaries could be amended.
- Discussion then focussed on the Level 4 Flood Hazard Overlay, with MB clearly making the point that, in his opinion, the extent of that overlay was overly cautious and in effect just added another level of unnecessary bureaucracy and frustration.
- GDC explained that the Council had proposed a Policy direction in the proposed Plan that sought to avoid locating intensive residential (multi-lots), commercial or industrial developments on land subject to a Level 4 flood risk. In effect, this policy was driving for a "status quo" for the Tuamarina Valley floor land – it would likely remain as Rural Lifestyle blocks as it is today¹.
- MB challenged the need for the Level 4 Flood Hazard Overlay to extend right over valley floor, suggesting it would be more appropriate for Level 4 Overlay to basically mirror the

¹ Following further review of the PMP following the meeting, GDC noted that the policy also talked about acceptable risk in relation to density of development and 1Ha is apparently a sufficient size Lot – GDC not sure to date how this determination has been made.

Flood Hazard 2 Overlay. GDC explained that the Flood Hazard 4 Overlay shows extent of land in the Tuamarina Valley that has the potential to suffer flooding in an extreme flood event (i.e. greater than 1:100 year event) that overwhelms stopbanks and other constructed flood protection infrastructure. In this case the 1938 and 1983 Wairau flood events provide useful information. Level 4 Flood Hazard is essentially a high level residual risk planning tool setting out Policy direction Council is proposing to take going forward to manage flood risk in the Tuamarina Valley.

- JB asked what the Rule triggers might be for Level 4 Flood Hazard. GDC explained he did not know if there were any specific Rules to trigger but would find out. *Subsequent to meeting, GDC met with MDC Policy Planners to discuss. Outcome was that no Rules are triggered by Level 4 Flood Hazard Overlay – it is a high level Policy direction from Council that any development requires comprehensive assessment under the Resource Management Act 1991.*
- Several other queries were raised by the submitters:
 - Require confirmation of current controlled activity subdivision size for Rural 4 in Wairau / Awatere Resource Management Plan (WARMP). *GDC determined minimum Lot size for controlled activity subdivision (simplest Consent Application type) was 20ha.*
 - Would any future subdivision or development consent in Level 4 Flood Hazard Overlay area trigger Flood Hazard review? *Yes, it would.*
 - Has pump station been upgraded? *Yes, upgraded in 2000 from pump capable of pumping 17,400 l/m (15.2mm/24hr) to a pump capable of pumping up to 25,000 l/m (416 l/s) or 22.6mm/24hrs. No further upgrades scheduled.*
 - Is pump station light working? *Yes, but probably a bit hard to see during day light hours given its position –light currently being relocated to a more visible position.*
 - Is pump working? *Yes, operated right through period of cyclones Fehi & Gita.*

Action:

1. GDC to respond to questions.
2. GDC to circulate notes from meeting.
3. LK to review extent of Level 2 Flood Hazard Overlay.
4. GDC to investigate and respond to enquiry about whether there are any Rules that automatically trigger need for Resource Consent Application for Level 4 Flood Hazard Overlay.

GDC

Gavin Cooper

Notes written 01/03/18, finalised 04/03/18

c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer (laddie.kuta@e2environmental.com)
A Tyson, J Broughan, M Broughan; Submitters

Gavin Cooper <gavin.cooper@xtra.co.nz>

14/3/2018 07:09

Fwd: Site Visit Notes PMP Submissions - S Butler (7 March 2018)

To butlernursery@xtra.co.nz

Hi Stephen,

Email resent - I typed incorrect address first time.

Regards

Gavin

027 573 5614

----- Original Message -----

From: Gavin Cooper <gavin.cooper@xtra.co.nz>

To: butlernursery@xtra.co.nz

Cc: geoff.dick@marlborough.govt.nz, laddie.kuta@marlborough.govt.nz,

laddie.kuta@e2environmental.com

Date: 14 March 2018 at 06:57

Subject: Site Visit Notes PMP Submissions - S Butler (7 March 2018)

Hi Stephen,

My notes from meeting attached.

Regards

Gavin

027 573 5614

- Notes from site visits 5 March 2018 - Stephen Butler.pdf (280 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Pictou 7250 • Mob: 027 5735614 • Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 5 March 2018

Job: Submissions on PMP – Site visit by Gavin Cooper (GDC) (Planner)

Submitters: Stephen Butler (SB)

Location: 15 Kaituna-Tuamarina Road

Time: 0900hrs – 1015hrs

- Following general introductions, GDC explained that he was there to listen and more fully understand the submitter's concerns with the Flood Hazard mapping.
- GDC then explained the meaning of Flood Hazard Overlays 1, 2, 3 & 4 as presented in the Proposed Marlborough Environment Plan (PMP).
- GDC further explained that Flood Hazard Overlays were based on known flood level points during significant flood events (i.e. 1938, 1983 & 1998 Wairau River Flood events) and extrapolated over the Tuamarina Valley floor using those points relative to ground contours.
- SB raised concerns about the extent of the Flood Hazard Overlay on his property, particularly the Level 2 Flood Hazard Overlay and the unnecessary planning restrictions this placed on his land. The general wide scale nature of the Level 4 Flood Hazard Overlay was also a concern to SB and he queried how these new overlays would affect his business/residence going forward and whether it would have any insurance implications.
- GDC said that if Level 2 Flood Hazard Overlay remained on the property, resource consent would be required before any further structures or buildings could be constructed.
- GDC explained that following submissions from landowners in the Tuamarina Valley, MDC Rivers' Section will take the opportunity to further review the current Flood Hazard Overlay mapping and he mentioned that they would use more recent 2014 LIDAR¹ survey data and site visits to get a better understanding of extent and see if the Level 2 Flood Hazard Overlay boundaries could be amended. Generally the Flood Level for a 1:50 year event is determined as 5.75m above Mean Sea Level (MSL) (i.e. land below

¹ LIDAR – Light Detection and Ranging multi-point survey technique

5.75m could be flooded in such an event, whilst land above 5.75m above MSL should be clear of floodwater).

- GDC explained that the Rivers section's opinions would be reviewed by the Senior MDC Rivers Engineer and incorporated into the Report to Council for inclusion in the Planner's formal s42A Report to Hearing Commissioners. The Hearing Commissioners would make final Decision for Council.
- Along with the Level 2 Overlay, SB queried why the entire valley floor was now identified as Level 4 Flood Hazard. GDC said that the Level 4 Flood Hazard Overlay shows the extent of land in the Tuamarina Valley that has the potential to suffer flooding of deep water in an extreme flood event that overwhelms stopbanks and other constructed flood protection infrastructure. In this case the 1938 and 1983 Wairau flood events (greater than 1:100 year events) were used to provide useful information to assess flood levels. The Level 4 Flood Hazard is essentially a high level residual risk planning tool setting out the Policy direction Council is proposing to take going forward – it is trying to limit intensive development in the area. GDC explained that the Level 4 Flood Hazard Overlay does not trigger any Rules in the PMEP, but Policy would be considered for any development under s106 (Subdivisions) and s104 of the RMA (matters a Consent Authority must have regard to) when assessing a Resource Consent Application. GDC also acknowledged that whilst the Overlay was new in this area, the situation of flooding in Tuamarina was not new and the Overlay, particularly the Level 4 Overlay, simply reflected that the land was low lying and a 1:50 or a 1:100 year flood event in the Wairau, could lead to flooding in the Tuamarina Valley.
- GDC agreed to supply notes from meeting and follow up with insurance underwriters to determine what the level of risk could be from an insurance perspective.

Action:

1. GDC to respond to questions about insurance.
2. Rivers Section Engineers to review extent of Level 2 Flood Hazard Overlay.
3. Rivers Section Engineers to review extent of Level 4 Flood Hazard Overlay.



Gavin Cooper

Notes written 05/03/18, finalised 11/03/18

c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer (laddie.kuta@e2environmental.com)
S Butler, Submitter

Gavin Cooper <gavin.cooper@xtra.co.nz>

22/3/2018 09:29

File Note PMEP Submissions - Rodney Parkes (13 March 2018)

To windy.parkes@xtra.co.nz Copy geoff dick <geoff.dick@marlborough.govt.nz> •
laddie.kuta@marlborough.govt.nz • laddie.kuta@e2environmental.com Blind copy
gavin.cooper@marlborough.govt.nz

Rodney,

my notes attached following our recent meeting.

Regards

Gavin

027 573 5614

- File Note 14 March 2018 - Rodney Parkes.pdf (267 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Picton 7250 • Mob: 027 5735614 • Email: gavin.cooper@xtra.co.nz

FILE NOTE

Date: 14 March 2018

Job: Submissions on PMEP – Meeting with Submitter

Meeting: MDC Offices, 1400hrs – 1545hrs

In attendance: Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitters: Rodney Parkes (RP) windy.parkes@xtra.co.nz

Subject Location: 66 Parkes Road, Tuamarina

- Following general introductions, GDC explained that he and LK were there to listen and more fully understand the submitter's concerns with the Flood Hazard Overlay mapping.
- LK then explained the meaning of Flood Hazard Overlays 1, 2, 3 & 4 as presented in the proposed Marlborough Environment Plan (PMEP), particularly focussing on the Levels 2 & 4 Flood Hazard Overlay definitions.
- Whilst RP had no specific concerns with the Flood Hazard 2 & 4 Overlays, some discussion ensued as to the Level 4 Flood Hazard Overlay and what it actually meant. LK said that the Level 4 Flood Hazard Overlay shows the extent of land in the Tuamarina Valley that has the potential to suffer flooding of deep water and in a flood event that overwhelms stopbanks and other constructed flood protection infrastructure. In this case the 1938 & 1983 Wairau Flood Events (greater than 1:100 year events) were used to provide useful information to assess flood levels.
- LK further explained that the Level 4 Flood Hazard is essentially a high level residual risk planning tool setting out the Policy direction Council is proposing to take going forward once the PMEP is made operative – it is trying to limit intensive development in the area. GDC explained that the Level 4 Flood Hazard Overlay did not trigger any Rules in the PMEP, but Policy would be considered for any development under s106 (Subdivisions) and s104 of the RMA (matters a Consent Authority must have regard to) when assessing a Resource Consent Application. GDC also acknowledged that whilst the Overlay was new in the PMEP, the situation of flooding in the Tuamarina Valley was not new and the Overlays simply reflected that the land was low lying and a 1:50 (Level 2) or a flood event greater than 1:100 year (Level 4) in the Wairau, could lead to flooding in the Valley.
- Regarding the Level 2 Flood Hazard Overlay, GDC mentioned that this did not affect RP's existing vineyard or farming operation but once the PMEP was made operative, any further buildings or structures within the Level 2 Floodway would trigger the need for Resource Consent as well as potentially Building Consent depending on the type of structure involved.

- RP stressed to GDC & LK that the issue that most concerned him about this process to date has been the lack of consultation with him as the landowner. RP said that he was grateful to be able to sit down with MDC staff to discuss his concerns but in all reality, whilst he had asked for it to be reviewed, he understood why the Levels 2 & 4 Flood Hazard Overlays had been placed on the property.
- GDC agreed to supply notes from meeting.

Action:

1. GDC to circulate notes from meeting.
2. LK to review extent of Level 2 Flood Hazard Overlay.
3. LK to review extent of Level 4 Flood Hazard Overlay.

GDC

Gavin Cooper

Notes written 15/03/18; finalised 16/03/18

c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer (laddie.kuta@e2environmental.com)
R Parkes, Submitter

Gavin Cooper <gavin.cooper@xtra.co.nz>

15/3/2018 09:05

Site Visit Notes - PMEP Submission - 7 March 2018

To pbbown@farmside.co.nz

Hi Peter,

Updated notes attached.

Give me a call if you have any queries.

Regards

Gavin

027 573 5614

- [Notes from site visits 7 March 2018 - Peter Bown UPDATED.pdf \(279 KB\)](#)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Picton 7250 • Mob: 027 5735614 • Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 7 March 2018

Job: Submissions on PMEP – Site visit by Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitters: Peter Bown (PB) pbbown@farmside.co.nz

Location: 51 Cat Creek Road, Northbank

Time: 1230hrs – 1430hrs

- Following general introductions, GDC explained that he and LK were there to listen and more fully understand the submitter's concerns with the Flood Hazard Overlay mapping.
- LK then explained the meaning of Flood Hazard Overlays 1, 2, 3 & 4 as presented in the proposed Marlborough Environment Plan (PMEP), particularly focussing on the Levels 2 & 3 Flood Hazard Overlay definitions.
- PB said that he was concerned about how the Levels 2 & 3 Flood Hazard Overlays might affect his farming practices.
- PB accepted that the Level 3 Flood Hazard Overlay meant that he could not plant grapes in that area in the medium to long term. GDC and LK explained that from a Level 3 perspective, it would not practically change his current farming practices.
- Discussion then centred round the Level 2 Flood Hazard Overlay and whether grapes could be planted and GDC explained that, in his opinion, once the PMEP was made operative any development would trigger the need for resource consent (as would any new structures) and any application would be judged on its merits. GDC questioned, however, how sensible it was to construct a vineyard within a known area of flooding and discussion focussed on the extent of flooding in the 1983 Wairau flood which did affect some of the paddocks below the road alongside the river.
- PB wondered if a stopbank could be constructed to try and protect a vineyard from at least a 1:50 event and LK & GDC confirmed that it would only be considered a rural stopbank and in any case, may not provide any protection during a large event (i.e. > 50 year event). Its construction would also trigger need for resource consent.
- Discussion then focussed on the fact that the Levels 2 & 3 Flood Hazard Overlay mapping in the PMEP tend to be based on higher levels of information (i.e. LIDAR¹)

¹ LIDAR – Light Detection and Ranging multi-point survey technique

survey or physical survey). This higher level of information was also based on topography, photos and anecdotal evidence and PB acknowledged that historical survey pegs were located on his property.

- LK and GDC explained that following submission from PB, MDC Rivers Section will take the opportunity to further review the current Flood Hazard Overlay mapping on the property and LK confirmed he would do a "check assessment" to see if the Level 2 Flood Hazard Overlay boundaries could be amended. GDC mentioned that it was unlikely that any changes could be made to the Level 3 Flood Hazard Overlay, but LK would also do a "check assessment" to confirm.

Action:

1. GDC to circulate notes from meeting.
2. LK to review extent of Level 2 Flood Hazard Overlay.
3. LK to review extent of Level 3 Flood Hazard Overlay.



Gavin Cooper

Notes written 07/03/18, finalised 11/03/18 (updated 14/03/18)

- c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer (laddie.kuta@e2environmental.com)
P Bown, Submitter

Gavin Cooper

From: Gavin Cooper <gavin.cooper@xtra.co.nz>
Sent: Thursday, 22 March 2018 4:56 p.m.
To: Gavin Cooper
Subject: Fwd: PMEP Submission Process: S&S White, Query about Excavation

to file

----- Original Message -----

From: Gavin Cooper <gavin.cooper@xtra.co.nz>
To: Spencer & Susan White <sts.white@farmside.co.nz>
Date: 22 March 2018 at 16:54
Subject: PMEP Submission Process: S&S White, Query about Excavation

Hi Spencer & Susan,

I have looked into your query about what constitutes excavation in the PMEP.

The definition at chapter 25 pg 7 in Vol 2 states that "excavation means to dig out soil or natural material from the ground such that the surface contour of the land is permanently altered".

Digging in irrigation lines, digging post holes, siting stock water tanks, maintaining cattle races does not constitute excavation.

As an aside, cultivation is not deemed as excavation.

Let me know if you have any other activities you want me to consider against definition.

Regards

Gavin

027 573 5614

This e-mail message has been scanned by **SEC Cloud**

Gavin Cooper <gavin.cooper@xtra.co.nz>

15/3/2018 09:03

Site Visit Notes - PMEP Submission - 7 March 2018

To Spencer & Susan White <sts.white@farmside.co.nz>

Hi Spencer and Susan,

Updated notes attached.

I am still working on excavation query. Will be in touch asap.

Regards

Gavin

027 573 5614

- Notes from site visits 7 March 2018 - Spencer & Susan White UPDATED.pdf (282 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Picton 7250 • Mob: 027 5735614 • Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 7 March 2018

Job: Submissions on PMEP – Site visit by Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitters: Spencer White (SW) & Susan White (SuW) sts.white@xtra.co.nz

Location: 59 Te Rou Road

Time: 1500hrs – 1730hrs

- Following general introductions, GDC explained that he and LK were there to listen and more fully understand the submitters' concerns with the Flood Hazard Overlay mapping.
- LK then explained the meaning of Flood Hazard Overlays 1, 2, 3 & 4 as presented in the proposed Marlborough Environment Plan (PMEP).
- LK further explained that Flood Hazard Overlays were based on known flood level points during significant flood events (i.e. 1938, 1983 & 1998 Wairau River Flood events) and extrapolated over the Northbank Valley floor using those points relative to ground contours.
- Survey data and LIDAR¹ survey data was also used in the assessment for the main Wairau River Floodway.
- The Whites currently undertake a dairy farming operation.
- SW & SuW raised concerns about the extent of the Levels 2 & 3 Flood Hazard Overlays on their property. The main issue discussed pertained to Powells Island which the Whites farmed and 80ha of the land on the Island was now zoned Level 3 Flood Hazard.
- SW & SuW raised the fact that, in time, they would like to irrigate the Powells Island block and construct yards and other infrastructure, including additional farm buildings on it. They mentioned that they also wanted to install irrigation lines sub-surface, but were having trouble understanding the intent of the PMEP and how the excavation Standards at 3.3.14.7 should be interpreted.
- Responding to the question about why Powells Island was Level 3 Flood Hazard Overlay, LK commented that it was in the middle of the Wairau River and from a floodway land management point of view, MDC had signalled through the PMEP Policies, Rules &

¹ LIDAR – Light Detection and Ranging multi-point survey technique

Standards that it wants to manage development going forward on such areas, stressing that Council had a statutory obligation to manage the flood impact and effects from such development.

- LK mentioned that the Wairau River had been flown to accurately determine the extent of the Floodway but that he would look at the aerials to determine the extent of survey and the Levels 2 & 3 Flood Hazard Overlays.
- GDC also mentioned that he would discuss with MDC Policy Planners what the interpretation of "excavation" was within the Levels 2 & 3 Flood Hazard Overlays as it affects farm practices.
- SW queried what the impact of a Level 2 Flood Hazard Overlay has on farming practices and GDC responded that it should not impact on current practices, but once the PMEP was made operative, any new structures or change of land use practices would likely trigger resource consent and any Resource Consent Application would be judged on its merits.
- LK & GDC explained that following the submissions from landowners in the Northbank, MDC Rivers Section will take the opportunity to further review the current Flood Hazard Overlay mapping. LK confirmed he would review any LIDAR and Survey data that had been used so he could obtain a better understanding of extent and see if the Level 2 Flood Hazard Overlay boundaries, in particular, could be amended.
- GDC explained that LK's "check assessment" would be reviewed by the senior MDC Rivers Engineer and incorporated into report to Council for inclusion in the Planner's s42A Report to Hearings Commissioners. The Hearings Commissioners would make the final decision for Council.

Action:

1. GDC to circulate notes from meeting.
2. GDC to respond to questions regarding excavation.
3. LK to review extent of Level 2 Flood Hazard Overlay.
4. LK to review extent of Level 3 Flood Hazard Overlay.

GDC

Gavin Cooper

Notes written 07/03/18, finalised 11/03/18 (updated 14/03/18)

c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer (laddie.kuta@e2environmental.com)
S & S White (Submitters)

Gavin Cooper <gavin.cooper@xtra.co.nz>

22/3/2018 09:33

Fwd: Site Visit Notes PMP Submissions - Timms Family (14 March 2018)

To geoff dick <geoff.dick@marlborough.govt.nz> • laddie.kuta@marlborough.govt.nz • laddie.kuta@e2environmental.com Blind copy gavin.cooper@marlborough.govt.nz

Gents,

fyi.

Regards

Gavin

027 573 5614

----- Original Message -----

From: Gavin Cooper <gavin.cooper@xtra.co.nz>

To: jntimms@xtra.co.nz

Cc: steve@wilkesrm.co.nz

Date: 22 March 2018 at 09:30

Subject: Site Visit Notes PMP Submissions - Timms Family (14 March 2018)

Hi Jamie and Steve,

My notes attached following recent site meeting.

Regards

Gavin

027 573 5614

- Notes from site visits 14 March 2018 - KJ, JS & JA Timms (Timms Family).pdf (281 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Picton 7250 • Mob: 027 5735614 • Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 14 March 2018

Job: Submissions on PMP – Site visit by Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitters: KJ, JS & JA Timms (Timms Family) jmtimms@xtra.co.nz
Steve Wilkes (SW) (Consultant Planner)

Location: 2830 SH63, Wairau Valley, RD3, Marlborough

Time: 0900hrs – 1100hrs

- Following general introductions, GDC explained that he and LK were there to listen and more fully understand the submitters' concerns with the Flood Hazard Overlay mapping.
- LK then explained the meaning of Flood Hazard Overlays 1, 2, 3 & 4 as presented in the proposed Marlborough Environment Plan (PMP).
- LK further explained that Flood Hazard Overlays were based on known flood level points during significant flood events (i.e. 1938, 1983 & 1998 Wairau River Flood events) and the more recent township flood events which had been extrapolated over the Wairau Valley floor using those points relative to ground contours.
- Survey data and LIDAR¹ survey data were also used in the assessment for the main Wairau River Floodway. LK to review extent of survey in his "check assessment".
- JT & SW raised concerns about the extent of the Levels 2 & 3 Flood Hazard Overlays on the property and adjacent land. JT commented that his family wanted the Flood Hazard 2 & 3 Overlays reviewed so that they accurately reflect true Flood Hazard risk on the property and adjoining land. As they stand at the moment, JT explained that he believed that the areas had been over-stated on the PMP Flood Hazard Area Maps and are inaccurate.
- JT also wanted the area on his land adjacent to Keith Coleman Lane reviewed. Currently it is identified as Level 2, but he considered it should be Level 1 at worst.
- JT and his family currently undertake drystock farming, cropping and vineyard operations on the subject land.
- General discussion then ensued about what the impact of the Levels 2 & 3 Flood Hazard Overlays might have on farming practices once the PMP was made operative. GDC mentioned that the Level 3 Flood Hazard Overlay applying to the land on the lower terrace would mean that JT would probably not be able to plant grapes in that area once

¹ LIDAR – Light Detection and Ranging multi-point survey technique

the PMEP was made operative, but it would not affect his current farming practices where the land on the lower terrace is used for cropping and grazing of drystock.

- With regards to Level 2 Flood Hazard Overlay, GDC explained that once the PMEP was made operative, any development would trigger the need for resource consent (as would any new structures) and any Consent Application would be judged on its merits.
- During the site walkover on the Timms' upper terrace, discussion focussed on the fact that Levels 2 & 3 Flood Hazard Overlay mapping for the Wairau River tended to be based on higher levels of information i.e. LIDAR survey and/or physical survey. This higher level information was also based on topography, photos and anecdotal evidence.
- LK & GDC explained that following submission from JT on behalf of the Timms Family, MDC Rivers Section would take the opportunity to further review the current Flood Hazard Overlay mapping on the property and LK confirmed that he would do a "check assessment" to see if the Levels 2 & 3 Flood Hazard Overlays could be amended.
- GDC explained that LK's "check assessment" would be reviewed by the senior MDC Rivers Engineer and incorporated into report to Council for inclusion in the Planner's s42A Report to Hearings Commissioners. The Hearings Commissioners would make the final decision for Council.
- GDC agreed to supply notes from meeting.

Action:

1. GDC to circulate notes from meeting.
2. LK to review extent of Level 2 Flood Hazard Overlay.
3. LK to review extent of Level 3 Flood Hazard Overlay.

GDC

Gavin Cooper

Notes written 15/03/18

c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer (laddie.kuta@e2environmental.com)
JA Timms on behalf of KJ, JS & JA Timms Family, Submitters
Steve Wilkes, Consultant Planner

Gavin Cooper <gavin.cooper@xtra.co.nz>

22/3/2018 09:32

Site Visit Notes PMEP Submissions - P Wilhelmus & Ormond Aquaculture Ltd

To steve@wilkesrm.co.nz Copy geoff dick <geoff.dick@marlborough.govt.nz> • laddie.kuta@marlborough.govt.nz • laddie.kuta@e2environmental.com Blind copy gavin.cooper@marlborough.govt.nz

Hi Steve and Pieter,

My notes attached following visit on 14 March 2018.

Regards

Gavin

027 573 5614

- Notes from site visits 14 March 2018 - P Wilhelmus & Ormond Aquaculture Ltd.pdf (278 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Picton 7250 • Mob: 027 5735614 • Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 14 March 2018

Job: Submissions on PMEP – Site visit by Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitters: Pieter Wilhelmus (PW) & Ormond Aquaculture Ltd (OA Ltd)
Steve Wilkes (SW) (Consultant Planner) present on behalf of Submitter

Location: Wairau Valley

Time: 0900hrs – 1100hrs

- At the conclusion of the meeting with the Timms Family representative (JT), SW raised concerns about the extent of the Levels 2 & 3 Flood Hazard Overlays on PW & OA Ltd's leased property. SW wanted the Flood Hazard 2 & 3 Overlay mapping to be reviewed so that they accurately reflect true Flood Hazard risk on the property. As they stand at the moment, reiterating JT's earlier comments, SW explained that he also believed that the areas had been over-stated on the Flood Hazard Overlay Maps and are inaccurate across the Timms' top terrace.
- Survey data and LIDAR¹ survey data were also used in the assessment for the main Wairau River Floodway. LK to review extent of survey in his "check assessment".
- SW explained that his client operates an aquaculture farm on the subject land.
- General discussion then ensued about what the impact of the Levels 2 & 3 Flood Hazard Overlays might have on farming practices once the PMEP was made operative. SW noted that the Level 3 Overlay encroached on the upper river terrace where the fish farming operation was located, which he did not agree with.
- With regards to Level 2 Flood Hazard Overlay, GDC explained that, in his opinion, once the PMEP was made operative, any development would trigger the need for resource consent (as would any new structures) and any Consent Application would be judged on its merits.
- Discussion focussed on the fact that Levels 2 & 3 Flood Hazard Overlay mapping on the Wairau tended to be based on higher levels of information i.e. LIDAR survey or physical survey. This higher level information was also based on topography, photos and anecdotal evidence.
- LK & GDC explained that following submission from PW & OA Ltd, MDC Rivers Section would further review the current Flood Hazard Overlay mapping on the property and LK

¹ LIDAR – Light Detection and Ranging multi-point survey technique

confirmed that he would do a "check assessment" to see if the Levels 2 & 3 Flood Hazard Overlays boundaries could be amended.

- GDC explained that LK's "check assessment" would be reviewed by the senior MDC Rivers Engineer and incorporated into report to Council for inclusion in the Planner's s42A Report to Hearings Commissioners. The Hearings Commissioners would make the final decision for Council.
- GDC agreed to supply notes from meeting.

Action:

1. GDC to circulate notes from meeting.
2. LK to review extent of Level 2 Flood Hazard Overlay.
3. LK to review extent of Level 3 Flood Hazard Overlay.

GDC

Gavin Cooper

Notes written 15/03/18; finalised 16/03/18

c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer (laddie.kuta@e2environmental.com)
Steve Wilkes, Consultant Planner, on behalf of Pieter Wilhelmus & Ormond
Aquaculture Ltd, Submitters

Gavin Cooper <gavin.cooper@xtra.co.nz>

22/3/2018 09:18

Site Notes PMEP Submissions - T Smit on behalf of Tim & Franzi Trust

To tim@smitventures.co.nz Copy geoff dick <geoff.dick@marlborough.govt.nz> • laddie.kuta@marlborough.govt.nz • laddie.kuta@e2environmental.com

Tim,

My notes attached.

Regards

Gavin

027 573 5614

-
- Notes from site visits 14 March 2018 - T & F Smit.pdf (259 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Picton 7250 • Mob: 027 5735614 • Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 14 March 2018

Job: Submissions on PMP – Site visit by Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitters: Timon Heinrich Smit (TS) & Franziska van Bruggen-Smit (FS) as trustees of the Tim & Franzi Trust

Location: 65 Cobb Cottage Road, Riverlands

Time: 1600hrs – 1645hrs

- Following general introductions, TS, LK & GDC walked around the site.
- TS commented that the house was constructed on a natural high point on the property.
- Following discussions with LK as to when the LIDAR survey was undertaken (2014), TS confirmed that the new equestrian stables and compound had been built subsequent to this on a raised platform and as such he thought that both of those areas had been elevated enough to ensure they were above the Level 2 Flood Hazard Overlay. TS confirmed however that he was in agreement that the lower fields to the north could still flood.
- LK agreed to undertake a "check assessment" of the Levels 1 & 2 Flood Hazard Overlays.
- GDC agreed to supply notes from meeting.

Action:

1. GDC to circulate notes from meeting.
2. LK to review Levels 1 & 2 Flood Hazard Overlays.



Gavin Cooper

Notes written 15/03/18; finalised 16/03/18

c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer (laddie.kuta@e2environmental.com)
T Smit on behalf of the Trustees of the Tim & Franzi Trust, Submitter

Appendix 2: Record of Site Visits and other Communications

General Submissions on the Floodway Zone - Notes taken by Gavin Cooper following communications

Gavin Cooper <gavin.cooper@xtra.co.nz>

4/3/2018 12:12

File Note PMEP Submissions - Gerard Verkaaik, 41 New Renwick Road, Blenheim

To clognkiwi@clear.net.nz Copy laddie.kuta@marlborough.govt.nz •
geoff dick <geoff.dick@marlborough.govt.nz>

Gerard

As agreed, my notes following our recent telephone conversation attached.

Will be in touch soon.

Kind regards

Gavin Cooper

027 573 5614

- File Note 27 Feb 2018 re Submission from Gerard Verkaaik.pdf (158 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Pictou 7250 • Mob: 027 5735614 • Email: gavin.cooper@xttra.co.nz

FILE NOTE

Date: 27 February 2018
Job: Submissions on PMEP
Telecon: Gavin Cooper (GDC) with Gerard Verkaaik (GV)
Ph: 027 3757835 clognkiwi@gmail.com
Re: Gerard Verkaaik Submission

GDC spoke to GV about his submission.

GDC explained that in principle, MDC Rivers was very happy with the way the Olive Grove and adjacent land is managed within the Designated Floodway Zone.

GDC mentioned that under normal situations, there is no need for river works to be undertaken in the Olive Grove or adjacent land (Flood Hazard 2 Overlay & Designated Floodway Zone) but obviously the primary reason for the Floodway Zone is Floodway Purpose and River Control Works. This primary purpose will remain the priority going forward.

Action:

1. GDC to confirm conversation in email to GV.



Gavin Cooper

c.c. Geoff Dick, MDC Rivers Engineering Manager
Laddie Kuta, Consultant Rivers Design Engineer
Gerard Verkaaik, clognkiwi@gmail.com

Gavin Cooper <gavin.cooper@xtra.co.nz>

12/4/2018 07:48

PMEP Submissions - Updated File Note CG & WA Tozer

To Clive & Wendy Tozer <tozer@slingshot.co.nz> Copy geoff dick <geoff.dick@marlborough.govt.nz> • laddie.kuta@marlborough.govt.nz

Clive,

Updated notes attached.

Regards

Gavin

027 5735614

- Notes from site visits 13 March 2018 - CG & WA Tozer UPDATED 11 April 2018.pdf (270 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Picton 7250 ♦ Mob: 027 5735614 ♦ Email: gavin.cooper@xtra.co.nz

FILE NOTE

Site Visit Date: 13 March 2018

Job: Submissions on PMP – Site visit by Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitters: CG Tozer (CT) & WA Tozer (WT)

Location: 212 Selmes Road, Rapaura

Time: 1330hrs – 1445hrs

- Following general introductions, GDC explained that he and LK were there to listen and more fully understand the submitter's concerns with the Flood Hazard Overlay mapping.
- LK then briefly explained the meaning of Flood Hazard Overlays 1, 2, 3 & 4 as presented in the proposed Marlborough Environment Plan (PMP).
- GDC & LK further explained that Flood Hazard Overlays were based on known flood level points during significant flood events (i.e. 1938, 1983 & 1998 Wairau River Flood events) and extrapolated over the adjacent land using those points relative to ground contours.
- CT raised concerns about the extent of the Flood Hazard Overlay on his property, particularly the Level 2 Flood Hazard Overlay and the unnecessary planning restrictions this potentially placed on his land. CT advised that in his opinion there were several high points on the property and he did not think they deserved Level 2 Flood Hazard Overlay status - at worst, he considered Level 1 should apply. The general wide-scale nature of the Level 4 Flood Hazard Overlay was also a concern to CT and he considered that the new Levels 2 & 4 Overlays created unnecessary uncertainty, restrictions and costs around his current and future land use plans. As an aside, CT was also concerned about the Floodway Zone being in his property adjacent to the stopbank – discussed later.
- CT said that the flooding on the property (ponded Cravens Creek waters) resulted from the culvert floodgate at NE boundary shutting when Wairau River is in flood. This ponding is mainly on the low lying flats on the northern side of the wetlands.
- CT explained that this flooding/ponding can be exacerbated if the floodgate gets jammed open by a log or debris during a Wairau Flood event. It is critical this infrastructure is well maintained and monitored to ensure such malfunctions and blockages are prevented and/or cleared early during freshes and flood events.
- CT then mentioned that during the July 1983 historic Wairau flood peak he witnessed the flood level on the property and noted that the more southern elevated areas were above the ponded waters.
- CT, LK & GDC then walked a section of the property.

- GDC confirmed that the Level 2 Flood Hazard Overlay status on the property meant that when the PMEP was made operative, resource consent would be required before any further buildings or structures could be constructed.
- Responding to CT's query regarding the Level 4 Flood Hazard Overlay, GDC explained that the Level 4 Overlay is essentially a high level residual risk planning tool setting out the Policy direction Council is proposing to take going forward – it is trying to limit intensive development in the area. GDC explained that the Level 4 Flood Hazard Overlay did not trigger any Rules in the PMEP but Policy would be considered for any development under s106 (Subdivisions) and s104 of the RMA (Matters a Consent Authority must have regard to) when assessing a Resource Consent Application.
- GDC explained that following the submissions from CG & WA Tozer, MDC Rivers Section would take the opportunity to further review the current Flood Hazard Overlay mapping and LK mentioned that he would look at the more recent 2014 LIDAR Survey data and with the site visit, get a better understanding of the extent and see if the Level 2 Flood Hazard Overlay boundaries could be amended.
- GDC explained that LK's "check assessment" would be reviewed by the Senior MDC Rivers Engineer and incorporated into a report to Council for inclusion in the Planner's s42A Report to the Hearings Commissioners. The Hearings Commissioners would make the final decision.
- LK and GDC also confirmed that they would discuss the Floodway Zone located to the inside of the stopbank on the Tozers' land with Geoff Dick.
- GDC agreed to supply notes from meeting.

Action:

1. GDC to circulate notes from meeting.
2. LK to review extent of Level 2 Flood Hazard Overlay.
3. LK/GDC to discuss Floodway Zoning implications with Senior MDC Rivers Engineer, Geoff Dick.

LAG

Gavin Cooper

Notes written 14/03/18; finalised 16/03/18; updated 11/04/18

c.c. Geoff Dick, MDC Rivers Engineer
 Laddie Kuta, Consultant Rivers Design Engineer (laddie.kuta@e2environmental.com)
 CG & WA Tozer, Submitters

Gavin Cooper <gavin.cooper@xtra.co.nz>

14/3/2018 07:00

Site Visit Notes P MEP Submissions - M Tschupp & J Park (site meeting 7 March 2018)

To tschupp.park@xtra.co.nz Copy geoff dick <geoff.dick@marlborough.govt.nz> • laddie.kuta@marlborough.govt.nz • laddie.kuta@e2environmental.com

Hi Mark,

My notes attached from recent meeting.

Regards

Gavin

027 573 5614

- Notes from site visits 7 March 2018 - Mark Tschupp & Janet Park.pdf (263 KB)

GDC CONSULTING (2010) LIMITED

Project Management Services

P O Box 32, Pictou 7250 ♦ Mob: 027 5735614 ♦ Email: gavin.cooper@extra.co.nz

FILE NOTE

Site Visit Date: 7 March 2018

Job: Submissions on PMEP – Site visit by Gavin Cooper (GDC) (Planner) & Laddie Kuta (LK) (Rivers Engineer)

Submitters: Mark Tschepp (MT) & Janet Park (JP) tschepp.park@extra.co.nz

Location: 245 Shandon Road

Time: 0900hrs – 0945hrs

- Following general introductions, GDC explained that he and LK were there to listen and more fully understand the submitters' concerns with the Floodway Zoning currently being applied across the western part of the submitters' land adjacent to the Waihopai River.
- MT made it very clear that they opposed the Floodway Zoning of part of their property, explaining that this land had been accretion land, but incorporated into their main Certificate of Title some time ago. He also mentioned that they had Resource Consent (U150768) to establish a vineyard on the land.
- MT confirmed that he and JP had no problem with the Level 2 Flood Hazard Overlay on the western portion of the vineyard and he explained that he was in the process of constructing a new rural floodbank to protect his land, hopefully, from a 1:50 year event.
- MT said he wanted the Floodway Zone rezoned as Rural Environment Zone.
- GDC and LK walked the site with MT and GDC agreed to discuss further with MDC Senior Rivers Engineer, Geoff Dick.

Action:

1. GDC to respond to questions.
2. GDC to circulate notes from site meeting.
3. LK to review extent of Floodway Zone.
4. LK to review extent of Level 2 Flood Hazard Overlay.

GDC

Gavin Cooper

Notes written 07/03/18, finalised 11/03/18

c.c. Geoff Dick, MDC Rivers Engineer
Laddie Kuta, Consultant Rivers Design Engineer (laddie.kuta@e2environmental.com)
M Tschepp & J Park, Submitters

Appendix 3: Recommended decisions on relief requested Flood Hazard Area Overlay Maps

No.	Submission Point	Submitter	Further Submitter	Volume	Chapter	Provision	Relief Requested	Recommendation
1	344.1	Shane Groome		4		Flood Hazard Area Map 4	Yes	Accept in part
2	350.1	Deborah Groome				Flood Hazard Area Map 4	Yes	Accept in part
3	151.1	Trevor Offen		4		Flood Hazard Area Map 4	Yes	Accept in part
4	151.5	Trevor Offen				Flood Hazard Area Map 6	Yes	
5	388.1	Adrian Harvey		4		Flood Hazard Area Map 4	Yes	Accept in part
6	339.28	Sharon Parkes		4		Flood Hazard Area Map 13	Yes	Accept in part
7	48.1	Grant Hutchings		4		Flood Hazard Area Map 15	Yes	Reject
8	1084.7	Raeburn Property Partnership		4		Flood Hazard Area Map 23	Yes	Accept in part
9	319.17	CG & WA Tozer		4		Flood Hazard Area Map 23	Yes	Accept in part
10	129.1	R Light		4		Flood Hazard Area Map 24	Yes	Accept in part

No.	Submission Point	Submitter	Further Submitter	Volume	Chapter	Provision	Relief Requested	Recommendation
11	229.1	M Broughan		4		Flood Hazard Area Map 24	Yes	Accept in part
12	327.1	J Broughan		4		Flood Hazard Area Map 24	Yes	Accept in part
13	182.1	A Tyson		4		Flood Hazard Area Map 24	Yes	Accept in part
14	34.1	D & R Mundy		4		Flood Hazard Area Map 24	Yes	Accept in part
15	385.1	S Butler		4		Flood Hazard Area Map 24	Yes	Accept in part
16	324.02	R Parkes		4		Flood Hazard Area Map 18 & 24	Yes	Reject
17	277.1	P Bown		4		Flood Hazard Area Map 28	Yes	Reject
18	93.11	S & S White		4		Flood Hazard Area Map 28	Yes	Reject
19	475.2	J Timms		4		Flood Hazard Area Map 28	Yes	Accept in part
20	1035.4	P Wilhelmus & Ormond		4		Flood Hazard Area Map 28	Yes	Accept in part
21	353.1	T & F Trust		4		Flood Hazard Area Map 33	Yes	Accept in part
22	1004.110	"Oil Companies"		4				n/a

No.	Submission Point	Submitter	Further Submitter	Volume	Chapter	Provision	Relief Requested	Recommendation
23	996.38	NZIS		4		Flood Hazard Area Map 22		Reject
24	425.780	Federated Farmers		4		n/a		Reject

Appendix 4: Recommended decisions on relief requested

General Submissions on the Floodway Zone

No.	Submission Point	Submitter	Further Submitter	Volume	Chapter	Provision	Relief Requested	Recommendation
1	460.2	Timberlink New Zealand Limited		4		Zoning Map 14	Yes	Reject
2	158.19	Gerard Verkaaik		4		Zoning Map 19	Yes	Submission noted
3	434.1	Michael Patrick Limited		4		Zoning Map 34	Yes	Accept
4	319.4	CW & WA Tozer		4		Zoning Map 149	Yes	Accept
5	373.1	M Tschopp & J Park		4		Zoning Map 169	Yes	Accept
6	631.42	CBNZ		4		Zoning Maps 158, 159, 160, 169 and 170	Yes	Accept

Appendix 2: Recommended decisions on decisions requested

Submission Number	Submission point	Submitter	Volume	Chapter	Provision	Recommendation
General						
425	200	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	11.	Reject
166	5	Te Runanga o Toa Rangatira	Volume 1	11 Natural Hazards	11.	Reject
166	35	Te Runanga o Toa Rangatira	Volume 1	11 Natural Hazards	11.	Reject
464	13	Chorus New Zealand limited	Volume 1	11 Natural Hazards	11.	Reject
716	140	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 1	11 Natural Hazard0s	11.	Reject
961	24	Marlborough Chamber of Commerce	Volume 1	11 Natural Hazards	11.	Reject
995	16	New Zealand Forest Products Holdings Limited	Volume 1	11 Natural Hazards	11.	Reject
1158	11	Spark New Zealand Trading Limited	Volume 1	11 Natural Hazards	11.	Reject
Issue 11A						

348	5	Murray Chapman	Volume 1	11 Natural Hazards	Issue 11A	Reject
464	14	Chorus New Zealand limited	Volume 1	11 Natural Hazards	Issue 11A	Reject
873	30	KiwiRail Holdings Limited	Volume 1	11 Natural Hazards	Issue 11A	Reject
907	16	Levide Capital Limited	Volume 1	11 Natural Hazards	Issue 11A	Reject
1158	12	Spark New Zealand Trading Limited	Volume 1	11 Natural Hazards	Issue 11A	Reject
Objective 11.1						
232	26	Marlborough Lines Limited	Volume 1	11 Natural Hazards	Objective 11.1	Reject
425	201	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	Objective 11.1	Reject
464	15	Chorus New Zealand limited	Volume 1	11 Natural Hazards	Objective 11.1	Reject
873	31	KiwiRail Holdings Limited	Volume 1	11 Natural Hazards	Objective 11.1	Reject
907	13	Levide Capital Limited	Volume 1	11 Natural Hazards	Objective 11.1	Reject
993	8	New Zealand Fire Service Commission	Volume 1	11 Natural Hazards	Objective 11.1	Reject

1002	47	New Zealand Transport Agency	Volume 1	11 Natural Hazards	Objective 11.1	Reject
1158	13	Spark New Zealand Trading Limited	Volume 1	11 Natural Hazards	Objective 11.1	Reject
Policies 11.1.1, 11.1.2, 11.1.3 and 11.1.7						
364	58	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.1	Reject
425	199	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	Policy 11.1.1	Reject
907	15	Levide Capital Limited	Volume 1	11 Natural Hazards	Policy 11.1.1	Reject
1201	95	Trustpower Limited	Volume 1	11 Natural Hazards	Policy 11.1.1	Reject
364	59	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.2	Reject
504	52	Queen Charlotte Sound Residents Association	Volume 1	11 Natural Hazards	Policy 11.1.2	Reject
348	6	Murray Chapman	Volume 1	11 Natural Hazards	Policy 11.1.3	Reject
364	60	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.3	Accept

425	198	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	Policy 11.1.3	Reject
501	49	Te Runanga O Ngati Kuia	Volume 1	11 Natural Hazards	Policy 11.1.3	Reject
873	32	KiwiRail Holdings Limited	Volume 1	11 Natural Hazards	Policy 11.1.3	Accept
1186	60	Te Atiawa o Te Waka-a-Maui	Volume 1	11 Natural Hazards	Policy 11.1.3	Reject
319	21	Clive Tozer	Volume 1	11 Natural Hazards	Policy 11.1.4	Reject
364	61	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.4	Reject
472	10	ME Taylor Limited	Volume 1	11 Natural Hazards	Policy 11.1.4	Reject
504	53	Queen Charlotte Sound Residents Association	Volume 1	11 Natural Hazards	Policy 11.1.4	Accept
319	23	Clive Tozer	Volume 1	11 Natural Hazards	Policy 11.1.5	Reject
364	62	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.5	Accept
501	50	Te Runanga O Ngati Kuia	Volume 1	11 Natural Hazards	Policy 11.1.5	Reject

1186	61	Te Atiawa o Te Waka-a-Maui	Volume 1	11 Natural Hazards	Policy 11.1.5	Reject
319	22	Clive Tozer	Volume 1	11 Natural Hazards	Policy 11.1.6	Accept
364	63	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.6	Accept
424	43	Michael and Kristen Gerard	Volume 1	11 Natural Hazards	Policy 11.1.6	Accept
425	197	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	Policy 11.1.6	Accept
472	11	ME Taylor Limited	Volume 1	11 Natural Hazards	Policy 11.1.6	Accept
501	51	Te Runanga O Ngati Kuia	Volume 1	11 Natural Hazards	Policy 11.1.6	Reject
717	38	Fulton Hogan Limited	Volume 1	11 Natural Hazards	Policy 11.1.6	Accept
873	33	KiwiRail Holdings Limited	Volume 1	11 Natural Hazards	Policy 11.1.6	Accept
364	64	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.7	Accept in Part
425	196	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	Policy 11.1.7	Reject

479	104	Department of Conservation	Volume 1	11 Natural Hazards	Policy 11.1.7	Reject
548	84	Awatere Water Users Group Incorporated	Volume 1	11 Natural Hazards	Policy 11.1.7	Accept
610	6	Burkhart Fisheries Limited and Lanfar Holdings (4) Limited	Volume 1	11 Natural Hazards	Policy 11.1.7	Accept
710	20	The Fishing Industry Submitters	Volume 1	11 Natural Hazards	Policy 11.1.7	Reject
873	34	KiwiRail Holdings Limited	Volume 1	11 Natural Hazards	Policy 11.1.7	Accept in Part
906	9	Legacy Fishing Limited	Volume 1	11 Natural Hazards	Policy 11.1.7	Accept
1038	8	PauaMAC 7 Industry Association Incorporated	Volume 1	11 Natural Hazards	Policy 11.1.7	Reject
Policies 11.1.8 – 11.1.16						
151	3	Trevor Offen	Volume 1	11 Natural Hazards	Policy 11.1.8	Accept in Part
319	13	Clive Tozer	Volume 1	11 Natural Hazards	Policy 11.1.8	Accept

364	65	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.8	Accept
425	194	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	Policy 11.1.8	Accept
1004	4	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 1	11 Natural Hazards	Policy 11.1.8	Accept
319	14	Clive Tozer	Volume 1	11 Natural Hazards	Policy 11.1.9	Accept
319	15	Clive Tozer	Volume 1	11 Natural Hazards	Policy 11.1.9	Accept
364	66	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.9	Accept
998	3	New Zealand Pork Industry Board	Volume 1	11 Natural Hazards	Policy 11.1.9	Accept
1004	5	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 1	11 Natural Hazards	Policy 11.1.9	Accept
319	16	Clive Tozer	Volume 1	11 Natural Hazards	Policy 11.1.10	Accept
319	18	Clive Tozer	Volume 1	11 Natural Hazards	Policy 11.1.10	Accept

364	67	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.10	Accept
425	193	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	Policy 11.1.10	Accept
998	4	New Zealand Pork Industry Board	Volume 1	11 Natural Hazards	Policy 11.1.10	Accept
1004	6	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 1	11 Natural Hazards	Policy 11.1.10	Accept
364	68	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.11	Accept
1004	7	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 1	11 Natural Hazards	Policy 11.1.11	Accept
364	69	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.12	Accept
364	70	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.13	Accept in Part
424	44	Michael and Kristen Gerard	Volume 1	11 Natural Hazards	Policy 11.1.13	Accept in Part
425	192	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	Policy 11.1.13	Accept in Part

364	71	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.14	Accept
364	72	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.15	Accept
996	1	New Zealand Institute of Surveyors	Volume 1	11 Natural Hazards	Policy 11.1.15	Accept
166	34	Te Runanga o Toa Rangatira	Volume 1	11 Natural Hazards	Policy 11.1.16	Reject
364	73	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.16	Accept
998	5	New Zealand Pork Industry Board	Volume 1	11 Natural Hazards	Policy 11.1.16	Accept
364	74	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.17	Accept
907	14	Levide Capital Limited	Volume 1	11 Natural Hazards	Policy 11.1.17	Reject
364	75	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.18	Accept
Policies 11.1.19 – 11.1.21						
364	76	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.19	Accept

425	191	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	Policy 11.1.19	Reject
364	77	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.20	Reject
238	1	Don Miller	Volume 1	11 Natural Hazards	Policy 11.1.21	Reject
364	78	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.1.21	Reject
425	190	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	Policy 11.1.21	Reject
962	78	Marlborough Forest Industry Association Incorporated	Volume 1	11 Natural Hazards	Policy 11.1.21	Reject
990	218	Nelson Forests Limited	Volume 1	11 Natural Hazards	Policy 11.1.21	Reject
1198	25	Transpower New Zealand Limited	Volume 1	11 Natural Hazards	Policy 11.1.21	Reject
Policy 11.1.22						
425	189	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	Policy 11.1.22	Reject

505	13	Ernslaw One Limited	Volume 1	11 Natural Hazards	Policy 11.1.22	Accept in Part
993	9	New Zealand Fire Service Commission	Volume 1	11 Natural Hazards	Policy 11.1.22	Accept
Objective 11.2						
505	14	Ernslaw One Limited	Volume 1	11 Natural Hazards	Objective 11.2	Reject
1238	37	Windermere Forests Limited	Volume 1	11 Natural Hazards	Objective 11.2	Reject
Policies 11.2.1 – 11.2.7						
319	1	Clive Tozer	Volume 1	11 Natural Hazards	Policy 11.2.1	Accept
364	80	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.2.1	Accept
425	188	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	Policy 11.2.1	Accept
1186	62	Te Atiawa o Te Waka-a-Maui	Volume 1	11 Natural Hazards	Policy 11.2.1	Reject
319	2	Clive Tozer	Volume 1	11 Natural Hazards	Policy 11.2.2	Reject

364	81	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.2.2	Accept
425	187	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	Policy 11.2.2	Reject
364	82	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.2.3	Accept
873	35	KiwiRail Holdings Limited	Volume 1	11 Natural Hazards	Policy 11.2.3	Accept
364	83	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.2.4	Accept
425	185	Federated Farmers of New Zealand	Volume 1	11 Natural Hazards	Policy 11.2.4	Reject
504	54	Queen Charlotte Sound Residents Association	Volume 1	11 Natural Hazards	Policy 11.2.4	Accept
364	84	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.2.5	Accept
364	85	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.2.6	Accept
364	86	Ian Balfour Mitchell	Volume 1	11 Natural Hazards	Policy 11.2.7	Accept
873	36	KiwiRail Holdings Limited	Volume 1	11 Natural Hazards	Policy 11.2.7	Accept

1002	48	New Zealand Transport Agency	Volume 1	11 Natural Hazards	Policy 11.2.7	Reject
Methods and Anticipated of Environmental Results						
712	99	Flaxbourne Settlers Association	Volume 1	11 Natural Hazards	11.M.2	Accept
319	3	Clive Tozer	Volume 1	11 Natural Hazards	11.M.4	Reject
91	139	Marlborough District Council	Volume 1	11 Natural Hazards	11.M.7	Accept
717	39	Fulton Hogan Limited	Volume 1	11 Natural Hazards	11.M.8	Reject
238	2	Don Miller	Volume 1	11 Natural Hazards	11.M.9	Reject
717	40	Fulton Hogan Limited	Volume 1	11 Natural Hazards	11.M.10	Reject
717	41	Fulton Hogan Limited	Volume 1	11 Natural Hazards	11.M.15	Reject
1186	63	Te Atiawa o Te Waka-a-Maui	Volume 1	11 Natural Hazards	11.AER.3	Reject
Chapter 14						

166	8	Te Runanga o Toa Rangatira	Volume 1	14 Use of the Rural Environment	Policy 14.1.10	Reject
319	20	Clive Tozer	Volume 1	14 Use of the Rural Environment	Policy 14.1.10	Accept
425	249	Federated Farmers of New Zealand	Volume 1	14 Use of the Rural Environment	Policy 14.1.10	Accept
431	36	Wine Marlborough	Volume 1	14 Use of the Rural Environment	Policy 14.1.10	Accept
457	36	Accolade Wines New Zealand Limited	Volume 1	14 Use of the Rural Environment	Policy 14.1.10	Accept
462	3	Blind River Irrigation Limited	Volume 1	14 Use of the Rural Environment	Policy 14.1.10	Accept
484	44	Clintondale Trust, Whyte Trustee Company Limited	Volume 1	14 Use of the Rural Environment	Policy 14.1.10	Accept
501	67	Te Runanga O Ngati Kuia	Volume 1	14 Use of the Rural Environment	Policy 14.1.10	Reject
909	33	Longfield Farm Limited	Volume 1	14 Use of the Rural Environment	Policy 14.1.10	Accept
1218	33	Villa Maria	Volume 1	14 Use of the Rural Environment	Policy 14.1.10	Accept

Chapter 2.7 – 2.11

91	311	Marlborough District Council	Volume 2	2 General Rules	2.7	Accept
359	41	WilkesRM Limited	Volume 2	2 General Rules	2.7.	Accept
425	467	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.7.	Reject
425	469	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.7.	Reject
425	470	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.7.	Reject
454	139	Kevin Francis Loe	Volume 2	2 General Rules	2.7.	Reject
548	119	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.7.	Accept
631	54	Constellation Brands New Zealand Limited	Volume 2	2 General Rules	2.7.	Reject
715	372	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	2 General Rules	2.7.	Accept in Part

717	67	Fulton Hogan Limited	Volume 2	2 General Rules	2.7.	Reject
769	81	Horticulture New Zealand	Volume 2	2 General Rules	2.7.	Reject
962	134	Marlborough Forest Industry Association Incorporated	Volume 2	2 General Rules	2.7.	Reject
962	135	Marlborough Forest Industry Association Incorporated	Volume 2	2 General Rules	2.7.	Reject
971	1	Mike Edridge Contracting and Civil Contractors NZ	Volume 2	2 General Rules	2.7.	Reject
990	23	Nelson Forests Limited	Volume 2	2 General Rules	2.7.	Reject
990	24	Nelson Forests Limited	Volume 2	2 General Rules	2.7.	Reject
1002	120	New Zealand Transport Agency	Volume 2	2 General Rules	2.7.	Reject
1002	129	New Zealand Transport Agency	Volume 2	2 General Rules	2.7.	Accept
1023	11	P Rene	Volume 2	2 General Rules	2.7.	Reject

1084	3	Raeburn Property Partnership	Volume 2	2 General Rules	2.7.	Reject
1242	42	Yealands Estate Limited	Volume 2	2 General Rules	2.7.	Reject
1269	1	KMS Mining Limited	Volume 2	2 General Rules	2.7.	Reject
425	458	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.7.1.	Accept
479	166	Department of Conservation	Volume 2	2 General Rules	2.7.1.	Reject
509	261	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.7.1.	Accept in Part
873	86	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.7.1.	Accept in Part
962	127	Marlborough Forest Industry Association Incorporated	Volume 2	2 General Rules	2.7.1.	Accept in Part
990	18	Nelson Forests Limited	Volume 2	2 General Rules	2.7.1.	Accept in Part
994	11	New Zealand Fish Passage Advisory Group	Volume 2	2 General Rules	2.7.1.	Accept

1002	121	New Zealand Transport Agency	Volume 2	2 General Rules	2.7.1.	Accept
1201	118	Trustpower Limited	Volume 2	2 General Rules	2.7.1.	Accept in Part
425	459	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.7.2.	Reject
479	168	Department of Conservation	Volume 2	2 General Rules	2.7.2.	Reject
509	263	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.7.2.	Accept
873	88	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.7.2.	Accept in Part
962	128	Marlborough Forest Industry Association Incorporated	Volume 2	2 General Rules	2.7.2.	Accept in Part
990	19	Nelson Forests Limited	Volume 2	2 General Rules	2.7.2.	Accept in Part
1002	123	New Zealand Transport Agency	Volume 2	2 General Rules	2.7.2.	Reject
1186	105	Te Atiawa o Te Waka-a-Maui	Volume 2	2 General Rules	2.7.2.	Reject

1198	42	Transpower New Zealand Limited	Volume 2	2 General Rules	2.7.2.	Reject
1201	119	Trustpower Limited	Volume 2	2 General Rules	2.7.2.	Accept in Part
10	1	Nicholas Webby	Volume 2	2 General Rules	2.7.3.	Accept in Part
307	9	T James	Volume 2	2 General Rules	2.7.3.	Reject
479	170	Department of Conservation	Volume 2	2 General Rules	2.7.3.	Reject
509	265	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.7.3.	Reject
962	129	Marlborough Forest Industry Association Incorporated	Volume 2	2 General Rules	2.7.3.	Accept in Part
992	44	New Zealand Defence Force	Volume 2	2 General Rules	2.7.3.	Accept in Part
994	15	New Zealand Fish Passage Advisory Group	Volume 2	2 General Rules	2.7.3.	Reject
454	52	Kevin Francis Loe	Volume 2	2 General Rules	2.7.4.	Reject

455	34	John Hickman	Volume 2	2 General Rules	2.7.4.	Accept in Part
456	34	George Mehlhopt	Volume 2	2 General Rules	2.7.4.	Accept in Part
509	267	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.7.4.	Reject
712	11	Flaxbourne Settlers Association	Volume 2	2 General Rules	2.7.4.	Reject
509	269	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.7.5.	Reject
717	66	Fulton Hogan Limited	Volume 2	2 General Rules	2.7.5.	Reject
873	90	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.7.5.	Accept
962	130	Marlborough Forest Industry Association Incorporated	Volume 2	2 General Rules	2.7.5.	Reject
990	21	Nelson Forests Limited	Volume 2	2 General Rules	2.7.5.	Reject
994	12	New Zealand Fish Passage Advisory Group	Volume 2	2 General Rules	2.7.5.	Reject

1186	106	Te Atiawa o Te Waka-a-Maui	Volume 2	2 General Rules	2.7.5.	Reject
1198	43	Transpower New Zealand Limited	Volume 2	2 General Rules	2.7.5.	Accept
509	271	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.7.6.	Accept in Part
149	64	PF Olsen Ltd	Volume 2	2 General Rules	2.7.7.	Accept in Part
425	468	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.7.7.	Accept in Part
479	172	Department of Conservation	Volume 2	2 General Rules	2.7.7.	Accept in Part
509	273	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.7.7.	Accept in Part
873	92	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.7.7.	Accept in Part
962	131	Marlborough Forest Industry Association Incorporated	Volume 2	2 General Rules	2.7.7.	Reject
990	22	Nelson Forests Limited	Volume 2	2 General Rules	2.7.7.	Reject

994	13	New Zealand Fish Passage Advisory Group	Volume 2	2 General Rules	2.7.7.	Reject
994	17	New Zealand Fish Passage Advisory Group	Volume 2	2 General Rules	2.7.7.	Reject
1002	127	New Zealand Transport Agency	Volume 2	2 General Rules	2.7.7.	Accept
1186	107	Te Atiawa o Te Waka-a-Maui	Volume 2	2 General Rules	2.7.7.	Reject
1198	44	Transpower New Zealand Limited	Volume 2	2 General Rules	2.7.7.	Reject
1201	120	Trustpower Limited	Volume 2	2 General Rules	2.7.7.	Reject
464	58	Chorus New Zealand limited	Volume 2	2 General Rules	2.7.8.	Accept in Part
1158	50	Spark New Zealand Trading Limited	Volume 2	2 General Rules	2.7.8.	Accept in Part
1198	45	Transpower New Zealand Limited	Volume 2	2 General Rules	2.7.8.	Accept in Part
1201	121	Trustpower Limited	Volume 2	2 General Rules	2.7.8.	Reject

121	1	Herb Thomson	Volume 2	2 General Rules	2.7.9.	Reject
425	472	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.7.9.	Reject
454	59	Kevin Francis Loe	Volume 2	2 General Rules	2.7.9.	Reject
455	37	John Hickman	Volume 2	2 General Rules	2.7.9.	Reject
456	37	George Mehlhopt	Volume 2	2 General Rules	2.7.9.	Reject
472	22	ME Taylor Limited	Volume 2	2 General Rules	2.7.9.	Reject
479	174	Department of Conservation	Volume 2	2 General Rules	2.7.9.	Reject
505	19	Ernslaw One Limited	Volume 2	2 General Rules	2.7.9.	Reject
509	275	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.7.9.	Reject
712	13	Flaxbourne Settlers Association	Volume 2	2 General Rules	2.7.9.	Reject

962	132	Marlborough Forest Industry Association Incorporated	Volume 2	2 General Rules	2.7.9.	Reject
1124	12	Steve MacKenzie	Volume 2	2 General Rules	2.7.9.	Reject
1251	61	Fonterra Co-operative Group Limited	Volume 2	2 General Rules	2.7.9.	Reject
509	277	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.7.10.	Accept in Part
715	373	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	2 General Rules	2.8.	Reject
990	25	Nelson Forests Limited	Volume 2	2 General Rules	2.8.	Reject
1198	46	Transpower New Zealand Limited	Volume 2	2 General Rules	2.8.	Accept in Part
425	449	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.8.1.	Reject
873	94	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.8.1.	Accept in Part
93	2	Spencer & Susan White	Volume 2	2 General Rules	2.8.1.1.	Reject

425	448	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.8.1.1.	Reject
509	279	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.8.1.1.	Reject
548	120	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.8.1.1.	Accept in Part
1004	28	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	2 General Rules	2.8.1.1.	Accept
509	280	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.8.1.2.	Accept in Part
548	121	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.8.1.2.	Reject
509	281	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.8.1.3.	Accept in Part
548	122	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.8.1.3.	Reject
88	5	Chris Bowron	Volume 2	2 General Rules	2.8.1.5.	Accept
93	3	Spencer & Susan White	Volume 2	2 General Rules	2.8.1.5.	Reject

306	1	Peter Bown	Volume 2	2 General Rules	2.8.1.5.	Reject
91	107	Marlborough District Council	Volume 2	2 General Rules	2.8.1.6.	Accept
425	453	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.8.1.6.	Reject
479	164	Department of Conservation	Volume 2	2 General Rules	2.8.1.6.	Accept in Part
425	452	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.8.2.	Accept in Part
430	2	John and Pam Harvey	Volume 2	2 General Rules	2.8.2.	Reject
472	26	ME Taylor Limited	Volume 2	2 General Rules	2.8.2.	Reject
479	165	Department of Conservation	Volume 2	2 General Rules	2.8.2.	Accept in Part
548	125	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.8.2.	Accept in Part
91	200	Marlborough District Council	Volume 2	2 General Rules	2.8.2.2.	Accept
1201	122	Trustpower Limited	Volume 2	2 General Rules	2.8.2.2.	Reject

367	4	Nigel and Christine Morrison	Volume 2	2 General Rules	2.8.2.3.	Reject
640	20	Douglas and Colleen Robbins	Volume 2	2 General Rules	2.8.2.3.	Accept in Part
738	23	Glenda Vera Robb	Volume 2	2 General Rules	2.8.2.3.	Reject
935	20	Melva Joy Robb	Volume 2	2 General Rules	2.8.2.3.	Reject
307	1	T James	Volume 2	2 General Rules	2.9.	Reject
359	40	WilkesRM Limited	Volume 2	2 General Rules	2.9.	Accept
1002	130	New Zealand Transport Agency	Volume 2	2 General Rules	2.9.	Accept
1269	2	KMS Mining Limited	Volume 2	2 General Rules	2.9.	Reject
479	167	Department of Conservation	Volume 2	2 General Rules	2.9.1.	Reject
509	262	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.9.1.	Reject
548	127	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.9.1.	Reject

994	14	New Zealand Fish Passage Advisory Group	Volume 2	2 General Rules	2.9.1.	Reject
1002	122	New Zealand Transport Agency	Volume 2	2 General Rules	2.9.1.	Reject
149	66	PF Olsen Ltd	Volume 2	2 General Rules	2.9.1.3.	Reject
425	455	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.9.1.3.	Reject
425	456	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.9.1.4.	Reject
648	37	D C Hemphill	Volume 2	2 General Rules	2.9.1.4.	Reject
990	29	Nelson Forests Limited	Volume 2	2 General Rules	2.9.1.4.	Reject
425	457	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.9.1.5.	Accept in Part
430	3	John and Pam Harvey	Volume 2	2 General Rules	2.9.2.	Reject
479	169	Department of Conservation	Volume 2	2 General Rules	2.9.2.	Reject

509	264	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.9.2.	Reject
548	128	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.9.2.	Accept in Part
873	89	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.9.2.	Accept in Part
1002	124	New Zealand Transport Agency	Volume 2	2 General Rules	2.9.2.	Reject
1186	108	Te Atiawa o Te Waka-a-Maui	Volume 2	2 General Rules	2.9.2.	Reject
1198	47	Transpower New Zealand Limited	Volume 2	2 General Rules	2.9.2.	Reject
425	460	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.9.2.2.	Reject
425	461	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.9.2.3.	Accept
425	462	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.9.2.4.	Accept
425	463	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.9.2.5.	Accept
307	8	T James	Volume 2	2 General Rules	2.9.3.	Reject

479	171	Department of Conservation	Volume 2	2 General Rules	2.9.3.	Reject
509	266	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.9.3.	Reject
548	129	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.9.3.	Accept in Part
992	45	New Zealand Defence Force	Volume 2	2 General Rules	2.9.3.	Accept in Part
994	16	New Zealand Fish Passage Advisory Group	Volume 2	2 General Rules	2.9.3.	Reject
1186	109	Te Atiawa o Te Waka-a-Maui	Volume 2	2 General Rules	2.9.3.	Reject
172	4	Davidson Group Ltd	Volume 2	2 General Rules	2.9.4.	Reject
425	464	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.9.4.	Reject
509	268	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.9.4.	Reject
548	130	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.9.4.	Accept in Part

992	48	New Zealand Defence Force	Volume 2	2 General Rules	2.9.4.	Reject
994	19	New Zealand Fish Passage Advisory Group	Volume 2	2 General Rules	2.9.4.	Reject
1002	126	New Zealand Transport Agency	Volume 2	2 General Rules	2.9.4.	Accept in Part
1186	110	Te Atiawa o Te Waka-a-Maui	Volume 2	2 General Rules	2.9.4.	Reject
454	53	Kevin Francis Loe	Volume 2	2 General Rules	2.9.4.1.	Accept in Part
454	54	Kevin Francis Loe	Volume 2	2 General Rules	2.9.4.2.	Accept in Part
455	58	John Hickman	Volume 2	2 General Rules	2.9.4.2.	Reject
456	58	George Mehlhopt	Volume 2	2 General Rules	2.9.4.2.	Reject
454	56	Kevin Francis Loe	Volume 2	2 General Rules	2.9.4.4.	Accept in Part
873	95	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.9.4.4.	Accept in Part

454	57	Kevin Francis Loe	Volume 2	2 General Rules	2.9.4.5.	Accept in Part
425	466	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.9.5.	Reject
509	270	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.9.5.	Reject
509	272	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.9.5.	Reject
548	131	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.9.5.	Accept in Part
454	54	Kevin Francis Loe	Volume 2	2 General Rules	2.9.4.2.	Accept in Part
873	91	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.9.5.	Accept in Part
456	58	George Mehlhopt	Volume 2	2 General Rules	2.9.4.2.	Reject
994	20	New Zealand Fish Passage Advisory Group	Volume 2	2 General Rules	2.9.5.	Reject
1186	111	Te Atiawa o Te Waka-a-Maui	Volume 2	2 General Rules	2.9.5.	Reject

1198	48	Transpower New Zealand Limited	Volume 2	2 General Rules	2.9.5.	Reject
648	38	D C Hemphill	Volume 2	2 General Rules	2.9.5.1.	Reject
648	39	D C Hemphill	Volume 2	2 General Rules	2.9.5.2.	Reject
430	5	John and Pam Harvey	Volume 2	2 General Rules	2.9.7.	Reject
479	173	Department of Conservation	Volume 2	2 General Rules	2.9.7.	Reject
509	274	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.9.7.	Reject
548	132	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.9.7.	Accept in Part
873	87	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.9.7.	Accept in Part
873	93	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.9.7.	Accept in Part
994	18	New Zealand Fish Passage Advisory Group	Volume 2	2 General Rules	2.9.7.	Accept in Part

994	21	New Zealand Fish Passage Advisory Group	Volume 2	2 General Rules	2.9.7.	Reject
1002	128	New Zealand Transport Agency	Volume 2	2 General Rules	2.9.7.	Reject
1186	112	Te Atiawa o Te Waka-a-Maui	Volume 2	2 General Rules	2.9.7.	Reject
1198	49	Transpower New Zealand Limited	Volume 2	2 General Rules	2.9.7.	Reject
469	2	Ian Bond	Volume 2	2 General Rules	2.9.7.2.	Reject
648	40	D C Hemphill	Volume 2	2 General Rules	2.9.7.2.	Accept
469	3	Ian Bond	Volume 2	2 General Rules	2.9.7.3.	Reject
149	67	PF Olsen Ltd	Volume 2	2 General Rules	2.9.7.4.	Reject
167	28	Killearnan Limited	Volume 2	2 General Rules	2.9.7.4.	Reject
318	4	Reade Family Holdings	Volume 2	2 General Rules	2.9.7.4.	Reject

336	3	William Ian Esson	Volume 2	2 General Rules	2.9.7.4.	Reject
440	4	Ian Esson	Volume 2	2 General Rules	2.9.7.4.	Accept
469	4	Ian Bond	Volume 2	2 General Rules	2.9.7.4.	Reject
648	41	D C Hemphill	Volume 2	2 General Rules	2.9.7.4.	Reject
962	138	Marlborough Forest Industry Association Incorporated	Volume 2	2 General Rules	2.9.7.4.	Reject
990	30	Nelson Forests Limited	Volume 2	2 General Rules	2.9.7.4.	Reject
1238	42	Windermere Forests Limited	Volume 2	2 General Rules	2.9.7.4.	Reject
336	4	William Ian Esson	Volume 2	2 General Rules	2.9.7.5.	Reject
469	5	Ian Bond	Volume 2	2 General Rules	2.9.7.5.	Reject
648	42	D C Hemphill	Volume 2	2 General Rules	2.9.7.5.	Reject

990	31	Nelson Forests Limited	Volume 2	2 General Rules	2.9.7.5.	Reject
873	93	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.9.7.	Accept in Part
464	59	Chorus New Zealand limited	Volume 2	2 General Rules	2.9.8.	Accept in Part
1158	51	Spark New Zealand Trading Limited	Volume 2	2 General Rules	2.9.8.	Reject
1198	50	Transpower New Zealand Limited	Volume 2	2 General Rules	2.9.8.	Reject
962	139	Marlborough Forest Industry Association Incorporated	Volume 2	2 General Rules	2.10.	Reject
990	32	Nelson Forests Limited	Volume 2	2 General Rules	2.10.	Reject
425	476	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.10.1.	Reject
454	65	Kevin Francis Loe	Volume 2	2 General Rules	2.10.1.	Deferred
509	284	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.10.1.	Accept
548	135	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.10.1.	Accept

712	14	Flaxbourne Settlers Association	Volume 2	2 General Rules	2.10.1.	Deferred
896	7	Lachlan Taylor	Volume 2	2 General Rules	2.10.1.	Deferred
1124	13	Steve MacKenzie	Volume 2	2 General Rules	2.10.1.	Deferred
454	66	Kevin Francis Loe	Volume 2	2 General Rules	2.10.2.	Accept
509	285	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.10.2.	Reject
548	136	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.10.2.	Accept
712	92	Flaxbourne Settlers Association	Volume 2	2 General Rules	2.10.2.	Accept
1124	56	Steve MacKenzie	Volume 2	2 General Rules	2.10.2.	Accept
455	35	John Hickman	Volume 2	2 General Rules	2.11.1.	Accept
456	35	George Mehlhopt	Volume 2	2 General Rules	2.11.1.	Accept
479	176	Department of Conservation	Volume 2	2 General Rules	2.11.1.	Accept

496	74	Royal Forest and Bird Protection Society NZ {Forest & Bird}	Volume 2	2 General Rules	2.11.1.	Accept
509	286	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.11.1.	Reject
548	137	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.11.1.	Accept
1002	137	New Zealand Transport Agency	Volume 2	2 General Rules	2.11.1.	Accept
1189	116	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 2	2 General Rules	2.11.1.	Reject
455	36	John Hickman	Volume 2	2 General Rules	2.11.2.	Accept
456	36	George Mehlhopt	Volume 2	2 General Rules	2.11.2.	Accept
496	75	Royal Forest and Bird Protection Society NZ {Forest & Bird}	Volume 2	2 General Rules	2.11.2.	Accept
509	287	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.11.2.	Accept
548	138	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.11.2.	Accept

1002	138	New Zealand Transport Agency	Volume 2	2 General Rules	2.11.2.	Accept
1201	123	Trustpower Limited	Volume 2	2 General Rules	2.11.2.	Accept
509	288	Nelson Marlborough Fish and Game	Volume 2	2 General Rules	2.11.3.	Accept
548	139	Awatere Water Users Group Incorporated	Volume 2	2 General Rules	2.11.3.	Accept
Rules 2.12 – 2.14						
91	64	Marlborough District Council	Volume 2	2 General Rules	2.12.	Reject
149	68	PF Olsen Ltd	Volume 2	2 General Rules	2.10.	Reject
769	82	Horticulture New Zealand	Volume 2	2 General Rules	2.12.	Reject
91	111	Marlborough District Council	Volume 2	2 General Rules	2.12.1.	Accept
425	480	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.12.4.	Reject
459	40	Beef and Lamb New Zealand	Volume 2	2 General Rules	2.12.5.	Reject

425	481	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.12.6.	Reject
425	482	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.12.7.	Reject
425	484	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.12.8.	Reject
425	485	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.12.9.	Reject
91	214	Marlborough District Council	Volume 2	2 General Rules	2.12.10.	Accept
425	486	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.12.10.	Reject
91	76	Marlborough District Council	Volume 2	2 General Rules	2.12.11.	Reject
873	96	KiwiRail Holdings Limited	Volume 2	2 General Rules	2.13.1.	Reject
1198	51	Transpower New Zealand Limited	Volume 2	2 General Rules	2.13.1.	Accept
640	25	Douglas and Colleen Robbins	Volume 2	2 General Rules	2.13.1.1.	Reject
738	28	Glenda Vera Robb	Volume 2	2 General Rules	2.13.1.1.	Reject

935	25	Melva Joy Robb	Volume 2	2 General Rules	2.13.1.1.	Reject
1004	29	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	2 General Rules	2.13.1.1.	Accept
1140	30	Sanford Limited	Volume 2	2 General Rules	2.13.1.1.	Reject
91	63	Marlborough District Council	Volume 2	2 General Rules	2.14.	Accept in Part
91	109	Marlborough District Council	Volume 2	2 General Rules	2.14.	Reject
769	83	Horticulture New Zealand	Volume 2	2 General Rules	2.14.	Reject
91	110	Marlborough District Council	Volume 2	2 General Rules	2.14.1.	Accept
307	3	T James	Volume 2	2 General Rules	2.14.1.	Reject
430	6	John and Pam Harvey	Volume 2	2 General Rules	2.14.1.	Reject
994	22	New Zealand Fish Passage Advisory Group	Volume 2	2 General Rules	2.14.2.3.	Accept

430	7	John and Pam Harvey	Volume 2	2 General Rules	2.14.6.	Reject
479	180	Department of Conservation	Volume 2	2 General Rules	2.14.6.	Accept
425	483	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.14.7.	Reject
91	106	Marlborough District Council	Volume 2	2 General Rules	2.14.7.2.	Accept
425	483	Federated Farmers of New Zealand	Volume 2	2 General Rules	2.14.7.	Reject
91	199	Marlborough District Council	Volume 2	2 General Rules	2.14.7.4.	Accept
640	26	Douglas and Colleen Robbins	Volume 2	2 General Rules	2.14.7.5.	Reject
738	29	Glenda Vera Robb	Volume 2	2 General Rules	2.14.7.5.	Reject
935	26	Melva Joy Robb	Volume 2	2 General Rules	2.14.7.5.	Reject
91	105	Marlborough District Council	Volume 2	2 General Rules	2.14.8.3.	Accept
211	1	Jill Pendleton	Volume 2	2 General Rules	2.14.10.	Reject

476	22	South Marlborough Landscape Restoration Trust	Volume 2	2 General Rules	2.14.10.2.	Reject
469	6	Ian Bond	Volume 2	2 General Rules	2.14.10.3.	Reject
Chapter 3: 3.2.17, 3.2.15, 3.2.16 and 3.3.10						
425	502	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.2.1.7.	Reject
505	25	Ernslaw One Limited	Volume 2	3 Rural Environment Zone	3.2.1.7.	Accept
505	39	Ernslaw One Limited	Volume 2	3 Rural Environment Zone	3.2.1.7.	Accept
962	146	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.2.1.7.	Reject
993	26	New Zealand Fire Service Commission	Volume 2	3 Rural Environment Zone	3.2.1.7.	Accept
469	13	Ian Bond	Volume 2	3 Rural Environment Zone	3.3.10.3.	Reject
425	502	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.2.1.7.	Reject

505	25	Ernslaw One Limited	Volume 2	3 Rural Environment Zone	3.2.1.7.	Reject
505	39	Ernslaw One Limited	Volume 2	3 Rural Environment Zone	3.2.1.7.	Reject
962	146	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.2.1.7.	Accept
993	26	New Zealand Fire Service Commission	Volume 2	3 Rural Environment Zone	3.2.1.7.	Reject
469	13	Ian Bond	Volume 2	3 Rural Environment Zone	3.3.10.3.	Reject
Chapter 4						
993	31	New Zealand Fire Service Commission	Volume 2	4 Coastal Environment Zone	4.2.1.6.	Accept
151	4	Trevor Offen	Volume 2	4 Coastal Environment Zone	4.2.1.13.	Deferred
425	633	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.2.1.13.	Accept in Part
425	634	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.2.1.14.	Accept in Part

Chapter 19 and Open 3 Space						
425	714	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.2.1.4.	Accept in Part
993	84	New Zealand Fire Service Commission	Volume 2	19 Open Space 3 Zone	19.2.1.4.	Accept in Part
277	4	Peter Bown	Volume 2	19 Open Space 3 Zone	19.2.1.8.	Accept in Part
425	718	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.2.1.8.	Accept in Part
277	5	Peter Bown	Volume 2	19 Open Space 3 Zone	19.2.1.9.	Accept in Part
425	719	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.2.1.9.	Accept in Part
433	189	Port Marlborough New Zealand Limited	Volume 2	19 Open Space 3 Zone	19.2.1.9.	Accept in Part
Chapter 21 Floodway						
158	1	Gerard Verkaaik	Volume 2	21 Floodway Zone	21.	Reject
172	11	Davidson Group Ltd	Volume 2	21 Floodway Zone	21.	Reject

479	261	Department of Conservation	Volume 2	21 Floodway Zone	21.	Accept in Part
1002	218	New Zealand Transport Agency	Volume 2	21 Floodway Zone	21.	Deferred
1198	147	Transpower New Zealand Limited	Volume 2	21 Floodway Zone	21.	Deferred
852	13	Kelvin Holdaway	Volume 2	21 Floodway Zone	21.1.	Reject
925	16	Michelle Gail Harris	Volume 2	21 Floodway Zone	21.1.	Reject
91	126	Marlborough District Council	Volume 2	21 Floodway Zone	21.1.2.	Accept
479	262	Department of Conservation	Volume 2	21 Floodway Zone	21.1.2.	Accept in Part
91	232	Marlborough District Council	Volume 2	21 Floodway Zone	21.1.5.	Accept
479	264	Department of Conservation	Volume 2	21 Floodway Zone	21.1.6.	Reject
717	76	Fulton Hogan Limited	Volume 2	21 Floodway Zone	21.1.8.	Reject
971	2	Mike Edridge Contracting and Civil Contractors NZ	Volume 2	21 Floodway Zone	21.1.8.	Accept in Part

717	82	Fulton Hogan Limited	Volume 2	21 Floodway Zone	21.1.9.	Reject
91	240	Marlborough District Council	Volume 2	21 Floodway Zone	21.1.10.	Accept
1198	146	Transpower New Zealand Limited	Volume 2	21 Floodway Zone	21.2.	Deferred
1284	11	Port Marlborough New Zealand Limited	Volume 2	21 Floodway Zone	21.2.	Reject
1186	211	Te Atiawa o Te Waka-a-Maui	Volume 2	21 Floodway Zone	21.3.1.	Accept in Part
91	229	Marlborough District Council	Volume 2	21 Floodway Zone	21.3.1.2.	Reject
172	12	Davidson Group Ltd	Volume 2	21 Floodway Zone	21.3.1.2.	Accept in Part
91	125	Marlborough District Council	Volume 2	21 Floodway Zone	21.3.2.	Reject
307	2	T James	Volume 2	21 Floodway Zone	21.3.2.	Accept in Part
479	263	Department of Conservation	Volume 2	21 Floodway Zone	21.3.2.	Accept
91	231	Marlborough District Council	Volume 2	21 Floodway Zone	21.3.5.	Accept

994	27	New Zealand Fish Passage Advisory Group	Volume 2	21 Floodway Zone	21.3.5.	Accept in Part
479	265	Department of Conservation	Volume 2	21 Floodway Zone	21.3.6.	Accept in Part
307	5	T James	Volume 2	21 Floodway Zone	21.3.9.	Reject
91	228	Marlborough District Council	Volume 2	21 Floodway Zone	21.3.9.2.	Accept
91	104	Marlborough District Council	Volume 2	21 Floodway Zone	21.3.9.6.	Accept
91	239	Marlborough District Council	Volume 2	21 Floodway Zone	21.3.10.	Reject
91	122	Marlborough District Council	Volume 2	21 Floodway Zone	21.3.11.1.	Accept
91	248	Marlborough District Council	Volume 2	21 Floodway Zone	21.3.12.1.	Accept
91	247	Marlborough District Council	Volume 2	21 Floodway Zone	21.3.12.3.	Accept in Part
91	246	Marlborough District Council	Volume 2	21 Floodway Zone	21.3.14.2.	Accept

425	760	Federated Farmers of New Zealand	Volume 2	21 Floodway Zone	21.3.16.	Accept in Part
1251	90	Fonterra Co-operative Group Limited	Volume 2	21 Floodway Zone	21.3.16.	Accept in Part
319	5	Clive Tozer	Volume 2	21 Floodway Zone	21.3.16.1.	Accept in Part
640	62	Douglas and Colleen Robbins	Volume 2	21 Floodway Zone	21.3.16.1.	Accept in Part
738	62	Glenda Vera Robb	Volume 2	21 Floodway Zone	21.3.16.1.	Accept in Part
935	62	Melva Joy Robb	Volume 2	21 Floodway Zone	21.3.16.1.	Accept in Part
459	16	Beef and Lamb New Zealand	Volume 2	21 Floodway Zone	21.3.16.3.	Deferred
459	36	Beef and Lamb New Zealand	Volume 2	21 Floodway Zone	21.3.16.3.	Deferred
91	121	Marlborough District Council	Volume 2	21 Floodway Zone	21.4.2.	Accept
631	39	Constellation Brands New Zealand Limited	Volume 2	21 Floodway Zone	21.4.2.	Accept in Part
91	120	Marlborough District Council	Volume 2	21 Floodway Zone	21.4.3.	Accept in Part

631	40	Constellation Brands New Zealand Limited	Volume 2	21 Floodway Zone	21.4.3.	Accept
738	62	Glenda Vera Robb	Volume 2	21 Floodway Zone	21.3.16.1.	Accept in Part
935	62	Melva Joy Robb	Volume 2	21 Floodway Zone	21.3.16.1.	Accept
459	16	Beef and Lamb New Zealand	Volume 2	21 Floodway Zone	21.3.16.3.	Accept in Part
459	36	Beef and Lamb New Zealand	Volume 2	21 Floodway Zone	21.3.16.3.	Accept
Definitions						
1002	255	New Zealand Transport Agency	Volume 2	25 Definitions	"rock rip-rap"	Accept
Overlay Maps and Zoning Maps						
151	5	Trevor Offen	Volume 4	Overlay Maps	Flood Hazard Area 4	Reject
350	1	DJ Groome	Volume 4	Overlay Maps	Flood Hazard Area 4	Accept in Part
344	1	Shane Douglas Groome	Volume 4	Overlay Maps	Flood Hazard Area 4	Accept in Part

388	1	Adrian Mark Henry Harvey	Volume 4	Overlay Maps	Flood Hazard Area 4	Accept in Part
151	1	Trevor Offen	Volume 4	Overlay Maps	Flood Hazard Area 6	Accept in Part
339	28	Sharon Parkes	Volume 4	Overlay Maps	Flood Hazard Area 13	Accept in Part
48	1	Grant Hutchings	Volume 4	Overlay Maps	Flood Hazard Area 15	Reject
434	1	Michael Patrick Limited	Volume 4	Overlay Maps	Flood Hazard Area 15	Accept
996	38	New Zealand Institute of Surveyors	Volume 4	Overlay Maps	Flood Hazard Area 22	Reject
319	17	Clive Tozer	Volume 4	Overlay Maps	Flood Hazard Area 23	Accept in Part
1084	7	Raeburn Property Partnership	Volume 4	Overlay Maps	Flood Hazard Area 23	Accept in Part
34	1	Dion and Rosalind Mundy	Volume 4	Overlay Maps	Flood Hazard Area 24	Accept in Part
129	1	Rebecca Light	Volume 4	Overlay Maps	Flood Hazard Area 24	Accept in Part
182	1	Anna Jane Tyson	Volume 4	Overlay Maps	Flood Hazard Area 24	Accept in Part

229	1	Matthew Broughan	Volume 4	Overlay Maps	Flood Hazard Area 24	Accept in Part
327	1	John William Broughan	Volume 4	Overlay Maps	Flood Hazard Area 24	Accept in Part
385	1	Stephen Butler	Volume 4	Overlay Maps	Flood Hazard Area 24	Accept in Part
324	2	R Parkes	Volume 4	Overlay Maps	Flood Hazard Area 24	R
277	7	Peter Bown	Volume 4	Overlay Maps	Flood Hazard Area 28	Accept in Part
475	2	Jamie Timms Timms (Timms Family)	Volume 4	Overlay Maps	Flood Hazard Area 28	Accept in Part
1035	4	Pieter Wilhelmus and Ormond Aquaculture Limited	Volume 4	Overlay Maps	Flood Hazard Area 28	Accept in Part
373	1	Park, Janet and Tschepp, Mark	Volume 4	Overlay Maps	Flood Hazard Area 30	Accept
353	1	Tim and Franzi Trust	Volume 4	Overlay Maps	Flood Hazard Area 33	Accept in Part
425	783	Federated Farmers of New Zealand	Volume 4	Overlay Maps		Reject

425	780	Federated Farmers of New Zealand	Volume 4	General		Accept in Part
460	2	Timberlink New Zealand Limited	Volume 4	General	Zoning Map 14	Reject
158	2	Gerald Veraaik	Volume 4	General	Zoning Map 19	Accept
319	4	Clive Tozer	Volume 4	General	Zoning Map 149	Accept
373	1	J M Park and M Tschopp	Volume 4	General	Zoning Map 169	Accept
631	42	Constellation Brands Limited	Volume 4	General	Zoning Maps 158 - 160 and 169 - 170	Accept
91	264 - 310	Marlborough District Council	Volume 4	General	Various	Deferred