

# **Proposed Marlborough Environment Plan**

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

**1 October 2018**

**Report dated 3 September 2018**

**Report on submissions and further submissions  
topic: Water Quality**

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## List of Abbreviations

Accolade	Accolade Wines New Zealand Limited
AER	Anticipated environmental result
AQNZ	Aquaculture NZ
Aquanort Pools	Greg Norton Limited Trading as Aquanort Pools
AWUG	Awatere Water Users Group
BRIL	Blind River Irrigation Limited
Chamber	Marlborough Chamber of Commerce
Constellation	Constellation Brands New Zealand Limited
DOC	Department of Conservation
EDS	Environmental Defence Society Incorporated
Environment Centre	The Marlborough Environment Centre Incorporated
Federated Farmers	Federated Farmers of NZ
FENZ	Fire and Emergency New Zealand
Fertiliser Assn	The Fertiliser Association of NZ
Fish and Game	Nelson Marlborough Fish and Game
Fishing Industry	The Fishing Industry Submitters
FMU	Freshwater Management Unit
Fonterra	Fonterra Co-operative Group Limited
Forest and Bird	Royal Forest and Bird Protection Society of NZ Incorporated
Friends	Friends of Nelson Haven and Tasman Bay Incorporated
GPA	Groundwater Protection Area
HAIL	Hazardous Activities and Industries List
HSNO	Hazardous Substances and New Organisms Act 1996
Irrigation NZ	Irrigation New Zealand Incorporated
KCSRA	Kenepuru & Central Sounds Residents Association Incorporated
KiwiRail	KiwiRail Holdings Limited
Lion	Lion - Beer, Spirits & Wine (NZ) Limited
MDC	Marlborough District Council
MEP	Proposed Marlborough Environment Plan
MFA	Marine Farming Association
MFIA	Marlborough Forest Industry Association
MSRMP	Marlborough Sounds Resource Management Plan
Mt Zion	Mt Zion Charitable Trust and Scholefield, A M and W W
NESPF	National Environmental Standards for Plantation Forestry 2017
Ngāi Tahu	Te Rūnanga o Kaikōura and Te Runanga o Ngāi Tahu
Ngāti Kuia	Te Rūnanga O Ngāti Kuia
NMDHB	Nelson Marlborough District Health Board
North Rarangi WS	North Rarangi Water Supply Incorporated

NPSFM	National Policy Statement on Freshwater Management 2014
NPSET	National Policy Statement on Electricity Transmission 2008
NZ	New Zealand
NZDF	NZ Defence Force
NZTA	NZ Transport Agency
NZ Deer Farmers	New Zealand Deer Farmers Association - Marlborough Branch
NZ Forest Products	NZ Forest Products Holdings Limited
NZ Pork	NZ Pork Industry Board
Oil Companies	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited
Okiwi Bay Ratepayers	Okiwi Bay Ratepayers Assn Inc
Panel	MEP Hearings Panel
Pernod Ricard	Pernod Ricard Winemakers NZ Limited
PIP	Progressive Implementation Programme ( <i>under the NPSFM</i> )
Port Marlborough	Port Marlborough of NZ Limited
QCS Residents	Queen Charlotte Sound Residents Association
Rarangi Residents	Rarangi District Residents Association
Rarangi North WS	North Rarangi Water Supply Incorporated
RMA	Resource Management Act 1991
RSA	Rarangi Shallow Aquifer
Save the Wairau	Save the Wairau River Incorporated
Surveyors	New Zealand Institute of Surveyors
Transpower	Transpower New Zealand Limited
Te Ātiawa	Te Ātiawa o Te Waka-a-Māui
WARMP	Wairau/Awatere Resource Management Plan
Wilhelmus/Ormond	P Wilhelmus and Ormond Aquaculture Limited
WRU	Water Resource Unit
Yachting NZ	Yachting New Zealand Incorporated

## Introduction

1. Our names are Rachel Anderson and Peter Hamill.
2. Rachel is a Policy Portfolio Manager in the Environmental Policy Group at the Marlborough District Council. Rachel's qualifications and experience are as follows:
  - Bachelor of Science – Geology and Geography;
  - 14 years experience in resource management.
3. Rachel was involved in the preparation of the Proposed Marlborough Environment Plan (MEP) in her role as Policy Portfolio Manager. Of particular relevance to this hearing topic, Rachel had a minor role in the Volume 1, Chapter 15 provisions, however was more involved in the development of the Volume 2, 3 and 4 provisions/maps relating to water quality.
4. Peter Hamill has been employed by Marlborough District Council as the Team Leader - Land and Water in Council's Environmental Science and Monitoring Group since June 2017. Previous to this position Peter has held the following positions since his employment at the Marlborough District Council began in 1994 –Senior Environmental Scientist, Environmental Scientist - Aquatic Biota, Policy Analyst - Information Management, Resource Information Officer and Consents Officer.
5. Peter's qualifications and experience are as follows:
  - Bachelor of Science and Post-Graduate Diploma in Science (University of Otago, 1989);
  - Involvement with the Council's Significant Natural Areas programme since its inception and was involved with the development of the criteria for determining significance used in the SNA programme. Peter was the lead in the identification and assessment of significance of wetlands across Marlborough and has personally visited over 200 wetlands and assessed them in relation to the assessment criteria.
6. Peter was involved in the preparation of the MEP in a limited context by providing information and specialist advice to the Environmental Policy Group on areas where he has expertise, mainly in relation to biodiversity, wetlands and freshwater management (including water quality).
7. We have read Council's Section 32 reports relating to Water Quality.
8. This report was also contributed to by the Council's Groundwater Scientist, Peter Davidson. Were he has provided expert advice for this report, it has been notated accordingly. Peter's qualifications and experience are as follows:
  - Bachelor of Science in Geology (University of Otago, 1985);
  - Master's Degree in Earth Sciences (University of Otago, 1989);
  - Attended Post Graduate Course in Groundwater Hydrology (University of New South Wales, 1987).
9. Peter Davidson was involved in the preparation of the MEP by providing information and specialist advice to the Environmental Policy Group on areas where he has expertise, mainly in relation to freshwater management (including Groundwater Protection Areas).

## Code of Conduct

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

11. We confirm that we have considered all the material facts that we are aware of that might alter or detract from the opinions that we express, and that this evidence is within our area of expertise, except where we state that we are relying on the evidence of another person.
12. We are authorised to give this evidence on the Council's behalf.

## Scope of Hearings Report

13. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA).
14. In this report we assess and provide recommendations to the Hearing Panel on submissions made on the following –
  - provisions the water quality provisions in Chapter 15 (Resource Quality) of Volume 1;
  - the rules in Volume 2 for discharges to water;
  - standards across a range of activities that are directly related to effects on water quality, including Groundwater Protection Areas; and
  - appendices, maps and definitions associated with the above.
15. Some of the provisions covered in this report are at the level of standards, where they are specific to water quality and Groundwater Protection Areas. It is important to note however, that there may be number of submissions on the rules that the standards are associated with, that either support the rules (and therefore the standards) as notified and seek their retention, or oppose the rules (and therefore the standards) as notified and seek removal of the provisions from the MEP. As the standards covered in this context are associated with rules that are not only specific to water quality, the submissions on the rules themselves are not assessed as part of this report (for example, excavation in the Rural Environment Zone). However, the submissions on the rules are still relevant to the consideration of the submissions specifically on the water quality standards. These comments do not apply to the discharge to water, which are covered in this report in their entirety.
16. Provisions covered in this hearing topic that either received no submissions, or only submissions in support (with no relevant opposing further submissions) are not assessed in this report. However, submission points in support of provisions without any relevant opposition or amendment sought are recommended for acceptance in the “Recommended decisions or decisions requested” table in Appendix 1. For clarity, submissions on the following provisions fall into these categories –

### Provisions with no submissions

- Methods 15.M.4, 15.M.8, 15.M.10, 15.M.12, 15.M.22
- Rule 2.16.4, 2.18.1, 2.19.1, 2.19.2, 2.20.2, 2.20.3
- Headings 2.17.4, 2.17.7, 2.17.8, 2.17.9, Rule 2.16.10 and Heading 2.17.10, Rule 2.16.11
- Standards 2.17.1.1 to 2.17.1.4 (inclusive), 2.17.2.2, 2.17.3.6 to 2.17.3.8 (inclusive), 2.17.4.1, 2.17.5.1 to 2.17.5.6 (inclusive), 2.17.6.1, 2.17.6.2, 2.17.7.1 to 2.17.7.5 (inclusive), 2.17.10.1, 2.17.10.2, 2.17.11.1 to 2.17.11.6 (inclusive), 2.17.11.8, 2.39.2.6, 3.3.11.1, 4.3.10.1, 5.3.12.6, 6.3.7.7, 7.3.7.1, 13.3.19.10, 14.3.10.8, 17.3.4.2, 17.3.9.8, 18.3.5.2, 18.3.10.8, 19.3.3.1, 19.3.13.8, 19.3.20.3, 20.3.5.10, 22.3.8.1, 23.3.6.6
- Controlled Activity standards and terms 2.18.1.1, 2.18.1.2
- Controlled Activity matters controlled 2.18.1.3, 2.18.1.4, 2.18.1.5
- Water Resource Units, Groundwater Protection Area and Breakfeeding Definitions – Volume 2

- Water Resource Units Values and Water Quality Classifications Definition – Volume 2
- Water Resource Units Overlay – Volume 4

Provisions with supporting submissions only

- Policy 15.1.13
  - Methods 15.M.13, 15.M.14, 15.M.15, 15.M.17, 15.M.19, 15.M.20, 15.M.23
  - Rule 2.16.5 and Heading 2.17.5, Heading 2.19
  - Standards 2.17.3.4, 3.3.30.6, 3.3.31.3
  - Groundwater Protection Area Maps 1, and 3 to 7 (inclusive)
17. A number of submissions received requested information, made statements or asked questions but did not seek any relief in their submission. Where it has been possible to infer what relief might be sought, the submissions have been included in the body of the report and assessed accordingly. However, for some submissions inference could not be made and therefore for those points, neither an assessment or a recommendation is possible. Submission points of this nature are in the table in Appendix 1 with notations in the Recommendation column such as, “*Not applicable as no relief sought*”, “*Not applicable as no assessment possible*” or “*Not applicable as only information sought*”.
18. 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.
19. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.

## Further Submissions

20. Due to the volume of submissions to be considered for this hearing topic, further submissions are not discussed within the report unless they are particularly specific in responding to a submission point.
21. Many further submissions received are broadly made on all of the submissions of a particular entity and on a point-by- point basis are often not relevant or present conflicting positions. Reference in paragraph 16 above to “*opposing further submissions*” takes this point into consideration when determining if a further submission is “*relevant*” for the purposes of making an assessment and recommendation.

## Overview of Provisions Development

22. A detailed description of the process of review is set out on pages 7-17 of the Section 32 report for water quality. The process is summarised here.
23. The objectives set for water quality in Marlborough are intended to ensure that the values of freshwater water bodies and the coastal marine can continue to be supported in the future. The Council worked with others, and consulted with the community, to review and update the values recorded in the operative resource management plans. This process was necessary to ensure that appropriate freshwater objectives were established. These values are included in Appendix 5 of Volume 3 of the MEP.
24. The results of state of the environment monitoring over many years helped to inform the process of setting the fresh water objectives. The monitoring determined the current state of water quality.



25. The operative plans classified the waters to reflect the identified values and each classification has an accompanying set of water quality standards. The operative standards were reviewed by experts and updated where necessary. The provisions for point source discharges in the MEP are designed to ensure the attainment of the reviewed water quality standards.
26. The review involved a considerable body of other technical work to support the notified provisions. This included:
  - Establishing groundwater protection areas;
  - Evaluating the natural character of selected rivers;
  - Assessing the effect of stock access to rivers.
27. The development of the Council's Stormwater Strategy also assisted to complete the provisions for managing the adverse effects of stormwater.
28. The process of consulting the community was particularly influential in shaping the water quality provisions. Some of the policies applying stringent management to the discharge of particular types of contaminants or discharges to particular environments were partly informed by the acceptability of those discharges to the Marlborough community.
29. During the development of the notified provisions, the National Policy Statement for Freshwater Management came into effect. The NPSFM was first gazetted in 2011. It was then regazetted in 2014. The updated document introduced a framework for setting freshwater objectives and required regional councils and unitary authorities to set freshwater objectives, including objectives for two compulsory values: ecosystem health and human health for recreation. Finally, amendments were made to the NPSFM in 2017. These changes required the overall water quality to be maintained or improved within a freshwater management unit and introduced national swimming targets. The updates of the NPSFM had an effect on the development of the notified provisions, particularly in terms of setting freshwater objectives for Marlborough.

## Statutory Documents

30. The statutory documents relevant to the higher level provisions that the rules and standards discussed in this report implement are set out in the section 32 report entitled "Chapter 15: Resource Quality - Water.

## Analysis of submissions

31. This report contains assessments and recommendations relating to specific submission points as listed in Appendix 1 and referenced throughout the report.
32. There are some submission points that do not seek a specific decision, and for which one cannot be inferred. Due to their nature no recommendation can be made therefore they are labelled "not applicable" in the recommendation column of the table in Appendix 1.

## Key Matters

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

Matter 1: Issues 15 A, 15B and 15C.

Matter 2: Objectives 15.1a, 15.1b, 15.1c, 15.1d and 15.1e.

Matter 3: Management purpose.

Matter 4: Enhancing water quality.

Matter 5: Management of point source discharges to water.

Matter 6: Management of non-point source discharges.

Matter 7: Water quality standards on other activities.

Matter 8: Submissions not covered elsewhere.

## Pre-hearing meetings

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

## Matter 1: Issues 15 A, 15B and 15C.

### Issue 15A

35. Issue 15A reads as follows –

*“The discharge of contaminants to water can adversely affect the life supporting capacity and the community’s use of Marlborough’s coastal waters, rivers, lakes, wetlands and aquifers”.*

36. There are eight submissions<sup>1</sup> that support Issue 15A and seek its retention as notified.

37. Issue 15A has attracted a number of submissions seeking some amendment of the wording of the Issue or the explanation to the Issue, or seeking a new provision be added to the MEP in association with Issue 15A.

### *Issue 15A*

38. Part of the Federated Farmers submission (425.273) seeks the removal of the notified Issue 15A and a new Issue 15A to be worded as follows –

***“Meeting the needs of Marlborough’s urban and rural economy whilst ensuring activities do not have adverse effects on water values and uses”.***

The submitter offers no real rationale for such a significant change, except that it will be more consistent with the urban chapter. The writers are not persuaded by the submission that such a change to the Issue is appropriate and the “issue” that 15A sets up to be resolved through the subsequent provisions is lost in the submitter’s version.

### *Explanation to Issue 15A*

39. Nelson Forests Limited (990.230) seeks an amendment to the second sentence of the first paragraph of the explanation to read as follows – ~~“Any deterioration~~ **Deterioration** *in water quality would have dramatic implications for Marlborough’s social, economic and cultural wellbeing, as good water quality is essential for a wide range of consumptive and non-consumptive uses”.* The submitter is of the view that the text, as written, overstates the issue and that some short-term adverse effect on water quality is inevitable in response to natural events (such as storms) and may be necessary to allow for use of resources. While it is acknowledged towards the end of the explanation that rainfall events do have an impact on water quality, this issue is about the discharge of contaminants as a result of human action. If activities that had short-term effects on water quality were provided for to enable resource use, then presumably that would be done in a manner that did not have unacceptable effects on water

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<sup>1</sup> 401.173 (AQNZ), 426.181 (MFA), 496.037 (Forest and Bird), 505.015 (Ernslaw One Limited), 509.159 (Fish and Game), 716.174 (Friends), 1002.068 (NZTA) and 1192.013 (Fertiliser Assn)

quality, i.e. it would not cause deterioration (progressive decline). The writers are not of a mind that the amendment sought is necessary.

40. Nelson Forests Limited (990.232) seeks clarification regarding the last paragraph of the explanation as it is of the view that it is not clear if the issue is non-point source discharges. They state that if it is not an issue of non-point source discharges, then “*delete this sentence and review the provisions that apply to the non-issue*”. Nelson Forests Limited are of the view that basing a framework for non-point source discharges on an uncertainty is not appropriate resource management planning, and the third sentence of this paragraph states that the greatest risk to water quality is “probably” non-point source discharges. The writers are not particularly clear on the submitters point, it seems to have taken a single word and attributed more meaning to it than it plainly has. The MEP has provisions to address both point source and non-point source discharges, they are both activities that need to be managed in relation to water quality. This is clearly articulated in the final sentence of the paragraph in question.
41. The MFIA (962.084) and Nelson Forests Limited (990.231) seek similar amendments to the section of the explanation headed “*Natural processes*”. They seek that the first sentence of the section be amended to read as follows – “*In the context of the above, it is also important to note that natural processes may influence water quality*”, and the second paragraph is amended to read as follows – “*Occasionally, natural processes will result in sediment reaching both fresh and coastal water, particularly during rainfall events. This affects the clarity and turbidity of water and the resulting **dirty discoloured** waters can have an impact on freshwater and marine life*”. The submitters are of the view that natural processes do result in sediment reaching water, and that the explanation downplays the significance of this. Natural processes will not *always* result in sediment reaching water, so there is not agreement with the absoluteness of the submitters views. While it could be argued that this situation may occur more than “*occasionally*”, it is not more appropriate to amend the explanation to state it will always occur. As there is no discussion in the submissions as to why the change from “*dirty*” to “*discoloured*” is sought, that has not been considered further.
42. The remaining part of the Federated Farmers submission (425.273) seeks amendments to the explanation to Issue 15A. The first change sought is to delete the entire first paragraph of the explanation and replace it as follows –

~~“The good state of water quality in Marlborough’s coastal waters, rivers, lakes, wetlands and aquifers makes them more vulnerable to point source and non-point source discharges. Any deterioration in water quality would have dramatic implications for Marlborough’s social, economic and cultural wellbeing, as good water quality is essential for a wide range of consumptive and non-consumptive uses. A reduction in water quality could also adversely affect freshwater and marine habitats. The main threats to water quality in Marlborough are described below. Urban and rural activities contribute to the social, economic and cultural well-being of people. Inappropriate land use and development can detract from the values and uses of water, including marine habitats. The MEP seeks to provide an enabling framework for development while prioritising and progressively reducing the adverse effects of discharges to water.”~~

The submitter provides no additional discussion around the change sought other than to repeat the replacement paragraph. Of particular concern to the writers is the significant change in focus, with the fact that this part of the MEP is specifically about water quality almost lost in the revision. The amended wording does not assist in establishing the issue, relative to the framework of provisions developed to address the issue.

43. The next change sought by Federated Farmers is to delete the entire last paragraph of the explanation under the section headed “*Rural activities*”, which states – “*There is the potential for rural activities to change and intensify in the future. For example, in many other regions there has been a change from traditional pastoral farming to dairy farming. This has led to water quality degradation, especially in lowland streams and for groundwater.*”

The submitter is of the view that the example given in this paragraph is a generalisation, and that is why it wants the paragraph removed. The Ravensdown Limited submission (1090.027) also seeks the same relief as, in this its view, an assumption is being made that converting to dairy farming has led to degradation of water quality in other regions and that is not always the case. The writers are of the view that the text of concern is clearly given as an example to assist in illustrating a point, and in that context, it is useful to retain in the explanation to the Issue. The example states in many regions, it

does not say in all regions, and in discussing some regions, it notes that conversions have led to water quality degradation. Both submitters have sought the complete removal of the text in question, however perhaps they may consider if there is an amendment to the wording that would sit more comfortably with them but still enable the very useful example to be given.

44. The next change sought by Federated Farmers is an addition to the final paragraph of the explanation as follows –

*"There has been a strong preference for discharges to land since the first Marlborough Regional Policy Statement (MRPS) became operative in 1995. This has resulted in a reduction in the number of point source discharges to water. Consequently, the greatest risk to water quality is probably associated with non-point source discharges. Non-point source discharges are difficult to manage as there is no discrete point to which management can be applied. This situation does not justify inaction, but means that the management of non-point source discharges is challenging and will require innovative approaches. It is important that the MEP provides a framework to deal with the point source and non-point source discharges to maintain and enhance water quality in Marlborough's coastal waters, rivers, lakes, wetlands and aquifers **through a framework which enables catchment communities to target sources and develop innovations tailored to the specific catchment situation.**"*

The submitter is of the view that it is important that the Plan provides a framework which enables catchment communities to target sources and develop innovations tailored to the specific catchment situations, in order to maintain and enhance water quality. While there are provisions in Chapter around developing Catchment Management Plans with the community for degraded and at risk catchments, the writers are unclear whether this is the framework the submitter is referring to, or whether it is something greater than that. Without more certainty about what the submitter means by the additional text relative to the provisions that respond to the Issue, the writers are not inclined to support the relief sought at this time.

45. The MFIA submission (962.085) seeks the inclusion of non-regulatory methods as the relief sought, and states in its reason that this is in relation to final paragraph of the explanation, which the MFIA is of a view that the *"Policy is vague and does not appear to use science in support"*. The writers struggle to understand much of the content of the submission, there is nothing in the paragraph to suggest management could not include non-regulatory methods, however the paragraph is not a policy and it is not clear what specifically the submitter views as vague or what the reference to science is in relation to. For these reasons, the writers do not feel in a position to make any assessment or recommendation regarding this submission.
46. The Fonterra submission (1251.107) seeks amendments to the paragraph of the explanation under the heading *"Discharges to land"* as follows –

*"There are many point source discharges to land, including discharges ~~of~~ **from** winery, **and** vegetable processing, ~~and~~ domestic wastewater ~~and~~ dairy shed effluent **and other industrial and trade premises**. If not correctly operated and managed, these discharges could also contaminate coastal waters and waterbodies in close proximity to the discharges. Managing the effects of discharges to land is dealt with in Chapter 16 - Waste."*

The submitter offers no explanation or justification for the amendments sought. In the writers opinion the use of the word "including" makes it clear an exhaustive list does not follow so the addition is unnecessary, there is a section of the explanation dedicated specifically to industrial and trade waste so the addition is unnecessary, and the other changes are not preferred over the notified version of this paragraph.

47. The Oil Companies submission (1004.015) seeks an amendment to the first paragraph of the explanation under the heading *"Stormwater reticulation and disposal"* as follows –

*"Most of Marlborough's towns are serviced by reticulated stormwater systems, **with the inputs into those systems not being controlled by regional rules**. Urban stormwater will pick up contaminants including sediment, solids, organic matter, nutrients, heavy metals and petroleum and product residues as its runs over impervious surfaces. Given the volume of water created by rainfall events, the stormwater receives little or no treatment prior to discharge into the receiving waters."*

The submitter is of the view that it would be appropriate to recognise in this discussion that stormwater discharges into the reticulated network are not controlled by the regional rules in the MEP. The writers do not see the need to particularly reference this here as it is adequately discussed in the explanation to Policy 15.1.21 and purpose of most the explanation to Issue 15A is to describe the main threats to water quality.

*New Provisions*

48. The Environment Centre (1193.078) seeks a new provision that would require all new vineyards to obtain a resource consent. For the most part the submitter appears to seek this to address concerns about soil quality but they do mention there is a limited understanding of the effects of viticulture on water quality. In its view it would be prudent to start gathering knowledge at industry rather than ratepayers' expense. There is not sufficient information provided in the submission to demonstrate a level of concern that would warrant such a significant change in management. There are various types of management applied to activities that may be undertaken by vineyards where there is a concern about adverse effects on water quality, for example, activities in Soil Sensitive Areas and Groundwater Protection Areas. There are three parties that lodged further submissions in opposition to this submission – Trelawne Farm Limited, Wine Marlborough and Lion. The reasons for their opposition include – the Council already doing State of the Environment monitoring, grape growers record spray use and soil testing as part of the Sustainable Winegrowers program, there is no environmental justification for such a control to be put in place.
49. The East Bay Conservation Society (100.007) seeks recognition that the sea water and benthic environment of the Coastal Environment are as important to Marlborough as the freshwater and soil, and seek polices that deliver the same protection. The submitter is of the view that the MEP is the ideal opportunity to recognise the importance that seawater quality and the benthic environment are equally important to Marlborough as the freshwater and soil quality, and that much more needs to be done to protect the marine environments. The submitter considers the paragraph in the explanation to Issue 15a that is headed “Maritime Activities” is not enough, and advises that most of the significant pollution of East Bay is from plastic waste discarded into the environment from the public and aquaculture, and sedimentation from all large-scale long-term industries (forestry and aquaculture). Particularly damaging to the benthic environment is the effects of high nutrient loading from intensive marine farming resulting in significant degradation of the benthos. Without clear additions/amendments specified for Issue 15A or new policy wording it is difficult to for the writers to assess the submission, particularly as some of the concerns raised are outside of the matters dealt with in this hearing topic, e.g. effects from aquaculture and littering. In the writers view coastal waters have not been given less emphasis in the water quality part of Chapter 15 and management of activities to protect coastal water quality is threaded throughout the provisions. The effects of some land use activities on water quality are addressed in other topics, such as the Rural and Coastal Environments and Forestry. The writers would welcome further information from the submitter at the hearing as to what additional threats to water quality should be added into the “Maritime Activities” paragraph in the explanation to Issue 15a.
50. The Forest and Bird submission (496.078) seeks a new policy that provides for setbacks for all stock from waterbodies, including protection of riparian margins of 1 metre and 3 metres from cultivated or land where stock are break fenced. The submitters are of the view that the addition of this new policy will provide for better fencing requirements. There is insufficient information in this submission point for the writers to understand how the submitters envisage the proposed new policy being implemented. In essence stock in waterways under the MEP is either Permitted or Prohibited in most circumstances, i.e. a resource consent application would not be lodged, so it is not clear in what capacity the new policy would come into play. The writers would welcome more information from the submitter at the hearing.

*Other*

51. The Rangitāne submissions (1187.001, 1187.003, 1187.008, 1187.009, 1187.010, 1187.011, 1187.012, 1187.013, 1187.014 and 1187.015) all have exactly the same content and cover a range of matters, the writers will assess the submissions and make any recommendations all together here under Issue 15A. The submitter seeks the following decisions –

- (a) More monitoring of the Wairau Lagoon, putting systems in place to replenish this important resource.
- (b) A more sustainable approach to fresh water systems.
- (c) Alternatives to the current sewage output, work on this needs to start now for a cleaner greener way for sewage disposal, promoting the health of the Wairau river is paramount, producing water to world health standards for gathering of Kai, swimming and recreational activities on the Wairau River especially the mouth of the Wairau is of utmost importance.
- (d) Water quality standards need to be higher set my MEP, new ideas need to be looked at so the treated sewage does not continue to flow into the Wairau, if the outflow pipe has to remain, there needs to be a new implementation put in place to assure the quality of outgoing flow is clean/pure enough to enhance the river into becoming a river suitable for food gathering and recreational activities.
- (e) Keeping the Marlborough Bar area clean and green, having a stance on no Commercial Buildings to be consented for around the Wairau Bar area.
- (f) Keeping in line with Report 2741 State of the Environmental Monitoring of Wairau Estuary-August 2015 and recommendations of that report to MDC.
- (g) Keeping updated monitoring on the waterways, drains/creeks that flow into the Wairau Lagoons and Wairau River so any potential contamination from these creeks is quickly averted.
- (h) Water Quality needs to be a priority for MDC, our rivers have a mauri, mana and tapu of their own; our rivers are our taonga and are an indicator of environmental health we want more emphasis on this and more effective outcomes from our Council.

Rangitāne submits that they have a long kaitiaki association with Te Pukohiwi o Kupe (the Boulder Bank) and Mataroa (The Big Lagoon - Wairau Lagoons), and their submission focuses on the Wairau Bar, encompassing the Wairau River and Lagoons. Te Pukohiwi and surrounding Lagoons are a NZ historic site, and a site of immense taonga, Wāhi Tapu, and sacred site to Rangitāne. Their history (whakapapa) derives around the Wairau Bar, Moa Hunter site (Te Pukohiwi o Kupe) and surrounding waterways. The concerns of Rangitāne are that the Estuary (Wairau Lagoons) is exhibiting signs of being in a fair to compromised environmental condition, and that the waterways around the Wairau Bar are not fit for purpose. They are concerned that there is not enough detail in the MEP of monitoring effectiveness, how, when, why, and outcomes and timelines in upgrading and protection of Marlborough's natural cultural areas, wāhi tapu and cultural heritage sites, river systems and wetlands. Marlborough has the most NZ historical site in our own back yard, the first landing place in NZ dating back to 800AD. Around this culturally significant area is a river lagoon system now polluted that needs immediate ratification, a system of waterways that need to be preserved for future generations to enjoy, provide mahinga kai, and recreational activities for our generations to come.

52. While acknowledging the matters raised by Rangitāne, the writers firstly need to note several matters that are outside the scope of the MEP. Matters (a) and (f) are managed by the Coastal Scientist in the Environmental Science and Monitoring department in a non-regulatory capacity. However the writers can advise that the state of the Wairau Estuary was assessed by the Council in 2015 and the results of the assessment are contained in the report prepared by the Cawthron Institute referenced by the submitter. This report provided baseline data against which future changes within the Wairau estuary can be referenced. Broad scale mapping and fine scaled surveys of intertidal habitats forms part of the Council's Coastal Monitoring Strategy (2012). The Strategy identifies 17 intertidal habitats that are to be monitored, including the Wairau Lagoon. The 2015 monitoring detailed above formed part of that process and the Wairau lagoon was amongst the first inter-tidal habitats to be monitored. Under the Strategy, monitoring is to occur on a 5 yearly basis and the monitoring of the Wairau Lagoon is to be repeated in 2020. This will allow for changes (positive or negative) to be identified. The monitoring is conducted in accordance with the Estuarine Monitoring Protocol which will ensure nationally consistent data collection and results. The Cawthron publication contained recommendations for future monitoring and these recommendations are in the process of being considered by the Council's Coastal Scientist, Dr Steven Urlich. Rangitāne has highlighted the fact that the Council has a State of the Environment monitoring programme for inter-tidal areas and it is appropriate that the results of this programme inform any future evaluation of the efficiency and effectiveness of the MEP biodiversity provisions. The writers recommend that perhaps an amendment could be made to the second method of monitoring effectiveness in 8.AER.2 as follows –

*“Baseline monitoring programmes established in 2010 for a representative sample of terrestrial, river and wetland and in 2014/15 for ecologically significant marine site **and progressively for inter-tidal areas** shows no loss of those values over the life of the MEP.”*

53. Matters (c) and (d) relate to an activity that is allowed by way of resource consent and so is not considered further here. Matter (e) is not directly related to water quality and the writers understand that land use around the Bar was considered at an earlier hearing. Regarding matter (g), it would be fair to say that the monitoring described by the submitter is done “by complaint”, the writers would understand if the submitter was not satisfied with this however it reflects the Councils available resources. It would be appropriate for the submitter to discuss the monitoring they are seeking with the Environmental Science and Monitoring department. Finally, matters (b) and (c), the submitters seek a more sustainable approach to freshwater systems, and that water quality is a priority for the Council. The writers suggest that the provisions of the MEP respond to both of these matters, however the submitters clearly do not share that view, so the writers would welcome further information at the hearing so they can understand where the MEP is specifically deficient and could potentially be amended.

### *Recommendations*

54. It is recommended that the Nelson Forests Limited **submission points 990.230 and 990.232 are rejected** as explanation to the Issue does not benefit from the amendment sought in 990.230, and the writers do not agree that the explanation lack of clarity regarding the issues being addressed as asserted in 990.232.
55. It is recommended that the MFIA **submission point 962.084** and the Nelson Forests Limited **submission point 990.231 are rejected** as explanation to the Issue does not particularly benefit from the amendments sought.
56. It is recommended that the East Bay Conservation Society **submission point 100.007 is rejected** as there is not sufficient information in the submission for the writers understand what specific changes are sought to Issue 15A, and some matters raised are outside the scope of this hearing topic.
57. It is recommended that the Federated Farmers **submission point 425.273 is rejected** as the alternative wording of Issue 15A is not appropriate or justified, the amended wording to the first paragraph of the explanation does not assist in establishing the issue relative to the framework of provisions developed to address the issue, the text of concern in the “Rural activities” section of the explanation is clearly given as an example to assist in illustrating a point, and in that context, it is useful to retain, and the purpose of the additional text at the end of the explanation relative to the provisions that respond to the Issue is unclear.
58. It is recommended that the Ravensdown Limited **submission point 1090.027 is rejected** as the text of concern in the “Rural activities” section of the explanation is clearly given as an example to assist in illustrating a point, and in that context, it is useful to retain. The writers do not share the submitters view regarding assumptions made in the drafting of the explanation, however would welcome perhaps suggested changes to the wording from the submitter rather than complete removal of the text.
59. It is recommended that the Fonterra **submission point 1251.107 is rejected** as the amendments sought are unnecessary and do not improve the paragraph of the explanation about discharges to land.
60. It is recommended that the Oil Companies **submission point 1004.015 is rejected** as the matter raised is appropriately addressed elsewhere and the amendment does not particularly fit with the purpose of this part of the explanation to the Issue.
61. It is recommended that the Environment Centre **submission point 1193.078 is rejected** as there is not sufficient information in the submission for the writers to accept the additional provision is warranted to protect water quality.
62. It is recommended that the Forest and Bird **submission point 496.078 is rejected** as there is not sufficient information in the submission for the writers understand how the proposed new policy would be implemented.

63. It is recommended that the Rangitāne **submission points 1187.001, 1187.003, 1187.008, 1187.009, 1187.010, 1187.011, 1187.012, 1187.013, 1187.014 and 1187.015 are accepted in part** as although at this time most of the matters raised are either beyond the scope of the MEP or this hearing topic, or there is not sufficient information in the submission for the writers to understand what changes to the MEP are sought, the writers recommend that an amendment could be made to the second method of monitoring effectiveness in 8.AER.2 as follows –

*“Baseline monitoring programmes established in 2010 for a representative sample of terrestrial, river and wetland and in 2014/15 for ecologically significant marine site **and progressively for inter-tidal areas** shows no loss of those values over the life of the MEP.”*

## Issue 15B

### *Issue and Explanation to Issue*

64. Issue 15B reads as follows –

*“Water quality in some of Marlborough’s rivers has already been degraded, to the extent that their ability to support aquatic ecosystems and/or contact recreation has been compromised”.*

65. There are two submissions<sup>2</sup> that support Issue 15B and seek its retention as notified.
66. The S Parkes submission (339.027) seeks that alternative method to the Canadian Water Quality Index to measure water quality. The submitters question why MDC uses the Canadian Water Quality Index when other Councils do not and therefore why they cannot compare Marlborough rivers with the Waikato, or Manawatu rivers. The majority of rivers in Marlborough are in the A band under the NPSFM so surely we only have to enhance what we have now and not let it deteriorate. All waterways in NZ should be measured under the same water quality indexes and not be distorted. The MDC chooses the monitoring sites for waterbodies based around management objectives rather than statistical robustness of the sample design like some other regions like the Waikato. By monitoring at the lower end of the catchments we are able to see what is happening throughout the whole rather than just a small area of it. Using the Canadian Water Quality Index allows the Council to directly compare one river to the next and rank them to allow remediation of the waterways. The Index uses guideline values and is all set out in our water quality reports that are all available online. MDC is not the only council in New Zealand to use the Canadian Water Quality Index.
67. The Federated Farmers submission (425.274) seeks amendments to the second and third paragraphs of the explanation for Issue 15B as follows –

*“Water quality degradation ~~is~~ **has previously been** measured relative to the attribute values provided by the National Objectives Framework included in the NPSFM and/or the Council’s water quality index. The water quality index, based on the Canadian Water Quality Index, summarises monthly measurements of nine chemical and physical parameters to produce an aggregate score for the state of water quality in Marlborough’s rivers. The score allows the overall state of water quality to be categorised as excellent, good, fair, marginal and poor, relative to the ~~natural or desirable level~~ **various guideline or default values selected. These proxy values have now been replaced with objectives and standards proposed in this plan.***

*~~The rivers determined to be degraded (poor or marginal in the index) or at risk of degradation (close to marginal in the index) on the basis of the Council’s 2014/15 State of the Environment Report are identified in Tables 15.1 and 15.2 below~~ **The Canadian Water Quality Index used various default measures as guidelines but these guideline values are now being replaced by the proposed MEP water quality standards in Appendix 5. The rivers determined to be priorities for catchment enhancement plans against the MEP proposed values, objectives and standards are identified in the tables below.”***

The Dairy NZ submission, in part, (676.007) seeks that all references to the Canadian Water Quality Index be replaced with the human and ecosystem health attributes as defined in the National Objectives Framework. Both Federated Farmers and Dairy NZ provided the same reasoning for the relief sought, so this aspect of the submission are assessed together.

<sup>2</sup> 496.038 (Forest and Bird) and 509.160 (Fish and Game)



68. The submitters are of the view that the assessment of Marlborough's water quality should be based on a threshold that allows the region's water quality to be accurately compared with other regions, and on a robust methodology, and the National Objectives Framework allows for this. Federated Farmers notes that the focus of the Canadian Water Quality Index is not on ecosystem health but rather on water chemistry data and it is not appropriate to determine river degradation based on the Index for a number of reasons, including that the level of exceedance of the guidelines will not always result in ecosystem health degradation; the Index considers individual samples that exceed the annual compliance statistic; and the Index is heavily weighted towards nitrogen forms and does not consider all ecological stressors. Further, it is appropriate to acknowledge the Canadian Water Quality Index as this is how water quality degradation has been assessed in the past, however rivers identified in the Plan as prioritised for catchment enhancement plans should now be assessed against the National Objectives Framework and specifically linked to the objectives proposed in 15.1 alongside the values and standards proposed in Appendix 5. In future environmental reporting, the proxy values currently used in the Canadian Water Quality Index should be updated to reflect the objectives and standards proposed in this plan.
69. While the writers appreciate that central government has its own reasons for wanting to compare regions over a multitude of matters, it is not clear why this is of such importance to the submitters. The NPSFM, while containing bottom lines, is all about communities determining what values are important to them and then setting up a framework to meet those expectations. Surely a comparison between the community's goals and the results of the management designed to achieve those goals is more important, and useful, than whether a particular perimeter on a Marlborough river is better or worse than the same perimeter on a river in another region. The Canadian Water Quality Index usefully enables the Council to rank and compare water quality in our regions, other types of analysis could achieve the same result but this Index allows us to easily show contributing factors to the degradation on water quality. This enables the Council to have targeted regulatory and non-regulatory responses. The Index does not change anything about the water quality standards, it just uses them to rank water quality. The Index also has all of the NPSFM parameter values entered into it to contribute to the ranking. While the National Objectives Framework influences some of the MEP policies, others like Policy 15.1.7 that links back to Policy 15.1.1, would not be seeking to limit the enhancement of rivers in Tables 15.1 and 15.2 solely to the National Objectives Framework attributes. The management purposes in 15.1.1 are specific to Marlborough and go beyond the requirements of central government, and they reflect matters of importance to the local community.
70. The H Collins submission (397.001) does not seek specific relief but asks questions regarding the use of the Canadian Water Quality Index, therefore no assessment or recommendation has been made. The assessment of other submissions to Issue 15B may provide the submitter with the information they are seeking.

*Tables 15.1 and 15.2 attached to Issue 15B*

71. Table 15.1 lists waterbodies identified through monitoring as being degraded, and Table 15.2 lists waterbodies identified through monitoring as being at risk of degradation. The following submissions have been made specifically on these Tables within Issue 15B.
72. The W and R Parsons submission (150.002) seeks the addition of the tributaries to the Wairau Lagoon, Seventeen Valley and Pukapuka Stream, to Table 15.1 as in their view they are missing. The submitters have provided no information to demonstrate that these waterbodies are degraded. The waterbodies that have been identified in Table 15.1 have been established as degraded through the Councils monitoring programme. The Council does not monitor these waterways so does not have information from the monitoring programme to support their inclusion in the table.
73. The Federated Farmers submission (425.275) seeks the removal of Tables 15.1 and 15.2 as notified and the replacement of those Tables with the following new tables –

**"Table 1 - Water bodies prioritised for enhancement of contact recreation**

***First priority – primary contact recreation (swimming)***

- ***Rai River***
- ***Waihopai River***

- *Taylor River*

**Second priority - secondary contact recreation**

- *Kaituna River*
- *Cullens Creek*
- *Are Are Creek*
- *Doctors Creek*

**Table 2 - Waterbodies prioritised for enhancement of indigenous ecosystems**

**First priority**

- *Doctors Creek*
- *Flaxbourne*

**Second priority**

- *Are Are*
- *Opawa (sp)*
- *Omaka*
- *Mill Creek*
- *Murphys Creek*

**Table 3 - Catchments prioritised for catchment investigations and catchment action plans**

**First priority**

- *Opawa (sp) (Taylor River, Doctors Creek, Murphys Creek)*

**Second priority**

- *Mid Wairau (Waihopai, Mill Creek)*
- *Rai River*

**Third priority**

- *Marlborough Sounds (Kaituna River, Cullens Creek)*
- *Lower Wairau (Are Are Creek)*
- *South Marlborough (Flaxbourne)"*

74. Federated Farmers are of a view that the notified tables are based on the Canadian Water Quality Index but it is not clear on what indicators these waterbodies have been assessed as being degraded, or at risk of degradation, nor in relation to what values. The writers submit that it is very clear in the third paragraph of the explanation to the Issue the basis on which the rivers in the Plan were identified, and note that the Index incorporates the parameters of the NPSFM.
75. Federated Farmers submits that waterbodies are prioritised for catchment enhancement plans against the proposed MEP values, objectives and water quality standards and it recommends restructuring the tables so that the purpose of enhancement is clear as this will enable the development of catchment enhancement plans that target enhancement of these values, in partnership with landowners, community and industry, as proceeds in later policies. The submitter recommends prioritisation of these rivers according to those that are suitable for primary contact recreation, and secondary contact recreation, and also into a first and second tier prioritisation for the enhancement of ecosystem health. Additionally, they recommend an indicative order of catchment priorities to support the prioritisation of council, industry and community resources. The writers are not clear on what basis the submitter has prioritised the rivers, or how it has come to categorise some of the rivers the way it has, particularly in Table 3. In addition, Federated Farmers has added one river and removed 10, without any specific explanation as how it has determined that those specific waterways are, or are not, now degraded. The Tables as notified work well with Policies 15.1.5 to 15.1.7 and linking back to Policy 15.1.1, and those provisions assist in understanding why many of these waterbodies have been identified. While the provisions note that waterbodies listed in Tables 15.1 and 15.2 will be prioritised for action, there is no basis for prioritising *within* the Tables in the manner in which the submitter has done.

76. The Fish and Game submission (509.161) and the EDS submission (698.090) seek the addition of Para Wetland to Table 15.1 as in the view of Fish and Game the wetland has degraded water quality as a result of upstream land use. EDS are of the view that although MDC does not monitor this water body there is evidence to suggest it is in a degraded. The submitters have provided no information, or the evidence they reference, to demonstrate that the water quality in Para Wetland is degraded. In the writer's view, the Tuamarina River, which is below the Para Wetland, is on the Table therefore it is already provided for.
77. Dairy NZ's submission (676.007) also seeks that Table 15.1 is re-populated to include river sites that fail the national bottom-line for any attributes used for the human or ecosystem health attributes, and that Table 15.2 is re-populated to include rivers that are at risk of degrading and changing banding as defined by National Objectives Framework. While the National Objectives Framework influences some of the MEP provisions, not all are solely based on that framework. The enhancement of degraded and at risk rivers in Marlborough go beyond the requirements of central government, and reflect matters of importance to the local community.
78. The Fonterra submission (1251.034) seeks the amendment of Table 15.1 so it only identifies those waterbodies that are degraded in terms of not meeting the national bottom lines specified for attributes included in Appendix 2 of the NPSFM. And, the submitter seeks the amendment of Table 15.2 so it only includes those waterbodies that are at risk of degrading and consequently changing bands in the national objectives framework. Fonterra states that it does not accept this Issue as described as they understand that the MDC is relying on the Canadian Water Quality Index to identify degraded waterbodies and this system is not consistent with the NPSFM National Objectives Framework. Fonterra understands that the bulk of the waterbodies listed in Tables 15.1 and 15.2 rate in the A band of the National Objectives Framework and the few that are not within the A band are in the B band. In the submitter's opinion, while the rivers are in a state below their natural state, it is not appropriate that they be classified as "degraded" as such an approach is contrary to the general scheme of the NPSFM. The matters raised in this submission have been covered above and are not repeated here, no amendments are supported by the writers.

### *Recommendations*

79. It is recommended that the S Parkes **submission point 339.027 is rejected** as the writers do not share the submitters view that and alternative method to the Canadian Water Quality Index should be used to measure water quality as the Council chooses the monitoring sites for waterbodies based around management objectives, and by monitoring at the lower end of the catchments are able to see what is happening throughout the catchment.
80. It is recommended that the Federated Farmers **submission point 425.274**, the Dairy NZ **submission point 676.007** and Fonterra **submission point 1251.034 are rejected** as the Canadian Water Quality Index remains an appropriate tool for the management of water quality in Marlborough, particular for the identification of degradation and prioritisation of responses. Using the Index includes and complements the National Objectives Framework and will enable water quality objectives to be achieved.
81. It is recommended that the W and R Parsons **submission point 150.002 is rejected** as the submitters have provided no information to demonstrate that these waterbodies are degraded, and the Council does not monitor these waterways so does not have information through its monitoring programme to support their inclusion in the table.
82. It is recommended that the Federated Farmers **submission point 425.275 is rejected** as the changes made to Tables 15.1 and 15.2 would not better address the Issue or enable appropriate, and where necessary targeted, provisions to be applied. The amendments of the submitter would not implement the NPSFM regarding the enhancement of degraded waterbodies.
83. It is recommended that the Fish and Game **submission point 509.161** and EDS **submission point 698.090 are accepted in part** as the writer's are of the view that it is unnecessary to add "Para Wetland" to the Table as it is caught by the inclusion of the Tuamarina River.

### Issue 15C

84. Issue 15C reads as follows –

*“The mauri of wai (water) has been degraded due to the lack of understanding about its spiritual significance”.*

85. There is one submission<sup>3</sup> that supports Issue 15C and seek its retention as notified.
86. The Federated Farmers submission (425.276) seeks an acknowledgement that community catchment action plans are a means of furthering community members knowledge with regards to mauri and other Māori values. The submitter does not specify if an amendment to the Issue or the explanation to the Issue is sought, however it is assumed to be the latter. The writers are not of a mind to agree with the submitter as 15C is about identifying and explaining an issue that needs to be addressed, its purpose is not to state solutions or identify management approaches. The provisions that follow are developed to resolve the issues identified in 15A, 15B and 15C.
87. The EDS submission (698.091) seeks an amendment to the Issue as follows –

*“The mauri of wai (water) has been degraded due to the lack of understanding **about its spiritual significance and control of the impacts of different activities and uses.**”*

The submitter is of the view that te mana o te wai does not only capture spiritual significance but the health, vitality and intrinsic value of the waterbody itself. It is not only a lack of understanding of the spiritual significance of the term te mana o te wai that has resulted in degradation but a lack of understanding and control of water quality stressors. Further, the Issue as worded the is too narrow and it does not actually identify the problem. The writers are not comfortable with accepting the amendment sought without further input from Te Tau Ihu iwi as the Issue was written with them and reflects the issue as iwi see it. The cultural provisions of the Plan are in the main focused in Volume 1, Chapter 3 however there are instances where, through hui held with the Iwi Working Group, matters were identified for which additional emphasis was sought within other chapters. This Issue reflects one of those instances.

#### *New Provisions*

88. The Ngāti Kuia submission (501.069) supports Issue 15C but seeks a new Objective to relating to achieving swimmable water quality and drinkable in identified areas. It is not clear from the submission what “identified areas” is referring to, or what specifically is sought that is not already addressed in the existing provisions around primary contact recreation and drinking water. The writers would welcome further information from the submitter at the hearing to better understand the deficiency in the notified provisions that Ngāti Kuia is seeking to resolve with their submission.

#### *Recommendations*

89. It is recommended that the Federated Farmers **submission point 425.276 is rejected** as the amendment sought is inconsistent with the purpose of outlining the Issue.
90. It is recommended that the EDS **submission point 698.091 is rejected** as, in the writers view, it would be inappropriate to change the Issue without further consultation with iwi.
91. It is recommended that the Ngāti Kuia **submission point 501.069 is rejected** as further information from the submitter is needed to better understand the deficiency in the notified provisions that Ngāti Kuia is seeking to resolve with their submission.

## **Matter 2: Objectives 15.1a, 15.1b, 15.1c, 15.1d and 15.1e.**

### Objective 15.1a

92. Objective 15.1a reads as follows –

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<sup>3</sup> 509.163 (Fish and Game)

*“Maintain and where necessary enhance water quality in Marlborough’s rivers, lakes, wetlands, aquifers and coastal waters, so that:*

*(a) the mauri of wai is protected;*

*(b) water quality at beaches is suitable for contact recreation;*

*(c) people can use the coast, rivers, lakes and wetlands for food gathering, cultural, commercial and other purposes;*

*(d) groundwater quality is suitable for drinking;*

*(e) the quality of surface water utilised for community drinking water supply remains suitable for drinking after existing treatment; and*

*(f) coastal waters support healthy ecosystems”.*

93. There are three submissions<sup>4</sup> that support Objective 15.1a and seek its retention as notified.

94. Dairy NZ (676.072) seek an amendment to the Objective to read as follows – *“Maintain ~~or and where necessary~~ enhance water quality”*. The submitter is of the view that the Objectives of “maintain” and “enhance” cannot be achieved contemporaneously therefore the Objective should be amended so it is one or the other. The writers do not share the submitters view, the Objective covers water quality in all its forms and the quality of the water will vary with each waterbody. There will be waterbodies with good water quality that will be sought to be maintained and other waterbodies that are degraded and need enhancement, this very much will be occurring at the same time. It is the writer’s view that the Objective could benefit from some additional punctuation that, if the Panel is in agreement, may be considered only a minor amendment. It is recommended that a comma is added after “and” and after necessary, so the Objective would read as follows –

*“Maintain and, where necessary, enhance water quality in.....”:*

95. Ravensdown Limited (1090.028) and Ngāi Tahu (1189.100) seek a similar amendment to the Objective along the lines of – *“Maintain and where ~~necessary~~ ~~enhance~~ **degraded improve** water quality”*. The Fertiliser Association (1192.014) seeks a similar change but in addition wants the enhancement to only relate to degradation caused by **“human activities to the point of being over-allocated”**. The submitters are of the view that the Objective as notified is not clear and requires clarifying. The second para of the explanation is quite clear that enhance relates to a situation where water quality is no longer sufficient to sustain the values in (a) to (f). While the writers are satisfied that Plan users would understand the Objective as it is worded, the clarification sought by the submitter is clearly provided in the explanation. The Fertiliser Association offers no explanation for the amendment it seeks linking degradation to being caused by human activities to the point of being over-allocated. As there is no “allocation” in the MEP in terms of water quality, it is not clear what is meant by the reference to “over-allocation” in the amendment sought. The explanation to the Objective acknowledges that degradation of water quality may be caused by a combination of natural processes and human activities, it may be overly onerous to spend time and resources on determining the relative inputs in each situation in order to establish the relevance of the Objective.

96. MDC (91.102) seek an amendment to (b) of the Objective to read as follows – *“(b) water quality at beaches **and in rivers** is suitable for contact recreation”*. The submitter is of the view that the Objective should recognise that water quality in rivers as well as beaches should be suitable for contact recreation. Given the importance of contact recreation to the community and the consequences for people’s wellness if water quality is degraded, the amendment is appropriate.

97. DOC (479.120) also seeks an amendment to (b) of the Objective to read as follows – *“(b) water quality ~~at beaches~~ **in coastal waters, rivers and lakes** is suitable for contact recreation”*. The submitter has not provided any explanation for the changes sought other than to say it is not sure why only beaches are specified. For the reasons expressed in the preceding paragraph it is recommend that (b) is amended to include rivers, however the submitter has provided no evidence that lakes are particularly susceptible to water quality degradation in the context of contact recreation in Marlborough, or that an extension to the provision from water quality at beaches to all coastal water quality is warranted.

<sup>4</sup> 424.121 (M & K Gerard), 715.364 (Forest and Bird) and 1201.099 (Trustpower Limited)

98. EDS (698.092) also seeks an amendment to (b) of the Objective to read as follows – “~~water quality at beaches is suitable for contact recreation~~ **water quality of Marlborough’s beaches, lakes, rivers and streams is suitable for primary contact recreation and swimming**”. The submitter is of the view that the objective should specify which level of ‘contact’ recreation is intended. It should set a goal of primary contact recreation or swimmability. This is consistent with the current trajectory of national policy. Swimmability should not be limited to beaches. It should apply across water body types. For the reasons expressed in para 96 it is recommend that (b) is amended to include rivers (which would include streams), however the submitter has provided no evidence that lakes are particularly susceptible to water quality degradation in the context of contact recreation in Marlborough. The submitter believes the level of contact recreation should be stated, which in our view it is, in that the Objective states “*contact recreation*”, which would include primary and secondary. There are Plan provisions specific to addressing water quality for primary and secondary contact recreation and it is the writers view that no greater specificity is necessary in this Objective.
99. Ngāi Tahu (1189.100) also seek an amendment to (d) of the Objective so it would read as – “**ground freshwater quality is suitable for drinking**”. The submitters are of the view that considers that it is appropriate for an objective to state that all fresh water should be drinkable quality. The wording of (d) and (e) were very carefully considered to ensure that existing drinking water supplies were captured but there was not an unreasonable expectation established that new drinking water supplies could assume all water to be potable directly from source. While the objective sought by the submitter is admirable, there are circumstances where natural and human activities, potentially occurring many years ago, could result in water quality in a particular location being unsuitable for drinking without treatment. There may also be waterbodies that are not used from drinking supply purposes, and therefore setting the benchmark that all freshwater is suitable for drinking could lead to significant expense for the community for little or no gain. It is acknowledged that people may seek to drink from a waterbody without it being used as a water supply per se.
100. The Fertiliser Association (1192.014) also seeks an amendment to (d) of the Objective so it would read as – “*groundwater quality meets the NZ Drinking Water Standards for New Zealand 2005 (Revised 2008) is suitable for drinking*”. The submitters are of the view that it would be more appropriate to state that groundwater meets the NZ Drinking Water Standards for New Zealand 2005 (Revised 2008) to make it clear what standard is required to be met. The writer’s preference is for (d) to remain unchanged. The Objective is given effect to through policies and methods, and that is where the specifics regarding meeting this objective should lie. There is also some concern in relation to specifying external documents, as they then become part of the MEP by association and a Plan Change would be required if it was necessary to use a different standard/national direction in the future.
101. Fonterra (1251.035) also seek an amendment to (d) of the Objective so it would read – “(d) ~~groundwater quality is suitable for drinking~~ **where groundwater is suitable for drinking, that suitability is not compromised**”. The submitters are of the view that this provision is very broad and unclear, and that it goes beyond what is required through national direction. The explanation explains that the Objective identifies the uses and values that are most susceptible to water quality degradation. The majority of Marlborough’s population is reliant on groundwater for its domestic supply, particularly the municipal supply areas of Blenheim, Renwick and Riverlands but also the private community supplies of Woodbourne and Rarangi and the individual supplies across the Wairau Plains, Brancott, Benmorven and Omaka. (d) of this Objective is given effect to through provisions developed to protect these supplies, such as Soil Sensitive Areas and Groundwater Protection Areas.
102. L Neame (45.001) seeks an amendment to (f) of the Objective to read as follows – “(f) ~~coastal waters support healthy ecosystems~~”, and DOC (479.120) seek an amendment to (f) to read – “(f) **coastal waters, rivers and lakes support healthy ecosystems**”. EDS (698.092) also seeks a similar amendment, to the effect that (f) would cover all waterbodies. The submitters are of the view that the maintenance and enhancement of water quality in the Objective should not be limited to only coastal waters supporting healthy ecosystems, but apply to freshwater too. It is noted in the explanation to the Objective that (a) to (f) are not intended to identify all uses and values but only those most susceptible to water quality degradation. It is considered that by providing for these uses and values then, by default, other uses and values are also provided for. Given that predominantly freshwater quality is very good in Marlborough, but coastal waters are more susceptible to degradation, coastal waters are appropriately singled out in (f) of the Objective.

103. Federated Farmers (425.277) seek the addition of a new clause (g) that would read as follows – “**(g) water is suitable for stock drinking water and irrigation**”. The submitter is of the view that the Objective should also provide reference to the importance of water for primary production purposes. It is noted in the explanation to the Objective that it is not intended to identify all uses and values but only those most susceptible to water quality degradation. The absence of any particular use or value from the Objective does not in any way diminish the importance of that use or value. The quality of stock and irrigation water has not been an issue of concern that has been raised in the past or in consultation during the review of the regions planning documents. The quality of stock and irrigation water is not considered to be particularly susceptible to degradation, with perhaps the exception that which is a result of natural causes such as the high sediment load that occurs in the Awatere River.
104. EDS (698.092) seek the addition of a new clause, which they insert as a new (a), that would read as follows – “*(a) Water quality limits/targets are met*”. The submitter is of the view that the Objective should identify a goal of achieving quality limits and targets. This provides the trigger for the following policies. The writers see the proposed addition as a measure for whether water quality meets the expectations in (a) to (f), and therefore not an addition that we would support being added to the Objective itself.
105. Horticulture NZ (769.060) seek the addition of a new clause (g) that would read as follows – “**(g) values identified for the water bodies are provided for**”. The submitter is of the view that the values that are used in the MEP should reflect all values, not just natural and human use values. Objective 15.1(a) should be amended to ensure that all values are included. It is not clear which values the submitter is referring to that do not either fit within natural values or human use values. The addition of (g) as proposed would essentially negate the content of (a) to (f), as those values would be caught by (g). The writers are of the view that there is merit in having an Objective that is not all encompassing as it provides direction and focus for the provisions that follow, decision makers, non-regulatory programmes and the like. It should be noted that the writers comments are in the knowledge that in other submissions substantially more values are sought to be added to Appendix 5, which would directly link to the addition sought to the Objective by Horticulture NZ.
106. S Parkes (339.026) seeks the addition of a new clause for food production for human and animal use and commercial development. No reason is given for the addition sought. The writers are satisfied that this concern is addressed satisfactorily in the Objective by way of the following – “*Maintain and where necessary enhance water quality in Marlborough’s rivers, lakes, wetlands, aquifers and coastal waters, so that:.....(c) people can use the coast, rivers, lakes and wetlands for.....commercial and other purposes.*”
107. Fish and Game (509.164) seek the amendment of the Objective to ensure that all coastal and fresh water quality is maintained, and where necessary restored and enhanced to enable primary contact recreation, fishing and the intrinsic values of ecosystems. In the submitters view water quality in all waterbodies, including coastal and freshwater should be suitable for primary contact, fishing and to maintain and enhance the intrinsic values of ecosystems. It is not clear that this Objective is inconsistent with the submitter’s views and, without more specific relief sought as to the deficiencies in the Objective, if there are any, no further assessment of this submission point is made.
108. Nelson Forests Limited (990.233) seek an amendment to the explanation to the Objective as follows – “*Marlborough’s coastal waters, rivers, lakes, wetlands and aquifers contain a diverse range of natural and human use values and are used extensively by the community. The existing water quality in the majority of our waterbodies is sufficient to support these values, but it is important that no **long term** degradation of water quality is allowed to occur. In addition.....*”. In the submitters view the explanation requires acknowledgement that there will be natural process induced degradation of water quality (e.g. storm inputs) and also short-term degradation, such as in the construction and use of a crossing over a riverbed. Degradation is a process of something becoming worse over time, it does not relate to a single incidence of riverbed works that causes sedimentation of water. Works in a riverbed as a Permitted Activity (assuming compliance with standards) or as permitted by resource consent should not lead to water quality degradation. The amendment sought is not supported.
109. The MFIA (962.086) have lodged a submission on this Objective that, relative to this provision, has no clear decision sought and an explanation that does not assist with understanding its concerns. No assessment or recommendation on this point has been made.

110. Yachting NZ (503.004) have lodged a submission under this Objective but seeking a new Objective that would sequentially follow Objective 15.1a. The new Objective sought is proposed to be as follows – *“Protect the values of the CMA and activities that rely on high water quality, from the adverse effects from the discharge of sewage from ships, while providing for the health and safety of ships and their occupants”*. The submitter is of the view that it is necessary to recognise the health and safety risks to vessels if required to discharge untreated sewage significant distances from Mean High Water. The submitter also raised this issue in its submission (503.007) on Policy 15.1.20, which was dealt with at an earlier hearing, and that policy is the appropriate level for the matters raised to be considered. In the writer’s view, the proposed Objective has a level of specificity that, if considered an appropriate addition to the MEP, is better suited to a Policy than a new Objective.
111. C McBride’s submission (594.020) and D McBride’s submission (662.020) seek a new Policy that regular testing be carried out for herbicides, pesticides, fungicides, insecticides and other chemicals such as copper chromium arsenic used to treat vineyard posts, and that this testing should be paid for by industries using these chemicals rather than ratepayers. The submitters acknowledge that the MEP states that the existing water quality in the majority of our waterbodies is sufficient to support values, but are of a view that it is important that no degradation of water quality is allowed to occur. The submitters state that some of these chemicals may leach into groundwater and surface water, where they have known and potentially unknown effects on human health and could also be toxic to aquatic plant and animal species. The submitters are supportive of the Councils participation in a four-yearly national pesticide monitoring programme, however feel such regular testing for chemicals widely used in Marlborough should be included in MEP policy.
112. The MEP includes objectives seeking to maintain and where necessary enhance water quality (see Objectives 15.1a to 15.1e). The submitters’ concerns are reflected in these objectives which, amongst other matters, highlight the importance of freshwater quality for ecological and community health. Anticipated environmental results (AERs) are set for both surface water and groundwater to establish whether these objectives are being met as a result of applying the management reflected in the various policies. The surface water AER is 15.AER.1 and the groundwater AER is 15.AER.3. The MEP sets as an objective that all groundwater is suitable for drinking (see Objective 15.1a). This is also reflected in the water quality classifications in Appendix 5 which sets a classification of WS for aquifers. The WS classification link to the New Zealand Drinking Water Standards and these standards set a MAV (maximum allowable values) for pesticides in drinking water. Given the reliance on the New Zealand Drinking Water Standards and the water quality classifications in the existing methods of monitoring effectiveness, the matter raised by the submitter are already covered.
113. The Council does monitor for the presence of pesticides in groundwater through participation in the national survey of pesticides in groundwater. This occurs every four years and is undertaken by the Crown Research Institute, ESR. There is also less intensive monitoring (as in fewer bores sampled) for pesticides that occurs on an annual basis as part of the Council’s State of the Environment monitoring programme. Given the focus of the national programme, the relief requested could be accepted in part by acknowledging the Council’s participation in the national survey. This could be achieved by adding a third means of monitoring effectiveness to 15.AER.3 as follows:
- “Continue to participate in the national survey of pesticides in groundwater.”***
114. The Council does not routinely monitor surface water for agrichemicals or timber treatment chemicals. Being a flow resource, any such contamination is difficult to detect at individual monitoring sites as the contamination is only able to be detected for a short period of time. At this point in time, there is no means of monitoring water quality for agrichemicals on a continual basis. The Council does respond to incidents (e.g., spills) and does also respond to reports of adverse effects (e.g., eel deaths) and will undertake investigations to establish the cause of those adverse effects. Depending on circumstances, this can include testing for agrichemicals. The testing of water for agrichemicals is particularly expensive which is also not conducive to scheduled state of the environment monitoring. This approach contrasts with the Council’s approach for groundwater. However, groundwater has much greater residence time meaning that contaminants will remain present and detectable in the aquifer over time.



### Recommendations

115. It is recommended that Dairy NZ's **submission point 676.072 is rejected** as the writers do not agree with the submission that the Objectives of "maintain" and "enhance" cannot be achieved contemporaneously.
116. It is recommended that the Ravensdown Limited **submission point 1090.028**, the Ngāi Tahu **submission point 1189.100** and the Fertiliser Association **submission point 1192.014 are rejected** as the submitters concerns are sufficiently addressed in the explanation to the Objective and no amendment to the provision itself is necessary. With regards to the part of the Ngāi Tahu submission relating to (d) of the Objective, the amendment would place an unrealistic expectation on the community at this time. With regards to the part of the Fertiliser Association's submission relating to (d) of the Objective, the amendment is not considered an appropriate change.
117. If the Panel agrees that this may be considered a minor amendment then it is recommended that the following grammatical changes (the two commas) are made to Objective 15.1a –
- "Maintain and, where necessary, enhance water quality in.....":*
118. It is recommended that the Fonterra **submission point 1251.035 is rejected** as the Objective identifies the uses and values most susceptible to water quality degradation, and given the reliance on aquifers for the domestic water supply for a significant portion of Marlborough's population, this is appropriate.
119. It is recommended that MDC's **submission point 91.102 is accepted** as the notified Objective is appropriately worded for its purpose. It is recommended that part (b) of Objective 15.1a is amended as follows:
- "(b) water quality at beaches **and in rivers** is suitable for contact recreation"*
120. It is recommended that the DOC **submission point 479.120 is accepted in part** and EDS **submission point 698.092 is accepted in part** as the notified Objective is appropriately worded for its purpose, with the exception of the addition of "rivers" to (b).
121. It is recommended that the EDS **submission point 698.092 is rejected in part** as the notified Objective is appropriately worded for its purpose, with the exception of the addition of "rivers" to (b), and the writers are of the view that the additional (a) sought is not an appropriate addition to the Objective.
122. EDS (698.092) seek the addition of a new clause, which they insert as a new (a), that would read as follows – "(a) *Water quality limits/targets are met*". The submitter is of the view that the Objective should identify a goal of achieving quality limits and targets. This provides the trigger for the following policies. The writers see the proposed addition as a measure for whether water quality meets the expectations in (a) to (f), and therefore not an addition that we would support being added to the Objective itself.
123. It is recommended that L Neame's **submission point 45.001 is rejected** as the notified Objective is appropriately worded for its purpose.
124. It is recommended that the Federated Farmers **submission point 425.277 is rejected** as the notified Objective is appropriately worded for its purpose.
125. It is recommended that the Horticulture NZ **submission point 769.060 is rejected** as the notified Objective is appropriately worded for its purpose.
126. It is recommended that the S Parkes **submission point 339.026 is rejected** as concerns raised are already satisfactorily addressed in the notified Objective as worded.
127. It is recommended that the Fish and Game **submission point 509.164 is rejected** as it is unclear what the submitter observes as deficiencies in the Objective and what specific changes they would accordingly be seeking.

128. It is recommended that the Nelson Forests Limited **submission point 990.233 is rejected** as the notified Objective is appropriately worded for its purpose.
129. It is recommended that the Yachting NZ **submission point 503.004 is rejected** as the proposed new provision is not appropriate to add as new Objective.
130. It is recommended that the C McBride **submission point 594.020** and the D McBride **submission point 662.020 are accepted in part** as the matters raised by the submitters are already covered by the provisions, however, the writers suggest it would be appropriate to add a third means of monitoring effectiveness to 15.AER.3 as follows:

***“Continue to participate in the national survey of pesticides in groundwater.”***

### Objective 15.1b

131. Objective 15.1b reads as follows –

*“Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the annual median nitrate concentration is <1 milligram nitrate-nitrogen per litre and the annual 95th percentile concentration is <1.5 milligrams nitrate-nitrogen per litre, as measured by the Council’s State of the Environment monitoring programme”.*

132. There are three submissions<sup>5</sup> that support Objective 15.1b and seek its retention as notified.
133. Federated Farmers (425.278) seek an amendment to the Objective to replace the **“annual five year rolling average median nitrate concentration”** and **“the annual five year rolling average 95th percentile concentration”**. The submitter also seeks that the explanation to the Objective is amended to clarify that the Objective will be subject to review as part of the development of Catchment Enhancement Plans. The submitter provides no reason or justification for either of the changes requested. As the Objective reflects Appendix 2 in the NPSFM, as it is required to, it would be inappropriate to indicate that the Objectives would be reviewed as a result of the Catchment Management Plans. In the MEP, Catchment Enhancement Plans are also only developed for priority rivers that have degraded water quality, so to use the outcome of those processes to review the Objective would seem excessive. There is no clear direction in the submission regarding the change sought to a where the 5 year rolling average, and in the writers view it would not be appropriate as it requires at least 5 years of data at every site.
134. The Fertiliser Association (1192.015) seeks to amend the Objective so it would read as follows – ***“Maintain ~~or enhance~~ the quality of rivers freshwater water quality in each the Freshwater Management Unit where the following attribute state is currently met: so that the annual median nitrate concentration is <4 ≤1 milligram nitrate-nitrogen per litre and the annual 95th percentile concentration is <4.5 ≤1.5 milligrams nitrate-nitrogen per litre, as measured by the Council’s State of the Environment monitoring programme”.*** There does not appear to be anything in the submission to explain why the removal of “or enhance” is sought, so other than to say it is purposefully in the Objective, this aspect of the submission is not considered further. There is also nothing to explain the requested change from “less than” to “less than or equal to”, however it is acknowledged that the latter is a more accurate reflection of the NPSFM and therefore that change is supported.
135. With regards to the other changes to the Objective, the writers are concerned at the change this makes to the Objective in terms of implementing the NPSFM. Under the NPS water quality management is based around FMUs, and while one of the measures of water quality within an FMU is nitrate, which as described in the Objective’s explanation is measured in rivers, that measure in a river is not intended to be the Objective, it is the measure for the Objective. If the submitters reason for the amendment is understood correctly, the issue lies more with the use of FMUs (which is required by the NPSFM), or perhaps the way the Council has defined the FMUs relative to this Objective (FMU Map 5) to include both ground and surface water. To be clear, if one of the water quality FMUs includes an aquifer, for example, this Objective does not require the aquifer itself to meet the nitrate concentrations, the Objective requires the FMU to meet those requirements as measured in a river (in accordance with the monitoring requirements of the NPS).

<sup>5</sup> 479.121 (DOC), 715.365 (Forest and Bird) and 1039.097 (Pernod Ricard)

136. Fonterra (1251.036) seek to amend this Objective so water quality is maintained within the attribute state that represents the current state of a waterbody if that state is above the NPSFM bottom lines and only enhance a waterbody where the attribute state is below the bottom lines. The submitter indicates that having an Objective that all FMUs have an attribute state of A would involve “sizable costs” to the community, however as demonstrated in Policy 15.1.4, there are only two waterways for which action is sought to enhance water quality relative to Objective 15.1b. In both of these instances there is a 10 year timeframe in which to take action, and the action will involve Catchment Management Plans developed by the Council in consultation with the community. Fonterra’s view does not reflect the community (including iwi) feedback that was received during the development of the MEP. As indicated in the explanation to the Objective, the community has a strong desire to not only maintain but enhance Marlborough’s existing water quality.
137. Fish and Game (509.165) seek the amendment of the Objective to ensure that the Objective is achieved by 2030. There is nothing in the submission to explain the relief sought further, and no specific wording changes are sought. The writers find the relief sought a little confusing in the context of the Objective as there is no existing temporal reference and it is not really suited to one, maintaining water quality is an ongoing goal and enhancement, while possibly defined more specifically in policy or catchment plans, will be done on an ongoing basis as the need arises.
138. Dairy NZ (676.008) seek to delete the Objective in its entirety and replace it with an Objective that reads as follows – “**Maintain water quality in its current state as defined by relevant attributes from the national objectives framework. Where required, improve water quality in line with community expectations once community values have been defined, the carrying capacity of rivers has been quantified to protect community values and Catchment Enhancement Plans have been developed**”. The submitter has mixed up the Council’s obligations to give effect to the NPSFM by establishing Objectives that reflect Appendix 2 of the NPSFM (i.e. Objectives 15.1b to 15.1d), and the Council’s obligation under the NPSFM to set cumulative contaminant limits. The latter limit setting has been deferred under a progressive implementation programme as enabled in the NPSFM (hence Policy 15.1.3). This Objective does not contradict Policy 15.1.3, as suggested by the submitter, it is unrelated to that provision as Objective 15.1b and Policy 15.1.3 exist for different purposes. The NPSFM sets out that that in cases where an applicable numeric attribute state is specified in Appendix 2 of the NPSFM, Council’s must formulate objectives in numeric terms by reference to that specified numeric attribute state. The submitters proposed amendment would mean the Council was not meeting its obligations under the NPSFM.
139. EDS (698.094) seek an amendment to the Objective require the level of dissolved inorganic nitrogen to be set at 0.444mg/l as a more appropriate measure of ecosystem health. The Objective aligns with the NPSFM and the writers are comfortable with that approach. The submitter has provided no evidence to support the change sought.
140. Ngāi Tahu (1189.101) have lodged a submission on the explanation for the Objective requesting that reference is made to the importance of water as taonga to connect back to Chapter 3 – Tangata Whenua Iwi. The submitter has not provided any particular wording change. The writers are of the view that given the nature of this Objective, being linked to the NPSFM in such a technical way, that perhaps if such a reference was made, it would be more appropriate to add it to Objective 15.1a instead, especially given part (a) of that Objective states “*the mauri of wai is protected*”. If this was an acceptable option to the submitter, perhaps they may provide appropriate wording in their evidence.
141. Ravensdown Limited (1090.029) seeks an amendment to the Objective as follows – “**Maintain or where degraded enhance freshwater water quality.....**”. The submitter is of the view that enhancement of the freshwater quality is only required where it is degraded. The explanation quite clearly states that enhancement would be required where the FMU does not currently meet an attribute state of A for nitrate, no embellishment of the Objective is necessary clarify when the enhancement aspect of this Objective is relevant.

### Recommendations

142. It is recommended that the Federated Farmers **submission point 425.278 is rejected** as the Objective reflects Appendix 2 in the NPSFM, as it is required to, so it would be inappropriate to indicate that the Objectives would be reviewed as a result of the Catchment Management Plans. It would also not be appropriate to change the measurement method for nitrate as it requires at least 5 years of data at every site.

143. It is recommended that the Fertiliser Association **submission point 1192.015 is accepted in part** as the amendments sought to change from less than to “less than or equal to” are appropriate relative to the NPS. The other changes sought to the Objective are not accepted based on the supporting information supplied in the submission. It is recommended Objective 15.1b is amended as follows:
- “Maintain.....so that the annual median nitrate concentration is  $\leq 1$  milligram nitrate-nitrogen per litre and the annual 95th percentile concentration is  $\leq 1.5$  milligrams nitrate-nitrogen per litre.....”.*
144. It is recommended that the Fonterra **submission point 1251.036 is rejected** as the submitters view does not reflect the community’s (including iwi) strong desire to not only maintain but enhance Marlborough’s existing water quality.
145. It is recommended that the Fish and Game **submission point 509.165 is rejected** as the Objective is not particularly suited to having a timeframe as maintaining water quality is an ongoing goal and enhancement, while possibly defined more specifically in policy or catchment plans, will be done on an ongoing basis as the need arises.
146. It is recommended that Dairy NZ’s **submission point 676.008 is rejected** as the amendment sought would not assist the Council in meeting its obligations under the NPSFM.
147. It is recommended that the EDS **submission point 698.094 is rejected** as the Objective aligns with the NPSFM, and the submitter has provided no evidence to support the change sought.
148. It is recommended that the Ngāi Tahu **submission point 1189.101 is rejected**, subject to reconsideration of the relief sought relative to the writer’s comments in the assessment of the point.
149. It is recommended that the Ravensdown Limited **submission point 1090.029 is rejected** as no embellishment of the Objective is necessary clarify when the enhancement aspect of this Objective is relevant, especially when the Objective is considered alongside the accompanying explanation.

### Objective 15.1c

150. Objective 15.1c reads as follows –

*“Maintain freshwater water quality in each Freshwater Management Unit so that the annual median ammonia concentration is  $<0.03$  milligrams ammoniacal nitrogen per litre and the annual maximum concentration is  $<0.05$  milligrams ammoniacal nitrogen per litre, as measured by the Council’s State of the Environment monitoring programme”.*

151. There are three submissions<sup>6</sup> that support Objective 15.1c and seek its retention as notified.
152. Federated Farmers (425.279) seek an amendment to the Objective to replace the “**annual five year rolling average median ammonia concentration**” and “**the annual five year rolling average maximum concentration**”. The submitter also seeks that the explanation to the Objective is amended to clarify that the Objective will be subject to review as part of the development of Catchment Enhancement Plans. The submitter provides no reason or justification for either of the changes requested. As the Objective reflects Appendix 2 in the NPSFM, as it is required to, it would be inappropriate to indicate that the Objectives would be reviewed as a result of the Catchment Management Plans. In the MEP, Catchment Enhancement Plans are also only developed for priority rivers that have degraded water quality, so to use the outcome of those processes to review the Objective would seem excessive. There is no clear direction in the submission regarding the change sought to a where the 5 year rolling average, and in the writers view it would not be appropriate as it requires at least 5 years of data at every site.
153. The Fertiliser Association (1192.017) seeks to amend the Objective so it would read as follows – “**Maintain freshwater water quality for rivers and lakes in each Freshwater Management Unit so that the annual median ammonia concentration is  $\leq 0.03$  milligrams ammoniacal nitrogen per litre and the annual maximum concentration is  $\leq 0.05$  milligrams ammoniacal nitrogen per litre, as measured by the Council’s State of the Environment monitoring programme**”. There is also nothing to

<sup>6</sup> 479.122 (DOC), 715.366 (Forest and Bird) and 1039.098 (Pernod Ricard)

explain the requested change from “less than” to “less than or equal to”, however it is acknowledged that the latter is a more accurate reflection of the NPSFM and therefore that change is supported.

154. With regards to the other change to the Objective, the writers are concerned at the change this makes to the Objective in terms of implementing the NPSFM. Under the NPS water quality management is based around FMUs, and while one of the measures of water quality within an FMU is ammonia, which as described in the Objective’s explanation is measured in rivers, that measure in a river is not intended to be the Objective, it is the measure for the Objective. The submitter is of the view that the amended wording is preferable as it reflects that the attribute in the NPSFM applies to lakes and rivers, while this is not incorrect, the Objective has to be relative to FMUs, not the features that are monitored to demonstrate the quality of the water within the FMU.
155. Fonterra (1251.037) seek to amend this Objective so water quality is maintained within the attribute state that represents the current state of a waterbody if that state is above the NPSFM bottom lines and only enhance a waterbody where the attribute state is below the bottom lines. In the context of this Objective, which does not have an “enhance” component, this submission does not make a lot of sense. It would appear that the exact same submission has been made on several Objectives without consideration of the differences between them.
156. Fish and Game (509.169) seek the amendment of the Objective to ensure that the Objective is achieved by 2030. There is nothing in the submission to explain the relief sought further, and no specific wording changes are sought. The writers find the relief sought a little confusing in the context of the Objective as there is no existing temporal reference and it is not really suited to one, maintaining water quality is an ongoing goal.
157. Dairy NZ (676.008) seek to delete the Objective in its entirety and incorporate it with Objective 15.1b. There is nothing in the submission that would assist in understanding why this change is sought. The focus of the discussion in the submission is on “enhance”, which is not a feature of this Objective. Other than state that the writers do not agree with the changes sought, further assessment based on the content of the submission is not possible.
158. Ngāi Tahu (1189.102) have lodged a submission on the explanation for the Objective requesting that reference is made to the importance of water as taonga to connect back to Chapter 3 – Tangata Whenua Iwi. The submitter has not provided any particular wording change. The writers are of the view that given the nature of this Objective, being linked to the NPSFM in such a technical way, that perhaps if such a reference was made, it would be more appropriate to add it to Objective 15.1a instead, especially given part (a) of that Objective states “*the mauri of wai is protected*”. If this was an acceptable option to the submitter, perhaps they may provide appropriate wording in their evidence.
159. Ravensdown Limited (1090.030) seeks an amendment to the Objective as follows – “*Maintain **or where degraded enhance** freshwater water quality.....*”. The submitter is of the view that the Objective should be to enhance, not just maintain, to be consistent with the other similarly worded Objectives. However, as the detailed in the explanation, for this attribute the FMUs are all at an A state and therefore no enhancement is necessary.

### Recommendations

160. It is recommended that the Federated Farmers **submission point 425.279 is rejected** as the Objective reflects Appendix 2 in the NPSFM, as it is required to, so it would be inappropriate to indicate that the Objectives would be reviewed as a result of the Catchment Management Plans. It would also not be appropriate to change the measurement method for nitrate as it requires at least 5 years of data at every site.
161. It is recommended that the Fertiliser Association **submission point 1192.017 is accepted in part** as the amendments sought to change from less than to “less than or equal to” are appropriate relative to the NPS. The other changes sought to the Objective are not accepted as the changes would not be an appropriate implementation of the NPSFM. It is recommended Objective 15.1c is amended as follows:

*“Maintain.....so that the annual median ammonia concentration is  $<0.03 \leq 0.03$  milligrams ammoniacal nitrogen per litre and the annual maximum concentration is  $<0.05 \leq 0.05$  milligrams ammoniacal nitrogen per litre.....”.*

162. It is recommended that the Fonterra **submission point 1251.037 is rejected** as the submission does not make sense in the context of this Objective given it does not have an “enhance” component.
163. It is recommended that the Fish and Game **submission point 509.169 is rejected** as the Objective is not particularly suited to having a timeframe as maintaining water quality is an ongoing goal.
164. It is recommended that Dairy NZ’s **submission point 676.009 is rejected** as the changes sought are difficult to assess, however, on the face of it, removal of the Objective would not assist the Council in meeting its obligations under the NPSFM.
165. It is recommended that the Ngāi Tahu **submission point 1189.102 is rejected**, subject to reconsideration of the relief sought relative to the writer’s comments in the assessment of the point.
166. It is recommended that the Ravensdown Limited **submission point 1090.030 is rejected** as no enhancement is required relative to this Objective as all FMUs already have an attribute state of A.

### Objective 15.1d

167. Objective 15.1d reads as follows –

*“Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the annual median E. coli level is <260 per 100 ml, as measured by the Council’s State of the Environment monitoring programme”.*

168. There are two submissions<sup>7</sup> that support Objective 15.1d and seek its retention as notified.
169. Federated Farmers (425.280) seek an amendment to the Objective to replace the “**annual five year rolling average median E. coli level**”. The submitter also seeks that the explanation to the Objective is amended to clarify that the Objective will be subject to review as part of the development of Catchment Enhancement Plans. The submitter provides no reason or justification for either of the changes requested. As the Objective reflects Appendix 2 in the NPSFM, as it is required to, it would be inappropriate to indicate that the Objectives would be reviewed as a result of the Catchment Management Plans. In the MEP, Catchment Enhancement Plans are also only developed for priority rivers that have degraded water quality, so to use the outcome of those processes to review the Objective would seem excessive. There is no clear direction in the submission regarding the change sought to a where the 5 year rolling average, and in the writers view it would not be appropriate as it requires at least 5 years of data at every site.
170. The Fertiliser Association (1192.018) seeks to amend the Objective so it would read as follows – *“~~Maintain or enhance the quality of freshwater water quality in each waterbodies Freshwater Management Unit where the following attribute state is currently met: so that the annual median E. coli level is <260~~ **≤260** per 100 ml, as measured by the Council’s State of the Environment monitoring programme”.* There does not appear to be anything in the submission to explain why the removal of “or enhance” is sought, so other than to say it is purposefully in the Objective, this aspect of the submission is not considered further. There is also nothing to explain the requested change from “less than” to “less than or equal to”, however it is acknowledged that the latter is a more accurate reflection of the NPSFM and therefore that change is supported.
171. The submitter notes that Objective 15.1d requires freshwater quality in all FMU's to meet the annual median E.coli level of <260 per 100ml and that Objective 15.1e provides for water quality in waterbodies valued for primary contact recreation so that the 95th percentile E.coli level is <540 per 100ml. The Fertiliser Association views this as a contradiction as waterbodies valued for primary contact recreation will be located within an FMU, the writers note that this is not incorrect, but it is not a contradiction. At the time the MEP was drafted and notified, secondary contact recreation was a compulsory value under the NPSFM but primary contact recreation was not. Therefore Objective 15.1d was developed relative to FMUs and to implement the NPSFM, however Objective 15.1e was predominantly developed in relation to specific waterbodies to reflect the communities desire for water quality that would support primary contact recreation. Under the MEP, an FMU can have an attribute

<sup>7</sup> 479.123 (DOC) and 715.367 (Forest and Bird)

state for secondary contact recreation (15.1d) and specific waterbodies within that FMU can have attribute states for primary contact recreation (15.1e).

172. Fonterra (1251.038) seek to amend this Objective so water quality is maintained within the attribute state that represents the current state of a waterbody if that state is above the NPSFM bottom lines and only enhance a waterbody where the attribute state is below the bottom lines. The submitter indicates that having an Objective that all FMUs have an attribute state of A would involve “sizable costs” to the community, however as demonstrated in Policy 15.1.5, there are only four waterways for which action is sought to enhance water quality relative to Objective 15.1d. In all of these instances there is a 10 year timeframe in which to take action, and the action will involve Catchment Management Plans developed by the Council in consultation with the community. Fonterra’s view does not reflect the community (including iwi) feedback that was received during the development of the MEP. As indicated in the explanation to the Objective, the community has a strong desire to not only maintain but enhance Marlborough’s existing water quality.
173. Fish and Game (509.170) seek the amendment of the Objective to ensure that the Objective is achieved by 2030. There is nothing in the submission to explain the relief sought further, and no specific wording changes are sought. The writers find the relief sought a little confusing in the context of the Objective as there is no existing temporal reference and it is not really suited to one, maintaining water quality is an ongoing goal and enhancement, while possibly defined more specifically in policy or catchment plans, will be done on an ongoing basis as the need arises.
174. Dairy NZ (676.008) seek to delete the Objective in its entirety and replace it with an Objective that reads as follows – ***“Where fresh waterbodies are not valued for primary contact recreation, maintain bacteria levels in their current state as defined by the secondary recreation standard as defined national objectives framework. Where required, improve bacteria levels in line with community expectations once community values have been defined, the carrying capacity of rivers has been quantified to protect community values and Catchment Enhancement Plans have been developed.”*** The submitter has mixed up the Council’s obligations to give effect to the NPSFM by establishing Objectives that reflect Appendix 2 of the NPSFM (i.e. Objectives 15.1b to 15.1e), and the Council’s obligation under the NPSFM to set cumulative contaminant limits. The latter limit setting has been deferred under a progressive implementation programme as enabled in the NPSFM (hence Policy 15.1.3). This Objective does not contradict Policy 15.1.3, as suggested by the submitter, it is unrelated to that provision as Objective 15.1d and Policy 15.1.3 exist for different purposes. The NPSFM sets out that that in cases where an applicable numeric attribute state is specified in Appendix 2 of the NPSFM, Council’s must formulate objectives in numeric terms by reference to that specified numeric attribute state. The submitters proposed amendment would mean the Council was not meeting its obligations under the NPSFM.
175. Ravensdown Limited (1090.031) seeks an amendment to the Objective as follows – ***“Maintain or where degraded enhance freshwater water quality.....”***. The submitter is of the view that enhancement of the freshwater quality is only required where it is degraded. The explanation quite clearly states that enhancement would be required where the FMU does not currently meet an attribute state of A for E. coli levels for secondary contact recreation, no embellishment of the Objective is necessary clarify when the enhancement aspect of this Objective is relevant.

### Recommendations

176. It is recommended that the Federated Farmers **submission point 425.280 is rejected** as the Objective reflects Appendix 2 in the NPSFM, as it is required to, so it would be inappropriate to indicate that the Objectives would be reviewed as a result of the Catchment Management Plans. It would also not be appropriate to change the measurement method for nitrate as it requires at least 5 years of data at every site.
177. It is recommended that the Fertiliser Association **submission point 1192.018 is accepted in part** as the amendments sought to change from less than to “less than or equal to” are appropriate relative to the NPS. The other changes sought to the Objective are not accepted based on the supporting information supplied in the submission. It is recommended Objective 15.1b is amended as follows:

*“Maintain.....so that the annual median E. coli level is <260 ≤260 per 100 ml.....”.*

178. It is recommended that the Fonterra **submission point 1251.038 is rejected** as the submitters view does not reflect the community's (including iwi) strong desire to not only maintain but enhance Marlborough's existing water quality.
179. It is recommended that the Fish and Game **submission point 509.170 is rejected** as the Objective is not particularly suited to having a timeframe as maintaining water quality is an ongoing goal and enhancement, while possibly defined more specifically in policy or catchment plans, will be done on an ongoing basis as the need arises.
180. It is recommended that Dairy NZ's **submission point 676.010 is rejected** as the amendment sought would not assist the Council in meeting its obligations under the NPSFM.
181. It is recommended that the Ravensdown Limited **submission point 1090.031 is rejected** as no embellishment of the Objective is necessary clarify when the enhancement aspect of this Objective is relevant, especially when the Objective is considered alongside the accompanying explanation.

### Objective 15.1e

182. Objective 15.1e reads as follows –

*“Maintain or enhance freshwater water quality in waterbodies valued for primary contact recreation so that the 95th percentile E. coli level is <540 per 100 ml, as measured by the Council's State of the Environment monitoring programme”.*

183. There are four submissions<sup>8</sup> that support Objective 15.1e and seek its retention as notified.
184. Federated Farmers (425.281) seeks that the explanation to the Objective is amended to clarify that the Objective will be subject to review as part of the development of Catchment Enhancement Plans. The submitter provides no reason or justification for the change requested. In the MEP, Catchment Enhancement Plans are only developed for priority rivers that have degraded water quality, so to use the outcome of those processes to review the Objective would seem excessive.
185. The Fertiliser Association (1192.019) seeks to amend the Objective so it would read as follows – *“Maintain or enhance **the quality** freshwater water quality in waterbodies ~~valued for primary contact recreation~~ **where the following attribute state is currently met:** ~~so that~~ the 95th percentile E. coli level is **>260 to ≤540** <del>540 per 100 ml, as measured by the Council's State of the Environment monitoring programme”.* There nothing in the submission to explain the requested change from “<540 per 100 ml” to “>260 to ≤540 per 100 ml”, or why the reference to primary contact recreation is sought to be removed. The provisions of the MEP reflect the NPSFM at the time of drafting, if recent changes with regards to swimmability lead to changes being required, the writers recommend that is done through a future process.
186. The submitter again discusses the contradiction they perceive to be between Objectives 15.1d and 15.1e, the writers response remains as laid out in the assessment of the Association's submission on Objective 15.1d. It is the writer's view that the explanation to the Objective could benefit from the deletion of one sentence that could be contributing to the submitters view of there being a contradiction. The last sentence of the first paragraph reads – *“The FMUs relevant to this objective are in Freshwater Management Unit – Map 5”.* This sentence has been copied over from the explanations to Objectives 15.1b-d in error, those provisions do relate to FMUs, Objective 15.1e does not. If the Panel is of a view that the writers suggested change is either within the scope of the Fertiliser Association's submission, or could be considered a minor amendment, then the deletion of this sentence is recommended.
187. Fonterra (1251.039) seek to amend this Objective so water quality is maintained within the attribute state that represents the current state of a waterbody if that state is above the NPSFM bottom lines and only enhance a waterbody where the attribute state is below the bottom lines. Fonterra's discussion in the submissions does not really relate to this Objective, as it is not a compulsory value and so the nature of the Objective and its relationship to the NPSFM are different than the other Objectives that Fonterra lodged the same submission on.

<sup>8</sup> 479.124 (DOC), 676.011 (Dairy NZ), 715.368 (Forest and Bird) and 1201.100 (Trustpower Limited)



188. Fish and Game (509.171) seek the amendment of the Objective so it reads as follows – “*Maintain or enhance.... so that the 95th percentile E. coli level is <del>540</del> <del>260</del> per 100 ml.....*” and is amended to ensure that the Objective is achieved by 2030. The submitter is of the view that all waterbodies are swimmable. The provisions of the MEP reflect the NPSFM at the time of drafting, if recent changes with regards to swimmability lead to changes being required, the writers recommend that is done through a future process. There is nothing in the submission to explain the relief sought further, and no specific wording changes are sought with regards to the 2030 timeframe. The writers find the relief sought a little confusing in the context of the Objective as there is no existing temporal reference and it is not really suited to one, maintaining water quality is an ongoing goal and enhancement, while possibly defined more specific in policy or catchment plans, will be done on an ongoing basis as the need arises.
189. Ravensdown Limited (1090.032) seeks an amendment to the Objective as follows – “*Maintain or **where degraded** enhance freshwater water quality.....*”. The submitter is of the view that enhancement of the freshwater quality is only required where it is degraded. The explanation quite clearly states that enhancement would be required where the water quality in a river does not currently meet an attribute state of B for E. coli levels for primary contact recreation, no embellishment of the Objective is necessary clarify when the enhancement aspect of this Objective is relevant.
190. The Horticulture NZ (769.061) submission seeks information but not a decision for which an assessment or recommendation can be made. The submitter requested clarification regarding how waterbodies valued for primary contact recreation have been identified. These values are identified in Volume 3, Appendix 5 (Schedule 1).
191. The AQNZ submission (401.174) seeks the addition of two new policies and a method as follows –

Add new Policy 15.1.19A – “**Avoid the discharge of human sewage to land where it may contaminate coastal water within the marine farm protection overlay, or areas used for fishing or shellfish gathering**”;

Add new Policy 15.1.19B – “**Require any accidental discharge to be notified to the Marlborough District Council immediately. The Marlborough District Council will then advise potential affected persons**”; and

Add new Method of Implementation 15.M.15A – “**Create a new marine farm protection overlay within 1000m of the boundary of any marine farm**”.

The submitter is of the view that the discharge of human sewage to land has the potential to affect human health by contaminating coastal waters and affecting water quality. The writers understand that these policy matters and the proposed Method have already been dealt with in three hearings (Coastal, Urban and Subdivision, and Rural), and while none of these explicitly dealt with the two requested policies, 15.1.19A and 15.1.19B, submitters did provide detailed evidence on the intent of the two policies, especially in the urban hearing. The relevant s42a reports recommended that an overlay not be adopted and the writers agree with those recommendations for the reasons set out in those reports. With regards to the two proposed policies, having not had the benefit of hearing evidence at previous hearings, the writers rely on the content of this specific submission, which in essence offers no information to support the new provisions sought. Policy 15.1.19A, in particular, is a strong policy given the use of the word “avoid” and the writers would anticipate substantial evidence to support this proposal, and direction as to how the submitter would see the policy implemented in rules, especially as in some circumstances “avoid” policies lead to Prohibited Activities. With regards to Policy 15.1.19B, again the writers would be interested in how the submitter would see this implemented, “require” how? The writers appreciate that these questions may have been answered in relation to other topics.

### *Recommendations*

192. It is recommended that the Federated Farmers **submission point 425.281 is rejected** as connecting the development of three Catchment Management Plans (as identified in Policy 15.1.6) to a review of the Objective would be excessive.
193. It is recommended that the Fertiliser Association **submission point 1192.019 is accepted in part** as if the Panel is of a view that the following deletion from paragraph one of the explanation to the

Objective is either within the scope of the Fertiliser Association's submission, or could be considered a minor amendment, then the following recommended –

~~“The FMUs relevant to this objective are in Freshwater Management Unit – Map 5.”~~

With regards to the other changes sought, the provisions of the MEP reflect the NPSFM at the time of drafting, and there is no information in the submission to support the changes sought.

194. It is recommended that the Fonterra **submission point 1251.039 is rejected** as the Objective is not a compulsory value and so the nature of the Objective and its relationship to the NPSFM are different than the other Objectives.

It is recommended that the Fish and Game **submission point 509.171 is rejected** as the Objective is not particularly suited to having a timeframe as maintaining water quality is an ongoing goal. With regards to the other changes sought, the provisions of the MEP reflect the NPSFM at the time of drafting, and there is no information in the submission to support the changes sought.

195. It is recommended that the Ravensdown Limited **submission point 1090.032 is rejected** as no embellishment of the Objective is necessary clarify when the enhancement aspect of this Objective is relevant, especially when the Objective is considered alongside the accompanying explanation.

196. It is recommended that the AQNZ **submission point 401.174 is rejected** as there is insufficient information in the submission to justify the imposition of the new policies, and it is not clear how they would be implemented. The overlay has been traversed in other s42 reports and the writers support the recommendations of the authors of those reports.

## Matter 3: Management purpose.

### Policy 15.1.1

197. Policy 15.1.1 reads as follows –

*“As a minimum, the quality of freshwater and coastal waters will be managed so that they are suitable for the following purposes:*

- (a) Coastal waters: protection of marine ecosystems; potential for contact recreation and food gathering/marine farming; and for cultural and aesthetic purposes;*
- (b) Rivers and lakes: protection of aquatic ecosystems; potential for contact recreation; community water supply (where water is already taken for this purpose); and for cultural and aesthetic purposes;*
- (c) Groundwater: drinking water supply; and*
- (d) Wetlands: protection of aquatic ecosystems and the potential for food gathering”.*

198. There are six submissions<sup>9</sup> that support Policy 15.1.1 and seek its retention as notified.

199. The Federated Farmers (425.282) submission seeks amendments to this Policy as follows –

~~“As a minimum, the quality of freshwater and coastal waters will be managed so that they are suitable to provide for the following purposes:~~

- (a) Coastal waters..... purposes;*
- (b) Rivers and lakes: protection of aquatic ecosystems; potential for contact recreation; community water supply (where water is already taken for this purpose); ~~and~~ for cultural and aesthetic purposes **and for stock drinking irrigation and primary production purposes;***

<sup>9</sup> 424.122 (M & K Gerard), 676.073 (Dairy NZ), 496.039 (Forest and Bird), 1124.049 (S MacKenzie) 1192.020 (Fertiliser Association) and 1201.101 (Trustpower Limited)

- (c) *Groundwater: drinking water supply; and for irrigation and primary production purposes; and*  
 (d) *Wetlands.....”.*

The submitter is of the view that, in addition to the natural and human use purposes identified in the policy, stock drinking water, irrigation and primary production should also be recognised as legitimate purposes for the management of freshwater bodies, including rivers, lakes and groundwater. The submitter does not explain the changes sought to the opening text of the Policy, and the writers are not of the view that the amended text is preferential to the notified text. With regards to the additions to (b) and (c), this Policy reflects the classifications that have been applied to water resources in Appendix 5, which at this time, does not include irrigation and primary production purposes. That is not to say those are not important values that, when the cumulative limit setting process is conducted, may be reflected in Appendix 5 for some resources. This Policy explicitly states as a minimum water quality will be managed so it is suitable for the listed purpose, it does not exclude management from being applied for other purposes. In the writer’s view care has to be taken when amending provisions as to how changes impact on the rest of the provisions, or people’s activities. Words have an effect and if, for example, a value is placed on a river, then there is an expectation that there will be management around that, possibly even restrictions. Just because a value or an activity is not mentioned does not mean it does not have value, it may just mean that vulnerabilities have not been identified that need particular management at this time.

200. The Horticulture NZ (769.062) submission seeks amendments to this Policy as follows –

*“As a minimum, the quality of freshwater and coastal waters will be managed so that they are suitable for the following purposes:*

- (a) *Coastal waters: protection of marine ecosystems; potential for contact recreation **in identified areas** and food gathering/marine farming; and for cultural and aesthetic purposes;*  
 (b) *Rivers and lakes: protection of aquatic ecosystems; potential for contact recreation; community water supply (where water is already taken for this purpose); and for cultural and aesthetic purposes;*  
 (c) *Groundwater: drinking water supply **and food production; and***  
 (d) *Wetlands: protection of aquatic ecosystems and the potential for food gathering; **and***  
 (e) ***Other values identified for the waterbody”.***

The submitter is of the view that the Policy should reflect all values, not just natural and human use values. The submitter does not explain the addition sought to (a) or what is meant by “in identified areas”. The writers do not support this amendment as it has the potential to narrow the applicability of the Policy, and it is ambiguous. The writer’s comments on the preceding submission regarding there being consequences to additions to provisions is relevant here too, has the submitter thought through what management may be applied if (e) was added and all of the additional values it seeks through its submission on Appendix 5 are added.

201. The NZ Deer Farmers (991.010) submission seeks amendments to this Policy to add food production and animal welfare values. It also seeks that the policy is reworded to allow a more collaborative approach to determining priority values and management approaches, noting that its amendment implicitly acknowledges the farming community as stakeholders in the values setting process. The submitter is of the view that the Policy appears to circumvent the process of setting community values for water as per the NPSFM values setting process. The writer’s comments in the preceding submissions regarding the addition of values to this Policy apply to this submission also, and have not been repeated. The NPSFM process for setting cumulative limits, which includes establishing FMUs and values associated with them with the community, has yet to take place and is a future process laid out in the Council’s Progressive Implementation Programme under the provisions of the NPSFM.

202. The Fishing Industry (710.047) submission seeks amendments to (a) of this Policy as follows –

- (a) *Coastal waters: protection of marine ecosystems **and fisheries resources**; potential for contact recreation and ~~food gathering~~ **seafood harvesting**/marine farming; and for cultural and aesthetic purposes;*

The submitter is of the view that Policy 15.1.1 recognises threats to marine ecosystems, and to ‘food gathering/marine farming’ but does not acknowledge threats to fisheries resources and fishing activity

from degraded water quality. The Council is obliged, in achieving integrated management, to consider impacts of water quality on fisheries resources and fishing activity in the coastal marine area. The additions to this Policy have not been discussed sufficiently by the submitter for the writers to understand the management framework that would apply as a consequence, for example what water quality classification standards would be applied to manage water quality for fisheries resources? There is nothing in the submission to persuade the writers that “*seafood harvesting*” is preferable to “*food gathering*”, and the latter is a very common expression used throughout the MEP and perhaps does not have the commercial connotations that “harvesting” may have for some people.

203. The Port Marlborough (433.083) submission seeks an amendment to (d) of this Policy as follows –

“(d) **Significant Wetlands:** ~~protection~~ **management** of aquatic ecosystems and the potential for food gathering”.

The submitter is of the view that this policy, as worded, may not enable the effective management of wetlands. The writers agree in part with the Port Marlborough as throughout the MEP policies and rules have focused on “*Significant Wetlands*”. This has been done to provide certainty to landowners as to what area of their property is a wetland with significant values when assessed against the significance criteria in Appendix 3. It would be appropriate to amend the policy so that it aligns with the other wetland provisions. With regards to the other amendment sought, to replace the word “*protection*” with “*management*”, the writers not not support this change. At a minimum having the quality of freshwater managed for the protection of wetland ecosystems provides a baseline, whereas management of wetlands may result in the managed degradation of the wetland ecosystems.

204. J Hickman (455.056) and G Mehlhopt (456.056) in their submissions seek an amendment the Policy and/or the explanation to recognise that food gathering will not be appropriate in all wetlands. The submitters note that the explanation to the Policy states that the use of “*potential*” in the criteria reflects a community expectation that food gathering should always be able to be undertaken safely in wetlands, however food gathering is not a realistic expectation for all wetlands and is not a use that all wetlands can support, particularly in times of low flow and drought. This should be recognised in the Policy so wetlands are managed for appropriate purposes. The writers support the submission of Port Marlborough to the extent that it would clarify that (d) in the Policy only applies to Significant Wetlands, not all wetlands, this as a consequence would mean that the reference to “*potential for food gathering*” would also be confined to Significant Wetlands. Given the various protections in place, it would then be reasonable for the community to see those features being safe for food gathering. This Policy in no way signals that food will be available to gather, just that if it is there to be gathered, then the community could expect that could be done safely.

205. The DOC (479.125) and Fish and Game (509.172 - part) submissions seek removal of the text “*potential for*” from within the Policy. The submitters are of the view that the wording “*potential for*” ahead of contact recreation adds ambiguity and should be deleted, and that all rivers and lakes need to be managed to ensure they are suitable for contact recreation. The writers consider that the explanation sufficiently assists Plan users with understanding the use of the word “*potential*” in the Policy. It is also appropriate to use the word “*potential*” as not all waterways are suitable for contact recreation; some rivers are simply too small and shallow for contact reaction to realistically occur and do not contribute to wider catchments where contact recreation is possible.

206. The Fish and Game (509.172 - part) submission also seeks an amendment to (d) of the Policy as follows –

“(d) Wetlands: protection of ~~aquatic~~ **wetland** ecosystems and the potential for food gathering”.

The submitter is of the view that this would better reflect the diverse nature of wetlands, that is they aquatic and terrestrial ecosystems. The writer’s support this amendment for the reasons provided by the submitter.

207. The EDS (698.095) submission seeks amendments to this Policy as follows –

“As a minimum, the quality of freshwater and coastal waters.....:

(a)Coastal waters: protection of marine ecosystems; ~~potential for~~ **primary** contact recreation (**swimming**) and food gathering/marine farming; and for cultural and aesthetic purposes;

*(b) Rivers and lakes: protection of aquatic ecosystems; ~~potential for~~ **primary** contact recreation (**swimming**); community water supply (where water is already taken for this purpose); and for cultural and aesthetic purposes;.....”*

The submitter is of the view that the MEP should provide for primary contact recreation. Policy 15.1.1 is one of the policies that gives effect to the objectives, of particular relevance here are Objectives 15.1d and 15.1e. These Objectives relate to maintaining or enhancing water quality for primary and secondary contact recreation, so it is appropriate that Policy 15.1.1 cover both, which it does as worded in the notified MEP.

208. The Nelson Forests Limited (990.234) submission seeks an amendment to the explanation to this Policy as follows –

*“This policy establishes a minimum expectation.....The use of “potential” in the criteria reflects a community expectation that contact recreation and/or food gathering should ~~always~~ **generally** be able to be undertaken safely in coastal waters, rivers, lakes and wetlands. This policy.....”*

The submitter is of the view that the use of “potential” in the criteria is problematic as contact recreation may not always be able to be undertaken, for example during natural events, the water quality may drop on a short term basis. The aim should be that contact recreation and/or food gathering should “generally” be able to be undertaken safely. In the writers view, this Policy does not say that contact recreation can always be done but that if it is to be undertaken, then the community expect that it can be done safely.

209. The Ngai Tahu (1189.103) submission seeks an amendment (c) of the Policy as follows –

*“(c) ~~Ground~~ **Freshwater: drinking water supply; and”***

The submitter is of the view that consider freshwater to be a taonga, and that all freshwater should be to a drinkable standard. This Policy sets up actions that will be taken to ensure minimum standards are met and, as it stands, that will provide for water quality suitable for drinking in rivers where water is already taken for this purpose, and for all groundwater. For rivers that do not already have a water taken for drinking water, it is quite likely that there is either not a demand, there is insufficient volume available or the water quality is naturally not well suited to a drinking water. In all of these cases it would be inefficient to set these waterways up in this Policy to have resources applied to them to maintain water quality when they were not likely to be used for this purpose. Where a new water supply is to be established as the result of a new development, it is appropriate that the developer should have to ensure potable water to any dwellings, rather than the whole community to having to ensure a particular resource has potable water quality in case it is used for that purpose in the future.

210. The Fonterra (1251.040) submission seeks an amendment (c) of the Policy as follows –

*“(c) ~~Groundwater: drinking water supply~~ **Whether, where groundwater is suitable for drinking, that suitability would be compromised; and”***

211. The submitter is of the view that the provision is very broad and unclear. The majority of Marlborough’s population is reliant on groundwater for its domestic supply, particularly the municipal supply areas of Blenheim, Renwick and Riverlands but also the private community supplies of Woodbourne and Rarangi and the individual supplies across the Wairau Plains, Brancott, Benmorven and Omaka. The writers are of the view that the Policy should remain as notified as Marlborough’s aquifers are well established sources of drinking water.

212. The submitter also seeks that Policy 15.1.1 is amended to clarify which rivers and lakes need to be maintained for primary contact recreation and which rivers and lakes need to be maintained with secondary contact recreation. The submitter is of the view that the policy is unclear on which rivers and lakes need to meet primary contact recreation attributes and which can meet secondary contact recreation attributes, and it is not necessary (nor is it likely to be viable) for all rivers and lakes to meet primary contact recreation attributes. The writers do not consider that identification of specific waterbodies is appropriate within this Policy, there are other provisions that address water quality and values relative to contact recreation in specific waterbodies, for example Objectives 15.1d and 15.1e, Policies regarding degraded waterbodies, methods such as Catchment Management Plans and Appendix 5 – Water Resource Unit Values.

213. The MFIA (962.087) have lodged a submission on this Policy that, relative to this provision, has no clear decision sought and an explanation that does not assist with understanding its concerns. No assessment or recommendation on this point has been made.

*Recommendations*

214. It is recommended that the Federated Farmers **submission point 425.282 is rejected** as the submitter does not explain the changes sought to the opening text of the Policy, and the writers are not of the view that the amended text is preferential to the notified text. And, the Policy reflects the classifications that have been applied to water resources in Appendix 5, which at this time, does not include irrigation and primary production purposes.
215. It is recommended that the Horticulture NZ **submission point 769.062 is rejected** as the submitter does not explain the addition sought to (a) or what is meant by “in identified areas” and the amendments have the potential to narrow the applicability of the Policy, and make it ambiguous. The additions to this Policy, combined with the submitters additions sought to Appendix 5, have not been discussed sufficiently by the submitter for the writers to understand the management framework that would apply as a consequence.
216. It is recommended that the NZ Deer Farmers **submission point 991.010 is rejected** as the additions to this Policy have not been discussed sufficiently by the submitter for the writers to understand the management framework that would apply as a consequence, for example what water quality classification standard would be applied to manage water quality for food production and animal welfare values? The NPSFM process for setting cumulative limits, which includes establishing FMUs and values associated with them with the community, has yet to take place and is a future process laid out in the Council’s Progressive Implementation Programme under the provisions of the NPSFM.
217. It is recommended that the Fishing Industry **submission point 710.047 is rejected** as the additions to this Policy have not been discussed sufficiently by the submitter for the writers to understand the management framework that would apply as a consequence. Also, there is nothing in the submission to persuade the writers that “*seafood harvesting*” is preferable to “*food gathering*”.
218. It is recommended that the Port Marlborough **submission point 433.083 is accepted in part** as the addition of the word “*Significant*” would align this Policy with the approach taken in the remainder of the MEP, however the change from “*protection*” to “*management*” would not assist the Council in implementing the NPSFM. The following amendment to the Policy is recommended –
- “(d) **Significant Wetlands**: *protection of aquatic ecosystems and the potential for food gathering*”.
219. It is recommended that the J Hickman **submission point 455.056** and G Mehlhopt **submission point 456.056 are rejected** as the Policy does not provide for food to be available for gathering, just that if it is then the community can do it safely.
220. It is recommended that the DOC **submission point 479.125** and Fish and Game **submission point 509.172 (part) are rejected** as the explanation to the Policy sufficiently assists Plan users with understanding the use of the word “*potential*” in this Policy.
221. It is recommended that the Fish and Game **submission point 509.172 (part) is accepted** as the amended wording better reflects the diverse nature of wetlands. The following amendment to the Policy is recommended –
- “(d) **Wetlands**: *protection of aquatic wetland ecosystems and the potential for food gathering*”.
222. It is recommended that the EDS **submission point 698.095 is rejected** as the Policy better gives effect to the objectives regarding contact recreation if the existing wording is retained.
223. It is recommended that the Nelson Forest Limited **submission point 990.234 is rejected** as the Policy does not say that contact recreation can always be done but that if it is to be undertaken, then the community expect that it can be done safely.

224. It is recommended that the Ngāi Tahu **submission point 1189.103 is rejected** as it is not reasonable to put the onus on the community to manage all river to drinking water quality when some may never be fit for that purpose or in a location in which there is demand.
225. It is recommended that the Fonterra **submission point 1251.040 is rejected** as Marlborough's aquifers are well established sources of drinking water, and it is not consider that identification of specific waterbodies is appropriate within this Policy as there are other provisions that address water quality and values relative to contact recreation in specific waterbodies in the MEP.

### Policy 15.1.2

226. Policy 15.1.2 reads as follows –

*“Apply water quality classifications (and water quality standards) to all surface water, groundwater and coastal water resources, which reflect:*

- (a) the management purposes specified in Policy 15.1.1; and*
- (b) other uses and values supported by the waterbody or coastal waters; or*
- (c) where water quality has already been degraded, the uses and values that are to be restored”.*

227. There are three submissions<sup>10</sup> that support Policy 15.1.2 and seek its retention as notified.

228. The Federated Farmers submission (425.283) seeks amendments to (a) of this Policy as follows –

*“(a) **where and/or when** the management purposes specified in Policy 15.1.1 **apply**; and.....”.*

The submitter also seeks that the explanation to the Policy be amended to clarify that classifications, values and standards will be subject to review as part of the development of Catchment Enhancement Plans. The submitter expects that the identification of water quality classifications and values supported by the water body or coastal waters will be reviewed through community consultation during the limit setting process. Therefore, we expect that the water quality classifications may require a plan change during the catchment by catchment limit setting process as values are discussed. The writers struggle to understand what the submitters are trying to achieve with the amendments to (a), in our view they do not make sense when the Policy as read as a whole, particular when considered alongside Policy 15.1.1. With regards to the explanation, in the writer's view there are other provisions in Chapter 15 that discuss the cumulative limit setting process (and that RMA Schedule 1 processes will be required) and the use of Catchment Management Plans for degraded and at risk catchments. No amendments to the explanation of this Policy are considered necessary.

229. Fish and Game (509.173) have lodged a submission on this Policy that seeks clarification with no clear decision sought, therefore no assessment or recommendation on this point has been made. However, for the benefit of the submitter, the writers advise that Freshwater Management Units (FMUs) are a method of dividing up the region into units for managing specific matters in relation to giving effect to the NPSFM. For example, the MEP has FMUs to manage water quantity allocation and the application of conductivity limits. In the context of the Chapter 15 provisions, the MEP has FMUs identified that relate to Objectives 15.1b to 15.1d, as these provisions are giving effect to the NPSFM. As outlined in the MEP, the Council has adopted a Progressive Implementation Programme for setting cumulative contaminant limits, so the full implementation of the NPSFM relative to water quality is yet to take place. This includes the wider process of establishing FMUs beyond those set specifically for Objective 15.1b to 15.1d. In the meantime, the existing Water Resource Units (WRUs) that have been used for the State of the Environment reporting will continue to be the basis for most provisions around water quality and values. It is likely that the future limit setting process, which will involve the community, will see some degree of aggregation of Water Resource Units into FMUs.
230. The Dairy NZ submission (676.074) seeks the following amendment to the first paragraph of this Policy as follows –

*“Water quality classifications will be applied through the MEP to all water and coastal waters. The classifications will, as a minimum, reflect the management purposes set out in Policy 15.1.1. However,*

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<sup>10</sup> 479.126 (DOC), 496.040 (Forest and Bird) and 1201.102 (Trustpower Limited)

*particular waterbodies and coastal waters may support other natural and human use values and it is appropriate for these values to be reflected in any classification. This means that many waterbodies and coastal waters will have multiple classifications. For those waterbodies or coastal water experiencing degraded water quality, the classifications will reflect the natural and human use values that are to be restored. **These values will be form a part of Catchment Enhancement Plans. Water quality standards will apply to each classification.***”

The submitter is of the view that it is critically important that the water quality classifications reflect the full range of values relevant to each catchment. Application of the classifications should form a key part of Catchment Enhancement Plans. In the Chapter 15 provisions Catchment Management Plans are linked to degraded water quality, which the explanation explains have classifications that reflect values, the writers are of the view that the amendment does fill any deficit in the explanation.

231. The EDS submission (698.096) seeks amendment of the Policy to specify the difference and relationship between quality classifications and standards, and the level and which standards will be applied, i.e. water resource unit, FMU etc. The submitter is of the view that the Policy is not clear. The writers are of the view that the Policy is very explicit that water quality classifications and standards will be applied to all water resources, clarified in paragraph one of the explanation to the Policy with the statement that “*water quality standards will apply to each classification*”. Objectives 15.1b to 15.1d clearly set out that they apply to the FMUs on Map 5 of the FMU overlay maps. Appendix 5 lays out that water quality classifications are associated with WRUs. It is acknowledged that the explanation to Objective 15.1e is confusing in that the Objective refers to waterbodies (rather than FMUs) and the explanation references Map 5. The Objective is correct and the explanation needs amendment, which is dealt with by the writers elsewhere.

232. The Horticulture NZ submission (769.063) seeks an amendment to (b) of the Policy to all values identified for the waterbody, it is not clear if they seek this text to replace (b) in its entirety (therefore removing the reference to coastal water) or only the part of (b) that applies to waterbodies. The submitters is of the view that Policy 15.1.2 is subordinate to policy 15.1.1 and it is important that all values are provided for under Policy 15.1.1. The submitters amendments sought to Policy 15.1.1 would make (b) of Policy 15.1.2 somewhat redundant, so rather than being amended it could be removed. If the management purposes in Policy 15.1.1 were going to include every possible value then both (a) and (b) would not be required. However, the writers do not support the amendments sought to Policy 15.1.1, and correspondingly do not support the amendment sought to Policy 15.1.2. Taken on its face value, only in the context of this Policy, the amendment does not change the direction in the Policy over all as between (a) and (b) the Policy does cover all values identified.

233. The Ravensdown Limited submission (1090.033) seeks an amendment to (c) of the Policy as follows –  
*“(c) where water quality has already been degraded **by human activities**, the uses and values that are to be restored”.*

The submitter is of the view that the Policy should seek to improve water quality only where it has been degraded by human activities. The writers are of the view that human activities are likely in most cases to be the cause of all degradation sought to be managed in the MEP, and the resources that would have to potentially expended by the community to “prove” that before doing restoration would be an inefficient use of those resources. The water quality issues and objectives are not better responded to by the amendments to this Policy sought by the submitter.

234. The Fertiliser Association submission (1192.021) seeks an amendment to (c) of the Policy as follows –  
*“(c) where water quality has already been degraded **by human activities to the point of being over-allocated**, the uses and values that are to be restored **to meet the FMU Objectives**”.*

The submitter is of the view that the Policy should be amended to refer to degradation by human activities to ensure an applicant is not required to try and restore water quality that has been degraded by natural processes. The submitter is also concerned about the use of the word 'restored' as this could mean restoring 'values' to a pristine condition or state so the submitter seeks that the Policy refers to meeting the FMU objectives. The writers are of the view that it is inappropriate to amend this Policy to text referring to overallocation and meeting FMU objectives. It is clear in the provisions that



the limit setting process is yet to occur, therefore there are no allocations at this time, or FMUs associated with allocation limits. The writer's comments for the Ravensdown Limited submission regarding the link to human degradation apply here also, however further to those, it is noted that with regards to degraded waterbodies the level of "restoration" sought is explained in the provisions, for example, the degraded waterways to be enhanced (restored) in Policy 15.1.4 have to be able to meet the nitrate concentrations specified in Objective 15.1b.

235. The Ngāi Tahu submission (1189.104) seeks an amendment to (b) of the Policy as follows –

*"(b) other uses and values, including Tangata Whenua Iwi values, supported by the waterbody or coastal waters; or"*

The submitter is of the view that it is appropriate and in accordance with s6(e), 7 and 8 of the RMA to specifically highlight within this policy that water quality standards should be set so that Tangata Whenua values are reflected. The writers are of the view that cultural values are already provided for in (a) of this Policy given the link back to Policy 15.1.1, which specifically references management for cultural purposes in (a) and (b), and management for food gathering in (a) and (d), and where that does not cover all iwi values, preference would be for those to be specifically referenced in Appendix 5 (and therefore picked up in (b) of Policy 15.1.2 as notified).

### *Recommendations*

236. It is recommended that the Federated Farmers **submission point 425.283 is rejected** as where the intent of the submission is understood, the amendments are considered unnecessary as the matters are appropriately dealt with in other provisions.
237. It is recommended that the Dairy NZ **submission point 676.074 is rejected** as the amendment sought does not fill any deficit in the explanation.
238. It is recommended that the EDS **submission point 698.096 is rejected** as the amendments sought do not fill any deficit in the explanation.
239. It is recommended that the Horticulture NZ **submission point 769.063 is rejected** as in isolation the amendments do not improve the Policy, and in conjunction with the submission on Policy 15.1.1, are not supported by the writers.
240. It is recommended that the Ravensdown Limited **submission point 1090.033 is rejected** as the water quality issues and objectives are not better responded to by the amendments to this Policy sought by the submitter.
241. It is recommended that the Fertiliser Association **submission point 1192.021 is rejected** as the water quality issues and objectives are not better responded to by the amendments to this Policy sought by the submitter, and the reference to allocation and over-allocation are inappropriate when those limits are yet to be set in the MEP.
242. It is recommended that the Ngāi Tahu **submission point 1189.104 is rejected** as the matters raised either are covered in (a) of the Policy in association with Policy 15.1.1, or they are (or should be) picked up through values being identified in Appendix 5 and therefore covered by (b) of the Policy.

### Appendix 5

243. Appendix 5 is headed "*Water Resource Unit Values and Water Quality Classification Standards*", and includes Schedule 1 – Water Resource Unit Values and Schedule 2 – Water Quality Classification Standards.

244. There are seven submissions<sup>11</sup> that support Appendix 5 in its entirety, and seek its retention as notified. A further three submissions<sup>12</sup> specifically support Schedule 2 of Appendix 5, and seek its retention as notified.

*Schedule 1 – Water Resource Unit Values*

245. The Irrigation NZ submission (778.088) seeks to add socio-economic human use values to each WRU however it states in its submissions that the evidence for this will be provided at the hearing. The submitter does state that the addition of socio-economic human use values is consistent with the National Objectives Framework contained within the NPSFM. As the submitter has taken the approach of not providing the detail of its submission until the hearing, there is little for the writers to assess. It is noted that the Council has a Progressive Implementation Programme in place to give full effect to the water quality aspect of the NPSFM, which will include the establishment of FMUs with associated values and environmental limits.
246. The S Parkes submission (339.023) seeks the addition of primary production values, food production values (animal and human use) and commercial development values, and the Coatbridge Limited submission (356.005) seeks the addition of primary production values. The submitters provide no reason for seeking these additional values be added, do not identify which WRUs these values should be applied to, and do not advise which water quality standards should be associated with these values. In the writer's view there is insufficient information in the submissions to support the addition of these values to Schedule 1 of Appendix 5.
247. The Horticulture NZ submission (769.135) seeks the addition of "*food production*" as a value in the Benmorven, Brancott, Omaka Aquifer, Omaka River, Riverlands, Southern Springs and Wairau Aquifer FMUs, and WRU 6 (Awatere – Lower) and other WRUs where food production is undertaken. The submitter is of the view that Appendix 5 is based on values that are limited and do not reflect the range of values anticipated in the NPSFM. Horticulture NZ seeks that in particular food production is added as a value to areas where food production is undertaken. It is an important value for meeting the social and economic wellbeing of the community and needs to be appropriately recognised and included as a value when setting freshwater objectives and minimum flows and levels. The writer's wish to clarify that the setting cumulative limits, which will include establishing FMUs with associated values, is yet to be undertaken and is provided for under the Council's Progressive Implementation Programme, which is enabled under the NPSFM. So much of what the submitter has discussed will happen, it just has not happened as part of the Plan review process that developed the notified Plan. Potentially "*food production*" could be added to the FMUs and WRU 6 specified in the submission but the submitter has provided no information to support this, or identified which classification (and therefore water quality standards) would apply to that value.
248. The Federated Farmers submission (425.770) seeks that that all classifications from the Third Schedule of the RMA are used when identifying Water Quality Classification standards, including irrigation purposes and industrial abstraction. The writers note that Policy 15.1.2 identifies the classifications that may be used, and they include irrigation and industrial abstraction. The submitters also seek that the WRUs are restructured to group by catchment (no reason given), while this is a different approach the writers do not agree that it would be better to present the WRUs that way, instead of the alphabetical approach taken. Federated Farmers also seek the following amendments to the classifications as shown under the heading "*Abbreviations*" at the start of Appendix 5, however it provides no explanation for, or information about, the changes sought –

***"CR primary contact recreation (1 November – 30th April)"***

***"FS fish spawning (May – December dependent on species)"***

Amending the meaning of the classifications, and therefore the application of the water quality standards, could have a significant effect on water quality management in the MEP, for example consideration on applications for discharge would not consider the potential non-compliance with standards at particular times of the year, and limiting FS as the submitter has would exclude some native fish spawning. Without more information from the submitter about what it is seeking to achieve

<sup>11</sup> 401.249 (AQNZ), 426.244 (MFA), 479.271 (DOC), 509.333 and 509.334 (Fish and Game) 1142.008 (Save the Wairau) and 1039.135 (Pernod Ricard)

<sup>12</sup> 401.244 (AQNZ), 509.364 and 509.365 (Fish and Game)

and a greater understanding of the effects of the amendments sought on the provisions of the Plan (and therefore Plan users), the writers do not support the amendments to the CR and FS abbreviations. The remaining aspects of the Federated Farmers submission (425.770) repeats similar amendments sought in other submission points it has lodged, therefore repeat assessments are not made here.

249. The Federated Farmers submission (425.028) seeks the addition of a range of uses including irrigation, industrial, commercial and frost fighting, and cultural, social and economic values. The submitters reason for these additions is not particularly clear but appears to centre around a view that the values in Schedule 1 do not reflect the Issue and Objectives as they do not include a range of uses, including irrigation, industrial, commercial and frost fighting, and cultural, social and economic values cannot be separated from biodiversity values. The submission is very general, not absolute and does not identify which WRUs these values should be applied to. In addition, the values in this Schedule lead somewhere, they do not just stand alone so, for example, if “*social*” was added as a value to a particular WRU, which water quality standards would be applied to it? How would a resource user know whether their activity was going to have an adverse effect on the “social value” of an WRU? What does “social value” mean in this context? In the writer’s view there is insufficient information in the submission to support the addition of these values to Schedule 1 of Appendix 5.
250. The Federated Farmers submission (425.195) seeks the addition of gravel extraction as a value in Schedule 1. The submitter is of the view that it is important that the cultural, social and economic value of gravel extraction be balanced with the need to manage ecological and recreational values, and this can be done by ensuring that Appendix 5 recognises values that water resources bring to the community. The submission does not identify which WRUs are valued for gravel extraction, or which water quality standards should be applied to this value. In the writer’s view there is insufficient information in the submission to support the addition of these values to Schedule 1 of Appendix 5.
251. The Ngāti Kuia submission (501.083) seeks the addition of “*cultural*” as a value in Schedule 1. The submitter is of the view that regardless of the cultural values iwi place on their key waterways, only one waterway has been given a cultural value in Appendix 5. Ngāti Kuia state that statutory acknowledgements are a starting point for identifying culturally significant sites with Pelorus Bridge having high values for locals, iwi and visitors alike. Ngāti Kuia are of a view that iwi were not consulted in identifying - or not, significant waterways on cultural grounds and that the Council should consult with iwi to identify culturally significant waterways. During the review process, which included many hui with the Iwi Working Group, the Council continuously sought the input of iwi on this matter, and encouraged iwi to identify cultural values specific to WRUs. Schedule 1 reflects the response the Council received from iwi. The Council continues to be supportive of iwi identifying cultural values for inclusion in the Schedule and staff would welcome the opportunity to do that as part of a future plan process. As the submission does not identify which WRUs are valued for cultural purposes (except Pelorus), or which water quality standards should be applied to this value, in the writer’s view there is insufficient information in the submission to support the addition of these values to Schedule 1 of Appendix 5 at this time. Should the submitter wish to add Pelorus at this time, and can provide further information regarding whether it is the Upper or Lower Pelorus WRU (or both), and whether the existing water quality standards for the other values of those WRUs are a suitable proxy for cultural values in evidence, then the writers would reconsider their recommendation.
252. The Fish and Game submission (509.332) seeks the addition of contact recreation as a value for all WRUs in Schedule 1. The submitter holds this view but provides no information in the submission to explain or support this position. The writers do not agree with the submitters that all WRUs are currently valued for contact recreation, either due to the type of waterbody or the size of the waterbody. While policies seek to ensure water quality is safe should the community want to use a resource for contact recreation, that does not mean that every WRU is currently valued for that purpose.
253. The Fish and Game submission (509.335) seeks to ensure that the natural character values of all WRUs are identified in Schedule 1. The submitter holds the view that all freshwater bodies have natural character and some have particularly high or significant natural character values, and the definition of natural character values for each waterway is required to ensure that this can be protected as required under s.6(a) of the RMA. The writers advise that, it is their understanding that, all freshwater WRUs with high or very high natural character, as identified in the report “*The natural character of selected Marlborough rivers and their margins*” (Boffa Miskell, June 2014), are included in

Schedule 1. It is unclear if the submitter is not aware of this, or seeks for natural character values that are lower than high to be included in the Schedule. The writers are comfortable with the Council's approach of identifying freshwater WRUs with high or very high natural character in Schedule 1 and are not persuaded by the submission that additional WRUs need to be identified with natural character values.

254. The Fish and Game submission (509.338) seeks to ensure that the water quality values and flow and allocation limits for all freshwater bodies in the Region are clearly identified and aligned. The submitter is of the view that an option to achieve this could be to require, for each of the WRU identified in Appendix 5, a quantity allocation for water takes and minimum flows and levels or water takes to be specified. This will alleviate current confusion over the relationship between the identified Water Resource Units and the Freshwater Management Units and ensure that each freshwater body in the Region has specific water quantity and water quality targets clearly identified and will ensure that the identification of these areas on the Planning Maps directly reflects the areas. The writers are of the view that the MEP does very clearly identify environmental flows and levels (which include allocations and limits) and FMUs for water allocation, which gives effect to the quantity aspect of the NPSFM. The values in Appendix 5 have contributed to the environmental flows and levels, as specifically referenced in the explanation to Policy 5.2.1 in the Allocation of Public Use chapter of the MEP. The writer's response to the submitters submission on Policy 15.1.2 (509.173) may assist in clarifying the difference between FMUs and WRUs.
255. The Fish and Game submission (509.337) seeks amendments to acknowledge that all waterbodies provide invertebrate habitat, and to state those where the provision for invertebrate habitat is particularly significant. The submitter is of the view that all waterbodies provide invertebrate habitat but Schedule 1 currently identifies only those WRUs that have significant invertebrate habitat. The writers do not support the broad-brush approach of recording invertebrate habitat as a value for every WRU, the Council has not got the science to support that and the submitter has not provided any evidence for the additions sought. The values in the WRUs have to be meaningful, they are there for a purpose and are used to manage water quality across Marlborough in conjunction with the water quality standards. There are potential ramifications for recording values in Schedule 1 on policies, methods, rules, resource users seeking resource consent, and the environment. If Schedule 1 is looked at as a standalone table recording every possible value that a WRU may have, no matter how significant, and without consideration of how that value is to be protected, then there is a risk that the identification of values becomes meaningless in of itself as all management and resource users will have to provide for every type of value in every WRU.
256. The Fish and Game submission (509.336) seeks amendments to ensure all braided rivers including Wairau, Awatere, Clarence, Branch and Acheron are classified as having significant natural character values. The submitter is of the view that braided rivers should be considered as having significant natural character due to their rarity, and that the following braided rivers with fisheries values include Wairau, Awatere, Clarence, Branch and Acheron. The identification of the natural character of rivers is a matter for a different hearing topic, however it is noted that the Wairau (Upper), Awatere (Upper), Branch and Acheron are all identified as having high or very high natural character values in Appendix 5. All five rivers are identified as having recreation (fishing) and/or fish habitat values. As the decision sought is outside the scope of this hearing topic no recommendation is made. Similarly, Save the Wairau in its submission (1142.009) seeks natural character assessments for some areas within the Wairau River, including Bartlett's Creek, Pine Valley, Pukaka Stream, Timms Stream, Waihopai River upper and lower, Waikakaho, Wairau Lagoons, and Wairau River Bed. As the decision sought is outside the scope of this hearing topic no recommendation is made.
257. Fish and Game has lodged submissions<sup>13</sup> on several WRUs seeking one of the following changes –
- change “fishing” to “regionally significant brown trout fishery”; or
  - change “fishing” to “locally significant brown trout fishery”; or
  - change “highly valued trout fishery” to “regionally significant brown and rainbow trout fisheries”; or
  - change “fishing” to “regionally significant brown and rainbow trout fisheries”; or
  - change “fishing” to “regionally significant brown trout and salmon fisheries”; or

<sup>13</sup> 509.339, 509.341, 509.342, 509.343, 509.344, 509.346, 509.348, 509.349, 509.350, 509.351, 509.352, 509.353, 509.354, 509.355, 509.356, 509.357, 509.359, 509.360, 509.362 and 509.363 (Fish and Game)

- change “*fishing*” to “*locally significant brown and rainbow trout fisheries*”; or
- change “*fishing*” to “*nationally significant brown trout and salmon fisheries*”.

The submitter has not provided any reasons or further information to support these requests in its submissions, and it is not clear what makes a value locally, regionally or nationally significant. The writers main query on the amendments sought is, what purpose do they serve? What difference does it make to the management water quality? They all have the classification “F” (fisheries), which would not change, and the submitter has not sought any change to the water quality standards that are linked to that classification to differentiate between various fisheries. The changes sought may be more meaningful than “fishing” in the context of a simple record of values, however the writers are not convinced that is sufficient impetus to amend the MEP.

258. Fish and Game has lodged submissions (509.352, 509.358 and 509.361) on WRU36 (Pelorus/Te Hoiere (Lower)), WRU47 (Tuamarina) and WRU52 (Wairau Lagoon) seeking the following –

- change “*gamebird hunting*” to “*regionally significant gamebird hunting*”.

The submitter has not provided any reasons or further information to support these requests in its submissions, and it is not clear what makes a value regionally significant. The writers main query on the amendments sought is, what purpose do they serve? What difference does it make to the management water quality? They all have the classification “AE” (aquatic ecosystems) to support birdlife, which would not change, and the submitter has not sought any change to the water quality standards. The changes sought may be more meaningful than “gamebird hunting” in the context of a simple record of values, however the writers are not convinced that is sufficient impetus to amend the MEP.

259. Fish and Game has lodged submissions (509.340 and 509.347) on WRU2 (Cullens/Linkwater Complex) and WRU27 (Kenepuru) seeking the following –

- add the value of “*waterfowl hunting in the tidal zone*”.

The submitter has not provided any reasons or further information to support these requests in its submissions or advised what the appropriate water quality classification would be for this value. The writers do not fundamentally oppose the addition of these new values should the submitter provide supporting information in evidence.

260. Fish and Game has lodged a submission (509.345) on WRU22 (Goulter) seeking the following –

- add the value of “*salmon spawning*”; and
- add the value of “*designated back-country fishery*”.

The submitter has not provided any reasons or further information to support these requests in its submissions (including what is meant by “*designated*”) or advised what the appropriate water quality classification would be for these values. The writers do not fundamentally oppose the addition of these new values should the submitter provide supporting information in evidence.

261. Fish and Game has lodged a submission (509.358) on WRU47 (Tuamarina) seeking the following –

- add the value of “*locally significant brown trout fishery*”.

The submitter has not provided any reasons or further information to support these requests in its submissions. The writers do not fundamentally oppose the addition of this new value should the submitter provide supporting information in evidence.

262. Fish and Game has lodged a submission (509.356) on WRU43 (Spring Creek) seeking the following –

- change “*gamebird shooting*” to “*gamebird hunting*”.

The submitter has not provided any reason to support this request however it is reasonable to assume it is for consistency as throughout the values the term “*hunting*” has been used not “*shooting*”. The writers support this amendment.

263. D and C Robbins (640.016), G Robb (738.019) and M Robb (935.016) have lodged submissions on WRU57 (Small Sounds Streams) seeking that “*children playing*” under the Recreation heading is either replaced with “*kayaking, swimming or fishing*”, or removed altogether. The submitters are of the view that the inclusion of “*children playing*” as a recreation value for small sounds streams is ridiculous. The writers agree with the submitters that “*children playing*” should be removed.
264. J and J Hellstrom have lodged a submission (688.056) seeking that Endeavour Stream is included in Appendix 5 as there is an ecologically significant marine site at the head of Endeavour Inlet (ID 4.27). The submitter is of the view that Endeavour Stream was noted as being of high value in the MSRMP, however its non-inclusion in Appendix 5 appears to be an oversight. The MSRMP notes that Endeavour Inlet Head has native fish habitat, koaro (rare), long-finned Queen Charlotte Sound eels, blue gilled and red finned bullies, banded and giant kokopu, and given that there is an ecologically significant marine site at the head of Endeavour Inlet, it appears to be an omission that the stream that flows through this site has lost its status as an area of ecological value. Further the submitter observes that Endeavour Stream could be assumed within WRU 56 (small coastal complex) and WRU 57 (small Sounds streams) but they are of the view that this is not sufficient. The writers confirm that Endeavour Stream is part of WRU 57 (small Sounds streams), and our view that is appropriate. It is noted that all of the valued habitats the submitter referred to in their submission are included in WRU 57, plus many more values.
265. Te Ātiawa have lodged a submission (1186.222) seeking that Waikawa Stream is included in Appendix 5 and that, at the very least, it has the classifications C (cultural) and A (aesthetic). The submitter is of the view that Waikawa Stream is of significant value and should be included in Schedule 1. The writers confirm that Waikawa Stream is part of WRU 57 (small Sounds streams) and therefore is in the Schedule. As kaitiaki of the rohe containing Waikawa Stream, Te Ātiawa are best placed to identify whether the waterway has cultural values, therefore the writers support the addition of the classification “C” to WRU 57 relative to Waikawa Stream. With regards to the addition of the classification “A”, the submitters haven’t provided any information to support the identification of Waikawa Stream as having aesthetic values so the writers do not support that addition at this time.
266. Te Ātiawa have lodged a submission (1186.221) seeking the addition of cultural values, and the “C” classification, to the following WRUs – Kaituna, Rai, Tuamarina, Small Coastal Complex, Small Sounds Streams, Waitohi and Wakamarina. The submitter is of the view that the MEP does not represent rivers of significance to Te Ātiawa as holding cultural value. The Council has always held the view that iwi are best placed to identify whether particular waterways have cultural values, the writers hesitancy with this particular submission is that Te Ātiawa are not the only iwi with kaitiaki over these WRUs and there has been no consultation with other iwi about the addition of cultural values to these waterbodies. Currently there are no water quality standards directly associated with the “C” classification, if iwi did want to add “C” to all WRUs of significance to them, it may be more meaningful if that was part of a process whereby it was established that either the standards associated with other classifications could act as a proxy for “C” (this is currently the case), or if there is a need for additional standards to added to Schedule 2.
267. Trustpower Limited have lodged submissions (1201.153 and 1201.154) seeking that the title of Appendix 5 be changed from “~~Water Resource Unit Values & Water Quality Classification Standards~~” to “**Natural and Human Use Values of Fresh Water Management Units**”, with a similar change to the heading of Schedule 1. The submitter is of the view that that this Appendix needs to more closely align with the NPSFM, and the National Objective Framework, and that title of this Appendix and Schedule 1 are misleading, and do not accurately reflect its content. In the writers view the amendments sought would cause the Appendix to be misleading, the Council has not established FMUs to manage water quality beyond the ones on FMU Map 5 that relate specifically to Objectives 15.1b to 15.1d. Appendix 5 identifies values for WRUs that have been established during the life of the previous plans, used for state of the environment reporting and reviewed for the purposes of notifying the MEP, they are not FMUs established through a community process as outline in the NPSFM with values that reflect such a process, or all the values included in the National Objective Framework. Appendix 5, including its title and headings, will be the subject of future plan process when the full limit setting programme is conducted.

268. Trustpower Limited have lodged a submission (1201.155) seeking that each FMU is amended to ensure the compulsory values in the National Objective Framework are included. The submitter is of the view that the Appendix needs to more closely align with the NPSFM, and the National Objective Framework. In order to achieve consistency with the National Objective Framework, Trustpower submits that each FMU needs to identify the compulsory values for the National Objectives Framework. The compulsory values of “Te Hauora o te Wai / the health and mauri of water” and “Te Hauora o te Tangata / the health and mauri of the people” should be included in this values table. The Council has given effect to the compulsory values of the National Objective Framework through the setting of Objectives 15.1b to 15.1d, and the establishment of the associated FMUs in FMU Map. The purpose of Appendix 5 is not to be consistent with the National Objective Framework or to establish values for FMUs.
269. Trustpower Limited have lodged a submission (1201.156) seeking that the WRU 13 “*Branch (including Lake Argyle)*” have the reference to Lake Argyle removed. The submitter is of the view that Lake Argyle is an out of river, artificial storage reservoir, which is fed by a canal as part of a Hydro Electric Scheme. And further, that Lake Argyle does not provide all of the values listed. The writers agree with the amendment sought for the reasons outlined in the submission. The writers would suggest that as a consequential change, “*waterskiing*” and “*model boating*” are deleted from the recreation values for the Branch River as they are values specific to Lake Argyle.
270. Trustpower Limited have lodged submissions (1201.157 and 1201.158) seeking the addition of the value “*Hydro Electric Generation*” to WRU 48 (Waihopai - Lower) and WRU 49 (Waihopai – Upper). The submitter is of the view that the Waihopai River supports existing hydro-electric generation activities and that value needs to be reflected in the values of this WRU. The writers agree with the submission and note it is consistent with the identification of hydro-electric generation values within the Branch WRU.
271. QCS Residents have lodged a submission (504.091) seeking that WRU 56 (Small Coastal Complex) be amended to include Bird Habitat with relevant bird species, and WRU 57 (Small Sounds Streams) be amended to include other bird species such as kingfishers, shining cuckoos, bellbirds, native herons, bellbirds and tui. The submitter is of the view that without the amendments regarding bird habitat, the lack of knowledge regarding the Sounds is again apparent. Bird habitat fails to address that in those areas mentioned, kingfishers, shining cuckoos, bellbirds, native herons some of which are rare, bellbirds and tui use these areas and thus all recreation, including that of children, should respect and uphold the total bird habitat in those areas. The writers do not agree with the submitters that these additional bird habitats should be added the Schedule 1 as, where bird habitat is identified as a value in Schedule 1, it relates to riverbed nesting birds. If the amendments sought were added for WRUs 56 and 57, similar amendments would have to be made to all WRUs as all these types of habitats would apply everywhere. The QCS Residents submission also discusses the classification “SG” (shellfish gathering), however it is not clear if they are noting support for what was notified or are seeking a change. If it is the latter, the writers are unable to determine the change sought and note that all coastal waters do have the classification of “SG” in the MEP.

#### *Schedule 2 – Water Quality Classification Standards*

272. Te Ātiawa have lodged a submission (1186.223) seeking the insertion of cultural water quality indicators into Schedule 2. The submission contains no further information to assist in writers in understanding what indicators such as this would contain, we would welcome specific details at the hearing of cultural water quality indicators for potential inclusion in Schedule 2.
273. Submissions have been lodged by Federated Farmers (425.772), and Fish and Game (509.366, 509.367 and 509.368) seeking various amendments to the Water Quality Standards in Schedule 2 of Appendix 5.
274. Federated Farmers seeking that following two standard interpretations are removed from the water quality standard for biological growths –

“*Dissolved reactive phosphorus (DRP) must be <0.015mg/l when rivers are at < median flow*”; and

“*Dissolved inorganic nitrogen (DIN) must be <0.444mg/l when rivers are at < median flow.*”

The submitter is of the view that the removal of these standards interpretations will provide consistency and clarity. There is no information in the submission to persuade the writers that these should be removed. The dissolved reactive phosphorus standard is currently met by most rivers, however the dissolved inorganic nitrogen cannot be met in any dairy catchments at this time.

275. Federated Farmers seek the amendment of one perimeter and the addition of a new one for the water quality standard for turbidity, as follows –

*“Turbidity must be no greater than 5.6 Nephelometric Turbidity Units **when rivers are at < median flow**”*; and

*“**The Awatere River is excluded from this standard.**”*

The submitter is of the view that the removal of these standards interpretations will provide consistency and clarity. There is no information or justification in the submission to persuade the writers that these amendments/additions should be made. The writers further note that during low flows the Awatere River clears up and this is when spawning occurs.

276. Federated Farmers seek the removal of the standard for *“Deposited Fine Sediment (DFS) – Stoney Bottom Streams”* in its entirety. The submitter states that they seek the removal of some attributes at this time pending the further technical work and environmental monitoring which is being undertaken preparatory to the catchment processes. In particular, it is of a view that the development of standards for deposited sediment needs to be informed by regional data which has not been available to date. The writers do not consider that the submitters have provided persuasive justification for the removal of this Standard and note that when deposited fine sediment exceeds 20% there is an impact on water quality.
277. Federated Farmers seek the addition of a new perimeter for the water quality standard *“Suitability for consumption by farm animals”* as follows –

*“**E. coli levels must be <1000/100mL**”*.

The submitter is of the view that the addition of this perimeter will provide consistency and clarity. In the writer’s view there is no information or justification in the submission to persuade the writers that this addition is warranted, and furthermore the new standard offered is out of date.

278. Federated Farmers seek amendments of the perimeters for the water quality standard *“Escherichia coli (E. coli)”*, as follows –

*“- Between 1 November and 30 April of the following year ~~mean~~ **median** E. coli levels must be <126/100mL when rivers are at < median flow.*

*- At all other times ~~mean~~ **median** E. coli levels must be <260/100mL when rivers are at < median flow.*

*- Between 1 November and 30 April of the following year ~~maximum~~ **the 95<sup>th</sup> percentile** E. coli levels must be ~~<260/100mL~~ **<540/100mL** when rivers are at < median flow.*

*- ~~Between 1 November and 30 April of the following year maximum E. coli levels must be <260/100mL when rivers are at < median flow.~~”*

The submitter is of the view that the amendments to this Standards interpretations will provide consistency and clarity. There is no information or justification in the submission to persuade the writers that these amendments/additions should be made. The writers note that the change from mean to median would allow very large discharges to occur as long as they do not occur more than half the time, this would have an unacceptable impact on water quality. With regards to the changes to the third bullet point, it would appear the submitter is trying to reflect the NPSFM however the changes are inappropriate in the context of the water quality standards and would not work. It is acknowledged that a drafting error resulted in a duplication with the third and fourth bullet points and therefore the submitters deletion of the fourth point is appropriate, although this can be removed as a minor amendment.



279. Federated Farmers seek the amendment of one perimeter for the water quality standard for colour or visual clarity, as follows –

*“Turbidity must ~~be no greater~~ not change more than 1.5 Nephelometric Turbidity Units.”*

The submitter is of the view that the amendment of this Standard’s interpretation as sought will provide consistency and clarity, the writers agree with that view.

280. Fish and Game in its submission 509.366 seek that following changes to the standard interpretations for temperature –

*“The daily maximum temperature must be ~~≤24~~ 19°C, subject to natural inputs”; and*

*“Shall not exceed 25°C.”*

The submitter is of the view that trout are particularly sensitive to habitat change and require cold, well oxygenated water with low nutrient levels, and that the amendments would align with Schedule 3 of the RMA and reflect the habitat conditions for trout. The writers agree with both of the amendments sought as they do reflect current knowledge and the RMA.

281. Fish and Game in its submission 509.367 seek that following additions to the standard interpretations for dissolved oxygen –

*“Saturation >80%”;*

*“9mg/L at 11°C”;* and

*“6-8mg/L at 20°C”.*

The submitter is of the view that trout are particularly sensitive to habitat change and require cold, well oxygenated water with low nutrient levels, and that the amendments would align with Schedule 3 of the RMA and reflect the habitat conditions for trout. The writers agree that the first addition sought should be added as it does reflect the RMA, however the same cannot be said for the other two additions and the submitter has provided no justification for these levels. In any case, the writers view is that the first addition should cover the concerns behind the second and third additions anyway.

282. In assessing the Fish and Game submission on the dissolved oxygen standard the writers identified a typographic error with the placement of a decimal point. Should the Panel be of a view is either within scope or a minor amendment, then we would seek a correction as follows –

*“The daily minimum must be ~~≥0.75mg/l~~ ≥7.5mg/l.”*

283. Both Fish and Game (509.368) and Federated Farmers seek amendments (but different ones) to the standard interpretations for Macroinvertebrate Community Index – Stoney Bottom Streams to read as follows –

Federated Farmers seek - *“Must be >100 80 when river flow is < median flow.”*

Fish and Game seek - *“Must be >100 120 when river flow is < median.”*

Federated Farmers is of the view that the change of this perimeter will provide consistency and clarity but has not provided any specific information as to why 100 should be changed to 80. Fish and Game are of the view that ecosystem health should be maintained to support high quality macroinvertebrate community, which are the primary food source for trout. Trout prefer to feed on taxa that inhabit high water quality streams e.g. Ephemoptera, Plecoptera and Trichoptera with large Trichoptera being the most highly preferred macroinvertebrate food item. While it does not say as much, it is assumed that Fish and Game consider maintenance of ecosystem health would require the Index to be greater than 120. The writers are of a mind to accept the submission of Federated Farmers as it is consistent with the value set by the Land and Water Forum, we also agree the addition of the word “flow” is appropriate. The writers are of a view that the 120 sought by Fish and Game is quite high and does not reflect what is seen in many streams now, for example the Goulter River does not even get to 120.

*Recommendations*

284. It is recommended that the Irrigation NZ **submission point 778.088 is rejected** as the submitter has elected to only provide the detail of its submission at the hearing so there is insufficient information in the submission to support the addition of these values to Schedule 1 of Appendix 5.
285. It is recommended that the S Parkes **submission point 339.023** and the Coatbridge Limited **submission point 356.005 are rejected** as there is insufficient information in the submission to support the addition of these values to Schedule 1 of Appendix 5.
286. It is recommended that the Horticulture NZ **submission point 769.135 is rejected** as there is insufficient information in the submission to support the addition of these values to Schedule 1 of Appendix 5 at this time, and much of what the submitter was seeking is part of a future Plan process relating to the Council's Progressive Implementation Programme under the NPSFM.
287. It is recommended that the Federated Farmers **submission point 425.770 is rejected** as some of the matters raised are already provided for in policy, some amendments do not improve the working of the Appendix in the writers opinion, and for some changes there is insufficient information in the submission to understand what the changes are seeking to achieve or the effects of the amendments sought on Plan users.
288. It is recommended that the Federated Farmers **submission points 425.028 and 425.195 are rejected** as there is insufficient information in the submission to support the addition of these values to Schedule 1 of Appendix 5.
289. It is recommended that the Ngāti Kuia **submission point 501.083 is rejected** as, subject to further evidence being provided, there is insufficient information in the submission to support the addition of these values to Schedule 1 of Appendix 5 at this time.
290. It is recommended that the Fish and Game **submission point 509.332 is rejected** as the writers do not agree with the submitter that every WRU is currently valued for contact recreation, and the submission does not contain information to support the submitters assertion.
291. It is recommended that the Fish and Game **submission point 509.335 is rejected** as, the writers are not persuaded by the submission that freshwater WRUs need to be identified with natural character values lower than "high".
292. It is recommended that the Fish and Game **submission point 509.338 is rejected** as the writers are of the view that environmental flows and levels for water quantity allocation are clearly set out in the MEP, and the relative relationship with WRU values is established.
293. It is recommended that the Fish and Game **submission point 509.337 is rejected** as the writers do not support the broad-brush approach of recording invertebrate habitat as a value for every WRU, the Council does not have the science to support that and the submitter has not provided any evidence of that nature.
294. It is recommended that the Fish and Game **submission points 509.339, 509.341, 509.342, 509.343, 509.344, 509.346, 509.348, 509.349, 509.350, 509.351, 509.352, 509.353, 509.354, 509.355, 509.357, 509.359, 509.360 and 509.363 are rejected** and **submission point 509.356 is rejected in part** as no information has been provided to support the changes and no change the management of water quality would occur as a result of the more specific descriptions of fisheries values, therefore the writers are not clear there is sufficient impetus to amend the MEP.
295. It is recommended that the Fish and Game **submission points 509.352, 509.358 and 509.361 are rejected** as no information has been provided to support the changes and no change the management of water quality would occur as a result of the more specific descriptions of gamebird hunting values, therefore the writers are not clear there is sufficient impetus to amend the MEP.
296. It is recommended that the Fish and Game **submission points 509.340, 509.345, 509.347 and 509.358 are rejected** as no information has been provided to support the changes, including advice as to the appropriate water quality classification for this value.

297. It is recommended that the Fish and Game **submission point 509.356 is accepted in part** as the change sought will support consistent language across the WRU values. The following change is recommended to the recreation values for WRU43 (Spring Creek) –

*“gamebird ~~shooting hunting~~”.*

298. It is recommended that the D and C Robbins **submission point 640.016**, the G Robb **submission point 738.019** and the M Robb **submission point 935.016 are accepted** as the deletion of *“children playing”* from this WRU is appropriate. The following change is recommended to the values for WRU57 (Small Sounds Streams) in Schedule 1 of Appendix 5 –

**“Recreation**

*Children playing.”*

299. It is recommended that the J and J Hellstrom **submission point 688.056 is rejected** as Endeavour Stream is already covered by WRU 57, and in the writer’s opinion this is appropriate as all of the values identified by the submitter are included, along with many others.

300. It is recommended that the Te Ātiawa **submission point 1186.222 is accepted in part** to the extent that “C” is added as a classification for WRU 57 for Waikawa Stream. The following amendment is recommended to the water quality classifications for WRU 57 (Small Sounds Streams) in Schedule 1 of Appendix 5 –

**“AE, FS, C (Waikawa Stream)”**

301. It is recommended that the Te Ātiawa **submission point 1186.221 is rejected** at this time, subject to discussion on the matters raised in the assessment of this point.

302. It is recommended that the Trustpower Limited **submission points 1201.153, 1201.154 and 1201.155 are rejected** as the amendments sought would be misleading and/or would not reflect the purpose and function of Appendix 5 at this time.

303. It is recommended that the Trustpower Limited **submission point 1201.156 is accepted** as Lake Argyle is an out of river, artificial storage reservoir, which is part of a Hydro Electric Scheme. The following amendment is recommended to the water quality classifications for WRU 13 in Schedule 1 of Appendix 5 –

*“Branch (including Lake Argyle)”*

The writers would suggest that as a consequential change resulting from the above recommendation that the following amendments are made to the “Recreation values” for the Branch River –

*“~~Waterskiing, Fishing and motor boating~~”*

304. It is recommended that the Trustpower Limited **submission points 1201.157 and 1201.158 are accepted** as the amendments sought reflect the existing Hydro Electric Generation values and are consistent with the approach for the Branch WRU. The following additional value is recommended to added to the water quality classifications for WRU 48 and WRU 48 (Upper and Lower Waihopai) in Schedule 1 of Appendix 5 – **“Hydro Electric Generation”**.

305. It is recommended that the QSC Residents **submission point 504.091 is rejected** as the bird habitat values identified in Schedule 1 are riverbed nesting birds, and the writers are of a view that this is appropriate in relation to managing water quality. With regards to shellfish gathering, it is not clear what, if anything, the submitter is seeking.

306. It is recommended that the Te Ātiawa **submission point 1186.223 is rejected** at this time as the submission contains no specific information as what indicators such as this would contain.

307. It is recommended that the Federated Farmers **submission point 425.772 is rejected (in part)** as there is no evidence to support the change to the biological growth perimeters, justification for the

amendments/additions to the turbidity perimeters, the justification for the removal of the deposited fine sediment Standard is not persuasive and when deposited fine sediment exceeds 20% there is an impact on water quality, there is no justification in the submission to support the additional perimeter for the suitability for consumption by farm animals standard and the new standard offered is out of date.

308. It is recommended that the Federated Farmers **submission point 425.772 is accepted (in part)** as the amendments sought reflect the determination of the Land and Water Forum. The “*Interpretation of Standard/Parameter*” column of Schedule 2 for the Standard “*Macroinvertebrate Community Index – Stoney Bottom Streams*” is recommended to be amended as follows –

“- ~~Must be >100~~ **80** when river flow is < median flow.”

309. It is recommended that the Fish and Game **submission point 509.368 is rejected** as the amendments are not justified or appropriate in the Marlborough context.

310. It is recommended that the Federated Farmers **submission point 425.772 is rejected (in part)** as the amendments sought (median instead of mean) would potentially cause water quality degradation, and amendments re *E.coli* standards would not work.

311. It is recommended that the Federated Farmers **submission point 425.772 is accepted (in part)** as the amendments sought are appropriate. The “*Interpretation of Standard/Parameter*” column of Schedule 2 for the Standard “*Colour or visual clarity*” is recommended to be amended as follows –

“- Turbidity must ~~be no greater~~ **not change more** than 1.5 Nephelometric Turbidity Units.”

312. It is recommended that the Fish and Game **submission point 509.366 is accepted** as the amendments sought as they do reflect current knowledge and the RMA. The “*Interpretation of Standard/Parameter*” column of Schedule 2 for the Standard “*Temperature*” is recommended to be amended as follows –

“- The daily maximum temperature must be ~~≤24~~ **19**°C, subject to natural inputs.

- **Shall not exceed 25°C.**

- The natural temperature of the water must not be changed by more than 3°C.”

313. It is recommended that the Fish and Game **submission point 509.367 is accepted in part** as the first addition sought does reflect the RMA. The writers find there to be no justification in the submission for the other additions sought. Further, if it is within scope or a minor amendment, the writers recommend the correction of a typographic error with the placement of a decimal point in the first perimeter of dissolved oxygen. The “*Interpretation of Standard/Parameter*” column of Schedule 2 for the Standard “*Dissolved oxygen*” is recommended to be amended as follows –

“- The daily minimum must be ~~≥0.75mg/l~~ **≥7.5mg/l**.

- **Saturation >80%**”

### Policy 15.1.3

314. Policy 15.1.3 reads as follows –

“*To investigate the capacity of fresh waterbodies to receive contaminants from all sources, having regard to the management purposes established by Policy 15.1.1 in order to establish cumulative contaminant limits by 2024*”.

315. There are five submissions<sup>14</sup> that support Policy 15.1.3 and seek its retention as notified.

316. The Federated Farmers submission (425.284) seeks amendments to the fourth paragraph of the explanation as follows –

<sup>14</sup> 479.128 (DOC), 496.041 (Forest and Bird), 961.051 (Chamber), 1090.034 (Ravensdown Limited) and 1192.022 (Fertiliser Assn)

*“This policy establishes a commitment to commence collecting and analysing resource use and environmental data required to establish cumulative contaminant limits. The use of limits could constrain the land uses that could occur in a catchment (existing and potential) or at least the way in which those land uses are managed. For these reasons, care needs to be exercised in establishing cumulative contaminant limits in respect of water quality. It is also important that the limits reflect the management purposes established by Policy 15.1.1, ~~otherwise Objectives 15.1a to 15.1e will not be achieved~~ and that communities review MEP objectives and standards based on catchment specific values and information. The cumulative limits and any catchment-specific revisions to values, objectives or standards will be added to the MEP by plan change ~~or upon review.~~”*

The submitter is of the view that the explanatory text accompanying this policy should clarify that the water quality classifications and standards in the Plan will be subject to review as part of the process of establishing limits, and these limits should be added to the Plan by way of a plan change. If the explanation was amended as sought by the submitter “for clarification”, then in the writers view the clarifications would be misleading. At this time there is no specific intention, as part of the establishment of cumulative limits, to do a complete review of the MEP objectives, classifications and standards. The process of setting cumulative limits will result in the addition of provisions, and may lead to some amendments of existing provisions but that process will be limit in scope to the purpose (setting cumulative limits). The intention in indicating that cumulative limits may be added to the MEP by way of a plan review (not just a plan change), is to reflect that that is an option, in the same way that environmental flows and levels have been added through this current plan review.

317. The Fish and Game submission (509.174) seeks amendments to the Policy to reflect that water quality standards are set as in-stream limits and these limits are to be achieved, through the implementation of rules by 2030. The submitters offer no discussion or explanation for the amendments sought, or specific wording changes. In the Policy and paragraph three of the explanation it is set out that the timeframe in the Progressive Implementation Programme (PIP) for establishing cumulative limits is 2024, it appears that the submitter seeks to have that timeframe changed from 2024 to 2030. The provide no justification for this and it would potentially adversely effect water quality by extending the timeframe for applying limits out another six years. The Council is able to review the PIP under the NPSFM and, should an extension of the timeframe be justified in the future, a plan change could amend this Policy at that time. The submitter seeks that the Policy is amended in some manner to ensure that limits are to be achieved, the irony in that is that in Marlborough the setting of cumulative limits is likely to enable more contamination of waterbodies as it may be established that some water resources can assimilate more contaminants than thy are currently receiving, so in a sense it may be preferable that limits are not “achieved”.
318. The Dairy NZ submission (676.075) seeks amendments to the second and fourth paragraphs of the explanation as follows –

*“The establishment of cumulative contaminant limits is a complex task. It requires a good understanding of the relationship between land use and water quality. That relationship is influenced by the nature of the contaminants produced by different land uses, the way in which those contaminants pass through the environment and the susceptibility of natural and human use values supported by waterbodies to total contaminant loads. **Key stakeholders will be given the opportunity to be kept informed or participate in this investigation process.**”*

*“This policy establishes a commitment to commence collecting and analysing resource use and environmental data required to establish cumulative contaminant limits. The use of limits could constrain the land uses that could occur in a catchment (existing and potential) or at least the way in which those land uses are managed. For these reasons, care needs to be exercised in establishing cumulative contaminant limits in respect of water quality. It is also important that the limits reflect the management purposes established by Policy 15.1.1, ~~otherwise Objectives 15.1a to 15.1e will not be achieved.~~ The cumulative limits will be added to the MEP by plan change or upon review. **The date for implementation of cumulative catchment limits has been set at 2024. However, this date may be extended where Catchment Enhancement Groups agree it is necessary to allow resource users sufficient time to implement any changes in land use practices.**”*

The submitter is of the view that key stakeholders are given the opportunity to be kept informed or participate in this information-gathering exercise, particularly as it sets the scene for future limit-setting work. Dairy NZ consider that it is difficult to know if the timeframe of 2024 is sufficient time for potential

change in land use practices until it is known what these cumulative limits will be and how they will be achieved (if any reduction in contaminant loads is required). It may be reasonable for catchments where a reduction in water quality is not required, however in other catchments, the date for implementation of cumulative contaminant loads should be determined by the members of the relevant catchment communities as part of the catchment planning exercise undertaken by catchment enhancement groups.

319. The National Objectives Framework in the NPSFM sets out the expectations for setting limits to implement the NPS, which includes community involvement. As this process in terms of cumulative limits is to be part of future work as per the PIP, the writers are hesitant to amend the MEP provisions if it has the possibility of pre-empting what that process may look like. It is also important to note that the timeframe is for establishing the limits, not “meeting” them, so land use change in response to the limits would not be anticipated to occur, if it is necessary, until after the limits are established. As stated in response to the Fish and Game submission on this Policy, the Council is able to review the PIP and this could include changing the timeframe (which could reflect community feedback), however the NPSFM does not give total discretion to Councils regarding timeframes and has expectations that the Council has to meet.
320. The EDS submission (698.097) seeks the identification and inclusion of interim cumulative contaminant limits set (at) a precautionary level to achieve ecosystem health, to ensure that contaminants are appropriately managed in the interregnum between instigation of the 2012 programme and its completion. The submitter is of the view that there are already a number of degraded water bodies in Marlborough and also many at high risk of becoming degraded, so the MEP should identify and include interim cumulative contaminant limits. Further, it states that the fact that limits can “constrain land use” is irrelevant and MDC cannot postpone its function to safeguard ecosystem health when it is known that many waterbodies are degraded and what the activities contributing to that degradation are. EDS did not provide any interim cumulative contaminant limits that could be considered for inclusion in the MEP for any waterbodies. Through the Council’s water quality monitoring programme, it has identified its degraded rivers and those at risk and are systematically undertaking catchment investigations to determine the sources of contamination and reduce these. At the time the PIP was established, and currently, these investigations are still ongoing. The methodology for the development of catchment limits is not standardised throughout the country and as the MDC has limited resources to apply to this task so is working alongside the Ministry for the Environment and other councils to develop a proven methodology before undertaking the limit setting process.
321. The Horticulture NZ submission (769.064) seeks an addition to the explanation stating that Method 15.M.1 will be used as the first stage in implementing Policy 15.1.3. to set in place a process for limits to be set, and that this process will include the identification of values supported by freshwater resources. The submitters reasons for the relief sought do not explain rationale for the addition further. The National Objectives Framework in the NPSFM sets out the expectations for setting limits to implement the NPS, which includes identifying values with community involvement so the writers do not see a particular need to reference 15.M.1 in the Policy explanation. Further, as 15.M.1 is not specific to Policy 15.1.3 and also relates to coastal water, the reference may cause confusion for Plan users.
322. The Ngāi Tahu submission (1189.105) seeks for the Policy to be amended as follows –

~~“To investigate the capacity of fresh waterbodies to receive contaminants from all sources, having regard to the management purposes established by Policy 15.1.1 in order to~~ **In consultation with Tangata Whenua Iwi, establish cumulative contaminant limits by 2024 having regard to the management purposes established by Policy 15.1.1** ~~establish cumulative contaminant limits by 2024”.~~

The submitter is of the view that the consideration of cumulative effects is consistent with the ethic of ki uta ki tai however, the wording of the Policy currently could be interpreted to imply a presumption that waterbodies serve a network type purpose in receiving contaminants and this is inconsistent with the NPSFM and the values set out in Chapter 3 of the MEP, specifically Objectives 3.1, 3.2, 3.3 and 3.5. The amendments seek to remove the potential ambiguity and specifically seek that consultation with Tangata Whenua Iwi is undertaken as part of this work to ensure that cumulative contaminant limits are consistent with iwi values and use of waters. The writers do not necessarily agree with the

submitters interpretation the Policy is inconsistent with the NPSFM as in Marlborough, due to the generally good quality of water, a potential somewhat perhaps pervious effect of setting of cumulative limits under the NPSFM is the confirmation that more contaminants could be discharge to water. The National Objectives Framework in the NPSFM sets out the expectations for setting limits to implement the NPS, which includes “*discussion with communities, including tangata whenua*”, the Iwi Working Group is an established entity in which the Council works alongside iwi in policy matters related to the MEP, and the limits would also be added to the MEP through a formal process under the RMA, which would include consultation with tangata whenua. The process of establishing limits will provide opportunity to consider how they sit with other Plan provisions, such as those in Chapter 3, and national directions. The writers are not persuaded that the reworded Policy is preferable to the notified version, and are of the view that consultation with iwi will occur and does not need to specifically referenced.

323. The Nelson Forests Limited submission (990.235) seeks the deletion of this Policy in its entirety as it is of the view that the Policy will not deliver sound environmental outcomes as it is hinting at grandparenting and inequitable outcomes. As an example, the submitter advises that a common issue has been low flow level setting / allocation and then finding that the resource has been over-allocated. This mistake can happen when limits are established, rather than goals being set. All stakeholders need to be involved in this process with Good Management Practices employed to minimise impacts on water. The worst outcome from this Policy would be an acceptance of water that is degraded and a penalty (such as being locked into existing land use/practice that results in good water quality) for those who establish and maintain good water quality. The writers are not clear how this Policy and the limit setting process leads to the concerns raised by the submitters but the process of setting limits (and the NPSFM requires limits, not goals, to be set) will involve the community. The deletion of this Policy would not assist the Council in meeting its responsibilities under the NPSFM, or communicating to resource users that the setting of cumulative limits is a process for the future.
324. The MFIA submission (962.088) states that stakeholders need to be involved in this process, which the writers clarify that pursuant to the NPSFM they will be. No specific amendment to the Policy or explanation has been sought so the submission has not been assessed or a recommendation made.

### *Recommendations*

325. It is recommended that the Federated Farmers **submission point 425.284 is rejected** as, the view of the writers, the amendments do not clarify the Policy intent and may be misleading to Plan users.
326. It is recommended that the Fish and Game **submission point 509.174 is rejected** as there is no justification for extending the timeframe for establishing cumulative limits and it may adversely affect water quality in some catchments.
327. It is recommended that the Dairy NZ **submission point 676.075 is rejected** as the NPSFM sets out the expectations for setting limits to implement the NPS, which includes community involvement, and there is concern that the amendments may create expectations that may not reflect that future process under the PIP.
328. It is recommended that the EDS **submission point 698.097 is rejected** as the methodology for the development of catchment limits is not standardised throughout the country and as the MDC has limited resources to apply to this task so is working alongside the Ministry for the Environment and other councils to develop a proven methodology before undertaking the limit setting process. The EDS did not provide any specific interim cumulative contaminant limits for the writers to consider for inclusion in the MEP for any waterbodies.
329. It is recommended that the Horticulture NZ **submission point 769.064 is rejected** as the NPSFM sets out the expectations for setting limits to implement the NPS, which includes identifying values with community involvement so the writers and, as 15.M.1 also relates to coastal water, the reference may cause confusion for Plan users as Policy 15.1.3 only relates to freshwater.
330. It is recommended that the Ngāi Tahu **submission point 1189.105 is rejected** as the writers do not necessarily agree with the submitters view that the Policy is inconsistent with the NPSFM, and do not see the Policy as limiting consultation with iwi, which will occur in response to the NPSFM, the RMA and the Council's own environmental policy processes.

331. It is recommended that the Nelson Forests Limited **submission point 990.235 is rejected** as the deletion of this Policy would not assist the Council in meeting its responsibilities under the NPSFM, or communicating to resource users that the setting of cumulative limits is a process for the future.

### Method 15.M.1

332. Method 15.M.1 reads as follows –

*“Identification of uses and values supported by freshwater, groundwater or coastal water resources - To identify, on an ongoing basis, the uses and values supported by specific rivers, lakes, wetlands, aquifers and coastal waters. These values, including the spiritual and cultural values of Marlborough’s tangata whenua iwi, will be identified in the MEP”.*

333. There is one submission<sup>15</sup> that supports Method 15.M.1 and seek its retention as notified.

334. The Horticulture NZ submission (769.065) seeks amendments to the Method as follows –

*“~~Identification of uses and values supported by freshwater, groundwater or coastal water resources - To identify, on an ongoing basis, the uses and values~~ **that the community places on freshwater bodies supported by specific rivers, lakes, wetlands, aquifers and coastal waters.** These values, including the spiritual and cultural values of Marlborough’s tangata whenua iwi, will be **used as the basis for establishing freshwater objectives and policy responses to manage the waterbodies identified in the MEP**”.*

The submitter has in essence provided the same explanation for this submission as it did for Policy 15.1.3. The amendments sought to the Method appear to be based on the incorrect assumption that the Method is only applicable to Policy 15.1.3. It is not clear to the writers why the submitters have made this assumption, or why it has removed the reference to iwi from the Method. The Method is not specific to Policy 15.1.3 or only freshwater, for example Policy 15.1.2 is about applying water quality classifications and standards to fresh and coastal water resources which reflect uses and values supported by the waterbody or coastal water, so this Method would also be relevant to Policy 15.1.2.

335. The Federated Farmers submission (425.285) seek that the Method is amended to clarify that uses and values will be subject to review as part of the development of Catchment Enhancement Plans. The submitters consider the identification of values to be an iterative process as values change over time, and it is critical that all values of freshwater, groundwater and coastal water are considered. It notes that the NPSFM directs Councils to identify the two compulsory values of ecosystem health and human health for contact recreation, and the NPSFM also states the identification of values may also include any other national values or other values that the regional council considers appropriate, in either case having regard to local and regional circumstances. Federated Farmers considers that the process for identification of values should be set out in the policies. Under the MEP Catchment Enhancement Plans are a specific tool to be used for degraded and at-risk catchments, and there is a policy associate with that. The type of process that the submitter appears to be referencing in relation to Catchment Enhancement Plans is the cumulative limit setting process. While Method 15.M.1 as written comfortably could apply to either, or both, processes, it is not appropriate to limit the Method through the clarification as sought to what is likely to have been a reference to the wider cumulative limit setting process.

### *Recommendations*

336. It is recommended that the Horticulture NZ **submission point 769.065 is rejected** as the amendments sought appear to be based on an incorrect assumption and are inappropriate as the Method is not only relevant to Policy 15.1.3.
337. It is recommended that the Federated Farmers **submission point 425.285 is rejected** as it is not appropriate to limit the Method through the clarification as sought to what is likely to have been a reference to the wider cumulative limit setting process.

<sup>15</sup> 1192.023 (Fertiliser Assn)



Method 15.M.2

338. Method 15.M.2 reads as follows –

*“Water quality classifications - To establish water quality classifications for all waterbodies in the MEP that reflect the uses and values supported by the waterbody or that could be supported by the waterbody if water quality was enhanced. Classifications may include NS, AE, F, FS, CR, SG, A, WS and C. (Refer to Policy 15.1.2 for explanation of the classifications.)”*

339. There is one submission<sup>16</sup> that supports Method 15.M.2 and seek its retention as notified.

340. The Federated Farmers submission (425.286) seek that the Method is amended as follows –

*“Water quality classifications - To establish water quality classifications for all waterbodies in the MEP that reflect the uses and values supported by the waterbody or that could be supported by the waterbody if water quality was enhanced. Classifications may include **any of the standards listed in the Third Schedule of the RMA** ~~NS, AE, F, FS, CR, SG, A, WS and C.~~ (Refer to Policy 15.1.2 for explanation of the classifications.)”*

The submitter is of the view that as the classifications have been based on the Third Schedule of the RMA, all 11 classifications provided in the Third Schedule should be included in the Method. It is also of the view that it should be clear whether contact recreation refers to primary or secondary contact recreation. The writers acknowledge that the submitters have picked up an anomaly between Policy 15.1.2, which specifies that all 11 classes in the from the Third Schedule may be used, and the Method that only list nine classes. The writers recommend Method 15.M.2 to is amended to aign with Policy 15.1.2, however in a different manner to that sought by the submitter, as it is considered more appropriate to add the two missing classes to the exiting list in the Method, than remove the list and reference an external document.

Recommendations

341. It is recommended that the Federated Farmers **submission point 425.286 is accepted in part** as the intent of the submitter is accepted but the method in which that is recommended to be address differs from the submission. It is recommended that Method 15.M.2 is amended as follows –

*“Water quality classifications - To establish water quality classifications for all waterbodies in the MEP that reflect the uses and values supported by the waterbody or that could be supported by the waterbody if water quality was enhanced. Classifications may include NS, AE, F, FS, CR, SG, A, WS, **I, IA** and C. (Refer to Policy 15.1.2 for explanation of the classifications.)”*

Method 15.M.3

342. Method 15.M.3 reads as follows –

*“Investigations - To undertake catchment-specific research to establish the capacity of fresh waterbodies to assimilate total contaminant loads from within each catchment. The objectives and management purpose established for the waterbody and the uses and values supported by the waterbody will both assist to determine the sensitivity of the waterbody to increases in contaminant loads. Given their association with rural land uses and Marlborough’s history of primary production, research into nutrients is a priority. It may also be necessary to prioritise heavy metals in urban catchments, given the prevalence of such metals in urban stormwater, as well as sediment loads in rivers flowing into sensitive receiving environments, such as the enclosed coastal waters of the Marlborough Sounds”*

343. The Ravensdown Limited submission (1090.035) and the Fertiliser Association submission (1192.025) both seek that the Method is amended as follows –

*“Investigations - To undertake catchment-specific research to establish the capacity of fresh waterbodies to assimilate total contaminant loads from within each catchment. **This will also be***

<sup>16</sup> 1192.024 (Fertiliser Assn)

*informed by the* ~~The objectives and management purpose established for the waterbody and the uses and values supported by the waterbody. will both assist to determine the sensitivity of the waterbody to increases in contaminant loads. Given their association with rural land uses and Marlborough’s history of primary production, research~~ **Research** into nutrients is a priority. ~~It and it~~ may also be necessary to prioritise heavy metals in urban catchments, given the prevalence of such metals in urban stormwater, as well as sediment loads in rivers flowing into sensitive receiving environments, such as the enclosed coastal waters of the Marlborough Sounds”.

The only reason the submitters give for the changes sought is that the Method is lengthy and should be amended for clarity. The writers do not agree that the Method needs to be amended because it is too long, so prefer retention of the Method as notified.

### Recommendations

344. It is recommended that the Ravensdown Limited **submission point 1090.035 is rejected** as the writers do not share the submitters view that the Method needs to be amended because it is too long.

## Matter 4: Enhancing water quality.

### Policy 15.1.4

345. Policy 15.1.4 reads as follows –

*“Take action to enhance water quality in the following rivers to meet Objective 15.1b within ten years of the Marlborough Environment Plan becoming operative:*

- (a) Mill Creek; and*
- (b) Murphys Creek”.*

346. There are two submissions<sup>17</sup> that support Policy 15.1.4 and seek its retention as notified.
347. Federated Farmers (425.287) seek amendments to the Policy as follows – ~~“Take action~~ **Develop catchment enhancement plans** to enhance water quality in the following rivers to meet ~~Objective 15.1b~~ **attribute state A of the NPSFM for nitrate** ~~within ten years of the Marlborough Environment Plan becoming operative:.....”~~ And, that the timeframe for improvement is included pending investigation of the age of groundwater feeding Mill and Murphy’s Creeks, and community decisions with regards to costs and benefits. The submitter states the proposed edits are for clarity. The writers do not agree that the proposed amendments provide clarity, and in fact are of the view that they change important aspects of the Policy and make it less clear for Plan users the purpose of the provision. While the explanation to the Policy clearly makes Catchment Enhancement Plans a critical tool in addressing degraded or at-risk catchments, the use of the words “Take action” in the Policy itself does not limit the Council to using only Catchment Enhancement Plans the way the submitters amendment does. The writers do not understand why the submitters would find a less direct link to the purpose of this Policy (to meet to Objective 15.1b) more useful to Plan users, so we do not support this amendment. The timeframe on this Policy is realistic on the basis of the resources available and work involved in the likes of Catchment Enhancement Plans, and the need to provide an impetus for action to be taken, i.e. a time limit.
348. DOC (479.128) seeks to amend the Policy so it would read as follows – ~~“Take~~ **Investigate, develop and implement actions** to enhance water quality in the following rivers to meet ~~Objective 15.1b~~ **within ten years of the Marlborough Environment Plan becoming operative:.....”. DOC is of the view that the development and implementation of Catchment Enhancement Plans as in 15.M.5 will assist in enhancing water quality in these catchments and give effect to the NPSFM Policy A2. The writers’ would not disagree with that and the explanation and method make it clear that Catchment Enhancement Plans will be used in relation to Policy 15.1.4. The amendment sought is unnecessary**

<sup>17</sup> 961.052 (Chamber) and 496.042 (Forest and Bird)

and “take action” gives more options for what approach the Council may take to enhance water quality.

349. Ravensdown Limited (1090.036) seek to amend the Policy to read as follows – ~~“Take action to enhance water quality in the following rivers to meet Objective 15.1b within ten years of the Marlborough Environment Plan becoming operative:.....”~~. Ravensdown Limited questions what is meant by “take action” and considers this term adds nothing to the policy, and can be deleted. In the writer’s opinion the change sought does not improve the Policy and perhaps even moves it to quite a passive Policy. It is useful for Plan users to be able to read this Policy and immediately know that it involves action that is purposeful in meeting an objective to resolve an issue of water quality degradation. Further, the discussion in the explanation assists Plan users greatly in understanding what is meant by “take action”.
350. Fonterra (1251.041) seek to delete this Policy as, in their view, it is not necessary as it is a subset of Policy 15.1.7. The writers are not of the opinion that there is a problem with potential duplication between Policy 15.1.4 and 15.1.7 as one is specific and one is broader. It is useful for the community, particularly those that live or use Murphys or Mill Streams, to know that there are specific issues and actions to be taken that are relevant to those waterways. Policy 15.1.4 gives greater certainty to resource users.
351. Fish and Game (509.175) seek an amendment to the Policy to ensure that the objectives are achieved within the stated timeframe. The submitter is of the view that removing “take action” will mean the Policy ensures that the Objective will be achieved within 10 years, and this will resolve its concerns. In the writer’s opinion the change sought does not improve the Policy and perhaps even moves it to quite a passive Policy. It is useful for Plan users to be able to read this Policy and immediately know that it involves action that is purposeful in meeting an objective to resolve an issue of water quality degradation. The submitter also seeks that the timeframe for Mill Creek is changed from 10 years to 5 years. The submitter seeks that the importance of Mill Stream as support to sports fishery and in feeding the hatchery operated by Ormond Aquaculture Limited be recognised by enhanced water quality being achieved within five years of the MEP becoming operative. In general, the writers would agree the sooner any water quality degradation can be resolved the better, however it is important not to set up expectations that cannot be met, and the resources are not available to achieve the desired outcome within 5 years. It is also noted that Ormond Aquaculture Limited did not raise any concerns in submissions with regards to this Policy so there is less comfort in potentially changing the timeframe in some way to resolve a water quality issue they may have but did not bring up when given the opportunity.
352. Dairy NZ (676.013) seek to amend the Policy to read as follows – ~~“Take action to enhance water quality in the following rivers to meet Objectives 15.1b within ten years of the Marlborough Environment Plan becoming operative~~ **agreed by Catchment Enhancement Groups within agreed timeframes:.....”**. The submitter is of the view that the objective and timeframe for degraded rivers should be set in consultation with the community once cause and effect relationships are known, and the costs and benefits have been assessed. The writers disagree with that view and are more comfortable that the MEP has objectives in place that implement the compulsory values of the NPSFM, and that there are policies, such as 15.1.4, that assist in meeting those objectives. While other approaches could be taken to the timeframe there is concern that, if the submitter’s suggestion was taken up, that during the time it took to establish a timeframe through a consultative or collaborative process, greater degradation of water quality would occur (which would be in conflict with the NPSFM).
353. The Fertiliser Association (1192.026) seek to amend the Policy to read as follows – **“Where specified water quality attributes are not being met, tTake action to enhance water quality in the following rivers to meet Objective 15.1b within ten years of the Marlborough Environment Plan becoming operative:.....”**. The Fertiliser Association questions what is meant by “take action” and considers that alignment is needed between the objectives and policies in relation to the water bodies listed in Tables 15.1 and 15.2 as the objectives apply to FMUs, not just specified rivers. Finally, the submitter considers that Policy 15.1.7 provides for the enhancement of rivers identified in Tables 15.1 and 15.2 and this includes the rivers listed under Policy 15.1.4. In the writer’s opinion the Policy, when considered with Objective 15.1b as specified, is clear that Murphys and Mill Creeks are not meeting an attribute state of A for nitrate so the Policy does specify the water quality attribute not being met, that is the whole point of the Policy, so the amendment sought is not understood by the writers. While it is

acknowledged that Objectives 15.1b, c and d are framed in relation to FMUs, as is required under the NPSFM, the writers do not view that as a barrier to Plan users giving effect to Policy 15.1.4. The policy text and explanation are clear what is seeking to be achieved, what waterbodies are relevant and what likely action will be taken to give effect to the Policy.

### *Recommendations*

354. It is recommended that the Federated Farmers **submission point 425.287 is rejected** as the writers do not agree that the proposed amendments provided clarity, and in fact are of the view that they change important aspects of the Policy and make it less clear for Plan users the purpose of the provision.
355. It is recommended that the DOC **submission point 479.128 is rejected** as the amendment sought is unnecessary and “*take action*” gives more options for what approach the Council may take to enhance water quality.
356. It is recommended that the Ravensdown Limited **submission point 1090.036 is rejected** as the Policy is not improved by removing the sense of direction it currently provides.
357. It is recommended that the Fonterra **submission point 1251.041 is rejected** as the writers are not of the opinion that there is a problem with potential duplication and Policy 15.1.4 gives greater certainty to resource users.
358. It is recommended that the Fish and Game **submission point 509.175 is rejected** as the Policy is not improved by removing the sense of direction it currently provides. With the information and resources available, the writers are more comfortable leaving the timeframe for Mill Stream at 10 years.
359. It is recommended that Dairy NZ’s **submission point 676.013 is rejected** as the proposed amendments potentially make the Policy redundant, and risk further degradation of the waterways, which would be in conflict with the Council implementation the NPSFM.
360. It is recommended that the Fertiliser Association **submission point 1192.026 is rejected** as the existing policy text and explanation are clear about what is seeking to be achieved, what waterbodies are relevant and what likely action will be taken to give effect to the Policy, and the Policy would not be assisted by the amendment sought.

### Policy 15.1.5

361. Policy 15.1.5 reads as follows –

*“Take action to enhance water quality in the following rivers to meet Objective 15.1d within ten years of the Marlborough Environment Plan becoming operative:*

- (a) Are Are Creek;*
- (b) Cullens Creek;*
- (c) Doctors Creek; and*
- (d) Kaituna River”.*

362. There are two submissions<sup>18</sup> that support Policy 15.1.5 and seek its retention as notified.
363. Federated Farmers (425.288) seek an amendment to the Policy as follows – ~~“*Take action* **Develop catchment enhancement plans to enhance water quality in the following rivers to meet Objective 15.1d attribute state A for secondary contact recreation within ten years of the Marlborough Environment Plan becoming operative:.....**”~~ And, that the timeframe for improvement is included pending community decisions with regards to costs and benefits. The submitter states the proposed edits are for clarity. The writers do not agree that the proposed amendments provide clarity, and in fact are of the view that they change important aspects of the Policy and make it less clear for Plan users the purpose of the provision. While the explanation to the Policy clearly makes Catchment

<sup>18</sup> 990.236 (Nelson Forests Limited) and 496.043 (Forest and Bird)

Enhancement Plans a critical tool in addressing degraded or at-risk catchments, the use of the words “*Take action*” in the Policy itself does not limit the Council to using only Catchment Enhancement Plans the way the submitters amendment does. The writers do not understand why the submitters would find a less direct link to the purpose of this Policy (to meet to Objective 15.1d) more useful to Plan users, so we do not support this amendment. The timeframe on this Policy is realistic on the basis of the resources available and work involved in the likes of Catchment Enhancement Plans, and the need to provide an impetus for action to be taken, i.e. a time limit.

364. DOC (479.129) seeks to amend the Policy so it would read as follows – “~~*Take*~~ ***Investigate, develop and implement actions to enhance water quality in the following rivers to meet Objective 15.1d within ten years of the Marlborough Environment Plan becoming operative:.....***”. DOC are of the view that the development and implementation of catchment enhancement plans as in 15.M.5 will assist in enhancing water quality in these catchments and give effect to the NPSFM Policy A2. The writers’ would not disagree with that and the explanation and method make it clear that Catchment Enhancement Plans will be used in relation to Policy 15.1.5. The amendment sought is unnecessary and “*take action*” gives more options for what approach the Council may take to enhance water quality.
365. Fonterra (1251.042) seek to delete this Policy as, in their view, it is not necessary as it is a subset of Policy 15.1.7. The writers are not of the opinion that there is a problem with potential duplication between Policy 15.1.5 and 15.1.7 as one is specific and one is broader. It is useful for the community, particularly those that live or use Are Are, Cullens or Doctors Creeks or the Kaituna River, to know that there are specific issues and actions to be taken that are relevant to those waterways. Policy 15.1.5 gives greater certainty to resource users.
366. Fish and Game (509.176) seek an amendment to the Policy to ensure that the objectives are achieved within the stated timeframe. The submitter is of the view that removing “*take action*” will mean the Policy ensures that the Objective will be achieved within 10 years, and this will resolve its concerns. In the writer’s opinion the change sought does not improve the Policy and perhaps even moves it to quite a passive Policy. It is useful for Plan users to be able to read this Policy and immediately know that it involves action that is purposeful in meeting an objective to resolve an issue of water quality degradation. The submitter also seeks that the timeframe for the Kaituna River is changed from 10 years to 5 years. The submitter is of a view that the importance of the Kaituna River to sports fishery needs to be acknowledged by enhancing water quality within five years of the MEP becoming operative. In general, the writers would agree the sooner any water quality degradation can be resolved the better, however it is important not to set up expectations that cannot be met, and the resources are not available to achieve the desired outcome within 5 years.
367. Dairy NZ (676.014) seek to amend the Policy to read as follows – “~~*Take action to enhance water quality in the following rivers to meet Objectives 15.1d within ten years of the Marlborough Environment Plan becoming operative*~~ ***agreed by Catchment Enhancement Groups within agreed timeframes:***” The submitter is of the view that the objective and timeframe for degraded rivers should be set in consultation with the community once cause and effect relationships are known, and the costs and benefits have been assessed. The writers disagree with that view and are more comfortable that the MEP has objectives in place that implement the compulsory values of the NPSFM, and that there are policies, such as 15.1.5, that assist in meeting those objectives. While other approaches could be taken to the timeframe there is concern that, if the submitter’s suggestion was taken up, that during the time it took to establish a timeframe through a consultative or collaborative process, greater degradation of water quality would occur (which would be in conflict with the NPSFM).
368. The Chamber (961.053) has not specified any relief sought and pose questions in their submission so no assessment or recommendation is made. However, it appears they are concerned about the timeframes in the Policy and question whether it would be more practical to establish a 5 year timeframe for assessing the cause and effect of excessive E.coli levels, followed by a 10 year timeframe to enhance the water quality in these rivers. As a general comment, the writers would be concerned that these timeframes would extend the period in which degradation had to be resolved.
369. Ravensdown Limited (1090.037) seek to amend the Policy to read as follows – “~~*Take action to*~~ ***Enhance water quality in the following rivers to meet Objective 15.1d within ten years of the Marlborough Environment Plan becoming operative:.....***”. Ravensdown Limited questions what is

meant by "*take action*" and considers this term adds nothing to the policy, and can be deleted. In the writer's opinion the change sought does not improve the Policy and perhaps even moves it to quite a passive Policy. It is useful for Plan users to be able to read this Policy and immediately know that it involves action that is purposeful in meeting an objective to resolve an issue of water quality degradation. Further, the discussion in the explanation assists Plan users greatly in understanding what is meant by "*take action*".

370. The Fertiliser Association (1192.027) seek to amend the Policy to read as follows – "***Where specified water quality attributes are not being met, take*** ~~Take~~ *action to enhance water quality in the following rivers to meet Objective 15.1d within ten years of the Marlborough Environment Plan becoming operative:.....*". The Fertiliser Association questions what is meant by "*take action*" and considers that alignment is needed between the objectives and policies in relation to the water bodies listed in Tables 15.1 and 15.2 as the objectives apply to FMUs, not just specified rivers. Finally, the submitter considers that Policy 15.1.7 provides for the enhancement of rivers identified in Tables 15.1 and 15.2 and this includes the rivers listed under Policy 15.1.4. In the writer's opinion the Policy, when considered with Objective 15.1d as specified, is clear that Are Are, Cullens and Doctors Creeks and the Kaituna River are not meeting an attribute state of A for *E.coli* for secondary contact recreation so the Policy does specify the water quality attribute not being met, that is the whole point of the Policy, so the amendment sought is not understood by the writers. While it is acknowledged that Objectives 15.1b, c and d are framed in relation to FMUs, as is required under the NPSFM, the writers do not view that as a barrier to Plan users giving effect to Policy 15.1.5. The policy text and explanation are clear what is seeking to be achieved, what waterbodies are relevant and what likely action will be taken to give effect to the Policy.

### *Recommendations*

371. It is recommended that the Federated Farmers **submission point 425.288 is rejected** as the writers do not agree that the proposed amendments provided clarity, and in fact are of the view that they change important aspects of the Policy and make it less clear for Plan users the purpose of the provision.
372. It is recommended that the DOC **submission point 479.129 is rejected** as the amendment sought is unnecessary and "*take action*" gives more options for what approach the Council may take to enhance water quality.
373. It is recommended that the Fonterra **submission point 1251.042 is rejected** as the writers are not of the opinion that there is a problem with potential duplication and Policy 15.1.5 gives greater certainty to resource users.
374. It is recommended that the Fish and Game **submission point 509.176 is rejected** as the Policy is not improved by removing the sense of direction it currently provides. With the information and resources available, the writers are more comfortable leaving the timeframe for the Kaituna River at 10 years.
375. It is recommended that Dairy NZ's **submission point 676.014 is rejected** as the proposed amendments potentially make the Policy redundant, and risk further degradation of the waterways, which would be in conflict with the Council implementation the NPSFM.
376. It is recommended that the Ravensdown Limited **submission point 1090.037 is rejected** as the Policy is not improved by removing the sense of direction it currently provides.
377. It is recommended that the Fertiliser Association **submission point 1192.027 is rejected** as the existing policy text and explanation are clear about what is seeking to be achieved, what waterbodies are relevant and what likely action will be taken to give effect to the Policy, and the Policy would not be assisted by the amendment sought.

### Policy 15.1.6

378. Policy 15.1.6 reads as follows –

*"Take action to enhance water quality in the following rivers to meet Objective 15.1e within ten years of the Marlborough Environment Plan becoming operative:*

*(a) Taylor River;*

- (b) Rai River; and  
 (c) Waihopai River”.

379. There is one submission<sup>19</sup> that supports Policy 15.1.6 and seek its retention as notified.
380. Federated Farmers (425.289) seek an amendment to the Policy as follows – *“~~Take action~~ **Develop catchment enhancement plans** to enhance water quality in the following rivers to meet ~~Objective 15.1e~~ **attribute state B for primary contact recreation** within ten years of the Marlborough Environment Plan becoming operative:.....”*. The submitter has not particularly discussed the amendments sought, however notes its support for the development of a catchment specific plan for enhancing water quality in each river catchment, and states that it is critical that this process involves working alongside industry and landowners. The writers are of the view that the amendments change important aspects of the Policy and make it less clear for Plan users the purpose of the provision. While the explanation to the Policy clearly makes Catchment Enhancement Plans a critical tool in addressing degraded or at-risk catchments, the use of the words *“Take action”* in the Policy itself does not limit the Council to using only Catchment Enhancement Plans the way the submitters amendment does. The writers do not understand why the submitters would find a less direct link to the purpose of this Policy (to meet to Objective 15.1d) more useful to Plan users, so we do not support this amendment.
381. DOC (479.130) seeks to amend the Policy so it would read as follows – *“~~Take~~ **Investigate, develop and implement actions** to enhance water quality in the following rivers to meet Objective 15.1e within ten years of the Marlborough Environment Plan becoming operative:.....”*. DOC is of the view that the development and implementation of Catchment Enhancement Plans as in 15.M.5 will assist in enhancing water quality in these catchments and give effect to the NPSFM Policy A2. The writers’ would not disagree with that and the explanation and method make it clear that Catchment Enhancement Plans will be used in relation to Policy 15.1.6. The amendment sought is unnecessary and *“take action”* gives more options for what approach the Council may take to enhance water quality.
382. Fonterra (1251.043) seek to delete this Policy as, in their view, it is not necessary as it is a subset of Policy 15.1.7. The writers are not of the opinion that there is a problem with potential duplication between Policy 15.1.4 and 15.1.7 as one is specific and one is broader. It is useful for the community, particularly those that live or use the Taylor, Rai and Waihopai Rivers, to know that there are specific issues and actions to be taken that are relevant to those waterways. Policy 15.1.6 gives greater certainty to resource users.
383. Fish and Game (509.177) seek an amendment to the Policy to ensure that the objectives are achieved within the stated timeframe. The submitter also seeks that the timeframe in the Policy is changed from 10 years to 5 years. The submitter is of the view that removing *“take action”* will mean the Policy ensures that the Objective will be achieved within 10 years, and this will resolve its concerns. In the writer’s opinion the change sought does not improve the Policy and perhaps even moves it to quite a passive Policy. It is useful for Plan users to be able to read this Policy and immediately know that it involves action that is purposeful in meeting an objective to resolve an issue of water quality degradation. The submitter seeks reduction in timeframe from 10 years to 5 years to acknowledged the importance of these waterways as sports fisheries. In general, the writers would agree the sooner any water quality degradation can be resolved the better, however it is important not to set up expectations that cannot be met, and the resources are not available to achieve the desired outcome within 5 years.
384. Dairy NZ (676.015) seek to amend the Policy to read as follows – *“Take action to enhance water quality in the following rivers to meet Objectives ~~15.1e~~ **agreed by Catchment Enhancement Groups within agreed timeframes**:.....”*. The submitter is of the view that the objective and timeframe for degraded rivers should be set in consultation with the community once cause and effect relationships are known, and the costs and benefits have been assessed. The writers disagree with that view and are more comfortable that the MEP has objectives in place that implement the compulsory values of the NPSFM, and that there are policies, such as 15.1.6, that assist in meeting those objectives. While other approaches could be taken to the timeframe there is concern that, if the submitter’s suggestion

<sup>19</sup> 496.044 (Forest and Bird)

was taken up, that during the time it took to establish a timeframe through a consultative or collaborative process, greater degradation of water quality would occur (which would be in conflict with the NPSFM).

385. The Chamber (961.054) has not specified any relief sought and pose questions in their submission so no assessment or recommendation is made. However, it appears they are concerned about the timeframes in the Policy and question whether it would be more practical to establish a 5 year timeframe for assessing the cause and effect of excessive E.coli levels, followed by a 10 year timeframe to enhance the water quality in these rivers. As a general comment, the writers would be concerned that these timeframes would extend the period in which degradation had to be resolved.
386. Ravensdown Limited (1090.038) seek to amend the Policy to read as follows – “~~Take action to~~ *Enhance water quality in the following rivers to meet Objective 15.1e within ten years of the Marlborough Environment Plan becoming operative:.....*”. Ravensdown Limited questions what is meant by "take action" and considers this term adds nothing to the policy, and can be deleted. In the writer's opinion the change sought does not improve the Policy and perhaps even moves it to quite a passive Policy. It is useful for Plan users to be able to read this Policy and immediately know that it involves action that is purposeful in meeting an objective to resolve an issue of water quality degradation. Further, the discussion in the explanation assists Plan users greatly in understanding what is meant by "take action".
387. The Fertiliser Association (1192.028) seek to amend the Policy to read as follows – “**Where specified water quality attributes are not being met,** ~~Take action to enhance water quality in the following rivers to meet Objective 15.1e within ten years of the Marlborough Environment Plan becoming operative:.....~~”. The Fertiliser Association questions what is meant by "take action" and considers that alignment is needed between the objectives and policies in relation to the water bodies listed in Tables 15.1 and 15.2 as the objectives apply to FMUs, not just specified rivers. Finally, the submitter considers that Policy 15.1.7 provides for the enhancement of rivers identified in Tables 15.1 and 15.2 and this includes the rivers listed under Policy 15.1.6. In the writer's opinion the Policy, when considered with Objective 15.1e as specified, is clear that the Taylor, Rai and Waihopai Rivers are not meeting an attribute state of B for *E.coli* for primary contact recreation so the Policy does specify the water quality attribute not being met, that is the whole point of the Policy, so the amendment sought is not understood by the writers. Objective 15.1e is not framed in relation to FMUs, as the purpose of the Objective is not to implement a compulsory national value of the NPS, so the matters raised by the submitter regarding FMUs on the preceding policies are not relevant in this instance.
388. Trustpower Limited (1201.105) seek to amend the Policy to read as follows – “*Take action to enhance water quality in the following ~~rivers~~ freshwater management units to meet Objective 15.1e within ten years of the Marlborough Environment Plan becoming operative:.....*”. Trustpower are of a view that the Policy should be amended to focus on ensuring that water quality standards are achieved at identified monitoring locations within freshwater management units. Objective 15.1e is not framed in relation to FMUs as its purpose is not to implement a compulsory national value of the NPS, which have to specified in relation to FMUs. Water quality limit setting under the NPSFM, which will include establishing FMUs for managing water quality outside of the compulsory values, is yet to be done and is part of the Council's PIP. Until that process has been completed and provisions added to the MEP, water quality is managed relative to rivers, lakes, Significant Wetlands and coastal waters with values, classes, water quality standards and monitoring described and managed in relative to Water Resource Units (WRU).

### Recommendations

389. It is recommended that the Federated Farmers **submission point 425.289 is rejected** as the writers do not agree that the proposed amendments better reflect the intent of the Policy, and in fact are of the view that they change important aspects of the Policy and make it less clear for Plan users the purpose of the provision.
390. It is recommended that the DOC **submission point 479.130 is rejected** as the amendment sought is unnecessary and “take action” gives more options for what approach the Council may take to enhance water quality.



391. It is recommended that the Fonterra **submission point 1251.043 is rejected** as the writers are not of the opinion that there is a problem with potential duplication and Policy 15.1.6 gives greater certainty to resource users.
392. It is recommended that the Fish and Game **submission point 509.177 is rejected** as the Policy is not improved by removing the sense of direction it currently provides. With the information and resources available, the writers are more comfortable leaving the timeframe at 10 years.
393. It is recommended that Dairy NZ's **submission point 676.015 is rejected** as the proposed amendments potentially make the Policy redundant, and risk further degradation of the waterways, which would be in conflict with the Council implementation the NPSFM.
394. It is recommended that the Ravensdown Limited **submission point 1090.038 is rejected** as the Policy is not improved by removing the sense of direction it currently provides.
395. It is recommended that the Fertiliser Association **submission point 1192.028 is rejected** as the existing policy text and explanation are clear about what is seeking to be achieved, what waterbodies are relevant and what likely action will be taken to give effect to the Policy, and the Policy would not be assisted by the amendment sought.
396. It is recommended that the Trustpower Limited **submission point 1201.105 is rejected** as it is not appropriate to refer to FMUs in this Policy, as FMUs for water resources outside of the compulsory NPSFM values have not yet been established for water quality.

### Policy 15.1.7

397. Policy 15.1.7 reads as follows –

*“Take action to enhance water quality in the rivers identified in Tables 15.1 and 15.2 so that water quality is suitable for the purposes specified in Policy 15.1.1 within ten years of the Marlborough Environment Plan becoming operative”.*

398. There is one submission<sup>20</sup> that supports Policy 15.1.7 and seek its retention as notified.
399. Federated Farmers (425.290) seek an amendment to the Policy as follows – ~~“Take action **Develop catchment enhancement plans** to enhance water quality in the rivers identified in Tables 15.1 and 15.2 Tables (see tables sought by Submitter in submission on Issue 15B) so that water quality is suitable for the purposes specified in Policy 15.1.1 within ten years of the Marlborough Environment Plan becoming operative:.....”.~~ The submitter is of the view that this policy should explicitly refer to Catchment Enhancement Plans and refer to replacement tables as provided in its submission on Issue 15B. While the explanation to the Policy clearly makes Catchment Enhancement Plans a critical tool in addressing degraded or at-risk catchments, the use of the words “Take action” in the Policy itself does not limit the Council to using only Catchment Enhancement Plans the way the submitters amendment does. Within this Policy the amendments regarding the Tables are somewhat irrelevant as the reference would be there in some form regardless of the specific content of the Tables, which is dealt with under Issue 15B
400. DOC (479.131) seeks to amend the Policy so it would read as follows – ~~“Take **Investigate, develop and implement actions** to enhance water quality in the rivers identified in Tables 15.1 and 15.2 so that water quality is suitable for the purposes specified in Policy 15.1.1 within ten years of the Marlborough Environment Plan becoming operative .....~~ DOC is of the view that the development and implementation of Catchment Enhancement Plans as in 15.M.5 will assist in enhancing water quality in these catchments and give effect to the NPSFM Policy A2. The writers’ would not disagree with that and the explanation and method make it clear that Catchment Enhancement Plans will be used in relation to Policy 15.1.7. The amendment sought is unnecessary and “take action” gives more options for what approach the Council may take to enhance water quality.
401. Fonterra (1251.044) seeks to amend this Policy to refer to catchment specific plans setting the scale of any improvement in water quality needed and the appropriate timeframes to achieve this, and state

<sup>20</sup> 496.045 (Forest and Bird)

that any such policy should reflect a cost benefit analysis (s32 report) of the change and timeframes set. The submitter is of a view that it is difficult to determine whether a 10-year timeframe for achieving the required improvement is reasonable and it will be dependent of the scale of improvement needed and the lag time for flushing of contaminants, i.e. it will be catchment specific. The explanation to the Policy is very clear the Catchment Enhancement Plans will be a tool used to implement this Policy, and Method 15.M.5 describes Catchment Enhancement Plans, including showing that it is a process, i.e. the cause and effect of degraded water quality will be determined, then methods to enhance water can be established, and it acknowledges that the process may take some time. The writers are satisfied that the Policy and Method 15.M.5 as notified are appropriately worded, and naturally any future changes in the process that require additions or amendments to the MEP will go through a formal process that includes a s32 evaluation.

402. Fish and Game (509.178) seek an amendment to the Policy to ensure that the objectives are achieved within the stated timeframe. The submitter is of the view that removing “*take action*” will mean the Policy ensures that the Objective will be achieved within 10 years, and this will resolve its concerns. In the writer’s opinion the change sought does not improve the Policy and perhaps even moves it to quite a passive Policy. It is useful for Plan users to be able to read this Policy and immediately know that it involves action that is purposeful in meeting an objective to resolve an issue of water quality degradation.
403. Dairy NZ (676.016) seek to amend the Policy to include a stronger focus on empowering local communities to determine objectives and timeframes for water management in their relevant catchments. The explanations to these policies should note that the outcomes of catchment-level collaboration will dovetail with an accompanying formal RMA process. The submitter has not provided any specific wording changes however, if the writers understand its concerns correctly, they appear to be more related to the cumulative limit setting process, which will involve extensive community involvement and the development of provisions that will go through a formal public process. Method 15.M.5 makes it clear that the development of Catchment Enhancement Plans, which are relevant to this Policy, resource users and affect parties will be involved.
404. Ravensdown Limited (1090.039) seek to amend the Policy to read as follows – “~~Take action to~~ **Enhance water quality in the rivers identified in Tables 15.1 and 15.2 so that water quality is suitable for the purposes specified in Policy 15.1.1 within ten years of the Marlborough Environment Plan becoming operative.....**”. Ravensdown Limited questions what is meant by “*take action*” and considers this term adds nothing to the policy, and can be deleted. In the writer’s opinion the change sought does not improve the Policy and perhaps even moves it to quite a passive Policy. It is useful for Plan users to be able to read this Policy and immediately know that it involves action that is purposeful in meeting an objective to resolve an issue of water quality degradation. Further, the discussion in the explanation assists Plan users greatly in understanding what is meant by “*take action*”.
405. The Fertiliser Association (1192.029) seek to amend the Policy to read as follows – “**Where specified water quality attributes are not being met, ~~t~~Take action to enhance water quality in the rivers identified in Tables 15.1 and 15.2 so that water quality is suitable for the purposes specified in Policy 15.1.1 within ten years of the Marlborough Environment Plan becoming operative.....**”. The Fertiliser Association questions what is meant by “*take action*” and considers that alignment is needed between the objectives and policies in relation to the water bodies listed in Tables 15.1 and 15.2 as the objectives apply to FMUs, not just specified rivers. In the writer’s opinion suggest amendment does not make sense as this Policy is about water quality relative to the purposes specified in Policy 15.1.1, not specific water quality attributes. The reference to FMUs does not particularly fit with this Policy either as it does not link back to an Objective that expressed in terms of FMUs.
406. The ME Taylor Limited (472.017) submission seeks information but not a decision for which an assessment or recommendation can be made. The submitter requested clarification as to what “*this may entail or what activities may be restricted*”. As discussed, the primary response to this Policy will be the development of Catchment Management Plans, which will involve the community relevant to each catchment.

### *Recommendations*

407. It is recommended that the Federated Farmers **submission point 425.290 is rejected** as the amendments will be limiting than the notified provision, would not assist in addressing water quality concerns in degraded and at-risk catchments.
408. It is recommended that the DOC **submission point 479.131 is rejected** as the amendment sought is unnecessary and “*take action*” gives more options for what approach the Council may take to enhance water quality.
409. It is recommended that the Fonterra **submission point 1251.044 is rejected** as the writers are satisfied that the Policy and Method 15.M.5 as notified are appropriately worded, and note any future changes in the process that require additions or amendments to the MEP will go through a formal process that includes a s32 evaluation.
410. It is recommended that the Fish and Game **submission point 509.178 is rejected** as the Policy is not improved by removing the sense of direction it currently provides.
411. It is recommended that Dairy NZ’s **submission point 676.016 is rejected** as the content of the submission appears to be relevant to the cumulative limit setting process rather than the establishment of Catchment Management Plans, which are relevant to this Policy.
412. It is recommended that the Ravensdown Limited **submission point 1090.039 is rejected** as the Policy is not improved by removing the sense of direction it currently provides.
413. It is recommended that the Fertiliser Association **submission point 1192.029 is rejected** as the relief sought, which has essentially been copied from submissions on the preceding three policies, is difficult to make sense of in the context of Policy 15.1.7.

### Method 15.M.5

414. Method 15.M.5 reads as follows –

*“Catchment Enhancement Plans - Catchment Enhancement Plans will be developed as a priority for rivers that have degraded water quality, as identified in Policies 15.1.4 to 15.1.7. The methods to be used to enhance water quality will be determined following an assessment of the cause and effect of degraded water quality and will be clearly identified within the Plans. It may take time to establish the nature of the cause, which may delay the completion of the Plans. Other methods may be used in the interim to reduce the effects of non-point source discharges on water quality. Each Catchment Enhancement Plan will be developed in consultation with resource users in the catchment and other affected parties”.*

415. There are three submissions<sup>21</sup> that support Method 15.M.5 and seek its retention as notified.
416. Federated Farmers (425.291), Dairy NZ (676.012) and H Collins (397.006) seek similar amendments to the Method as follows –

#### Federated Farmers

*“Catchment Enhancement Plans - Catchment Enhancement Plans will be developed as a priority for rivers that have degraded water quality, as identified in Policies 15.1.4 to 15.1.7. **Catchment Enhancement Groups will be established within each catchment.** The methods to be used to enhance water quality will be determined following an assessment of the cause and effect of degraded water quality. **Possible methods will be modelled to determine the costs and benefits, and decisions made by the Group regarding preferred pathways forward.** ~~and~~ This will be clearly identified within the Plans. It may take time to establish the nature of the cause, which may delay the completion of the Plans. Other methods may be used in the interim to reduce the effects of non-point source discharges on water quality. Each Catchment Enhancement Plan will be developed in ~~consultation~~ **partnership** with ~~resource users~~ **land owners and community members** in the catchment ~~and other affected parties~~, **and industry through the Catchment Enhancement Groups.”***

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<sup>21</sup> 961.055 (Chamber), 1251.045 (Fonterra) and 1192.030 (Fertiliser Assn)

Dairy NZ

*“Catchment Enhancement Plans - Catchment Enhancement Plans will be developed as a priority for rivers that have degraded water quality, as identified in Policies 15.1.4 to 15.1.7. **Catchment Enhancement Groups will also be formed for each of these catchments. These groups will be involved at each step in the catchment planning processes.** The methods to be used to enhance water quality will be determined following an assessment of the cause and effect of degraded water quality **and the costs and benefits of achieving modelled water quality enhancement scenarios over various timeframes**, and will be clearly identified within the Plans. It may take time to establish the nature of the cause, which may delay the completion of the Plans. Other methods may be used in the interim to reduce the effects of non-point source discharges on water quality. Each Catchment Enhancement Plan will be developed in ~~consultation~~ **partnership** with resource users in the catchment and other affected parties”.*

H Collins

H Collins did not seek specific wording changes however seeks amendment of the Method so the Council adopts a community collaboration and engagement, rather than a community consultation process.

417. Federated Farmers also seeks that a new method is included in the Plan for the development of Catchment Enhancement Groups. The submitters are of the view that it is critical that this process is in partnership with the local community and note that the method refers to developing Plans in consultation with resource users, and it is not clear what this process looks like, or what form it is intended to take. In its view the success of this method relies on the community being engaged in decision making from the beginning, to achieve community buy in and ownership. For this reason, they believe it is appropriate that Catchment Enhancement Groups are established to collectively develop the Catchment Enhancement Plans, bringing together landowners, community members, industry and Council.
418. In essence the Method as notified is doing what the submitters seek, however the Council has deliberately drafted the Method to not be overly prescriptive in order to give options for how they may be done, and to reflect the need to act more quickly than perhaps a very regulatory, collaborate type of process would allow for. Regardless, as stated in the Method, the community will always be involved in the development of the Plans. The some of the changes sought by the submitters suggest a predetermination that the ultimate outcomes would reflect the collective decisions of a Group, however the writers are not comfortable locking that in as a process in the MEP at this time. Delegation of decision making to groups of this nature is not an approach that the Council has taken in the past, and the challenge in even establishing appropriate representation on a truly collaborative group is a significant hurdle. The writers are concerned that further degradation of water quality may occur if the Council is wedded to a collaborative process, which is usually by nature very time consuming. The writers would like to note that the future process for setting cumulative limits as required by the NPSFM will be a different and more extensive community process than that around Catchment Management Plans, and it will involve limit setting, the creation of FMUs and the identification of values for each FMU.
419. The MFIA (962.089) submission was lodged against Policy 15.1.5 but makes more sense in the context of this Method. In the writers view the reference in the Method to plans being developed *“in consultation with resource users in the catchment and other affected parties”* is akin to the submitters request for a *“clear statement of involvement of landowners and other stakeholders”*.

Recommendations

420. It is recommended that the Federated Farmers **submission point 425.291**, the Dairy NZ **submission point 676.012** and the H Collins **submission point 397.006 are rejected** as the amendments sought would make the Method unhelpfully prescriptive and a collaborative process could result in further degradation of water quality while Catchment Management Plans are developed.
421. It is recommended that the MFIA **submission point 962.089 is accepted** on the basis that the relief sought by the submitter is akin to the existing text of the Method and no changes need be made.

## Matter 5: Management of point source discharges to water.

### Definition – Point Source Discharge

422. NZTA (1002.247) have lodged a submission seeking the addition of a definition in the MEP for “*point source discharge*” as follows – “***A discharge that runs off land or structures and is collected or diverted through specifically constructed drainage channels or pipes.***” The submitter is of the view that the issues, objectives and policies use the term point source discharge but this is not defined in the MEP. This may be a true statement; however, it does not explain why the submitter considers it necessary for the term to be specifically defined in the Definitions of the MEP.
423. The third paragraph of the introduction to the water quality states the following – “*There are two types of contaminant discharge that can affect water quality: “point source” discharges (those that enter water at a definable point, often through a pipe or drain) and “non-point source” discharges (those that enter water from a diffuse source, such as land run-off or infiltration through soils).*”
424. In addition to this more direct description of point source discharge, there is other information within the provisions that builds on these, particularly in the introduction and somewhat by logic, everything in the point source discharge suite of provisions. The writers are not convinced that the proposed definition encompasses all aspects of the activity, for example the point source discharge of treated sewerage into water would not likely be considered as “*a discharge that runs off land or structures*”. At the risk of limiting what may be meant by point source discharge, and in the absence of a clear purpose for adding a definition, the writers do not support the relief sought in this submission.

### *Recommendations*

425. It is recommended that the NZTA **submission point 1002.247 is rejected** as the definition proposed would not fully reflect the activity, and there is no clear deficiency in the MEP that would be filled by adding the proposed definition.

### Policy 15.1.8

426. Policy 15.1.8 reads as follows –

*“Encourage the discharge of contaminants to land in preference to water”.*

427. There are six submissions<sup>22</sup> that support Policy 15.1.8 and seek its retention as notified.
428. Federated Farmers (425.293) seek an amendment to the Policy as follows – “*Encourage the discharge of contaminants to land in preference to water **where** –*
- a) a discharge to land is practicable;**
  - b) the adverse effects of a discharge to land are less than a discharge to water.”**

Federated Farmers is of the view that, although it is positive that the Plan uses enabling language such as the term encourage, within the policy itself it is not clear that the policy is referring to point source discharges. It should also be clear that discharge to land should occur where it is practical and the adverse effects associated with a discharge are less than a discharge to water. The writers disagree that the Policy is not clear it is referring to point source discharges, it is in a section of Chapter 15 specifically on point source discharges, and is the first Policy directly under the heading “*Management of Point Source Discharges to Water*”. In the writer’s view the explanation to the Policy adequately points out that discharge to land may not always be a favourable, which is why this Policy is one of encouragement not requirement. The Policy is not assisted in its purpose by the submitters amendments.

429. EDS (698.098) seek an amendment to the Policy as follows – “*Encourage the discharge of contaminants to land in preference to water **where its characteristics will attenuate contaminant discharge.***” EDS is of the view that discharges to land should only be encouraged where the land characteristics support attenuation. Contaminants discharged onto land with high loss rates will still run directly into waterways. This should be identified in the policy itself not just the explanation. The

<sup>22</sup> 479.132 (DOC), 496.046 (Forest and Bird), 631.021 (Constellation), 676.076 (Dairy NZ), 1090.040 (Ravensdown Limited) and 1189.108 (Ngāi Tahu)

writers are comfortable with the Policy and explanation text as notified, and there is nothing in the submission to persuade us that the change requested is necessary.

430. NZDF (992.015) seek amendments to the provisions to improve clarity and direction in relation to stormwater discharges district wide including to land, but do not state any specific changes in the text of the Policy or explanation. The submitters are of the view that the Policy is not given effect to through the Plan rules. It would appear to the writers that a change to the Rules, rather than Policy is sought, which would be a matter to address elsewhere, most likely in the discharge to land or waste hearing topics. As a general comment, the writers suggest that the discharge to water permitted activities are quite limited and many only apply to the Council, so point source discharges to water will often require a resource consent and this Policy will relevant to those applications.

### *Recommendations*

431. It is recommended that the Federated Farmers **submission point 425.293 is rejected** as the Policy is not assisted in its purpose by the submitters amendments.
432. It is recommended that the EDS **submission point 698.098 is rejected** as the submission does not persuade the writers that the requested amendment of the Policy is necessary.
433. It is recommended that the NZDF **submission point 992.015 is rejected** as the submitter does not appear to be specifically seeking changes to the wording of this Policy.

### New Policy

434. The submission from Friends (716.044) seek a new policy that addresses the cumulative effects of discharges of contaminants into enclosed coastal waters, in particular the Kaituna/Pelorus and Wairau Lagoon estuaries. The submitters are of the view that the provisions do not reflect the important effects of water discharges and takes on sensitive receiving environments, in particular cumulative effects on water quality within estuaries, such as the Kaituna/Pelorus River estuary and Wairau Lagoons. Further, they note that there is also some evidence of adverse cumulative effects of contaminated waters entering the Pelorus Sound adversely affecting activities such as aquaculture and fishing. In the writers view the concerns raised in the submission are adequately addressed in the existing policies in this section on Chapter 15, particularly with the focus on the sensitivity of receiving environments, water quality standards and coastal water values. It is noted that this submission was lodged against Objective 5.1 in the “Allocation of Public Resources” chapter but was shifted to this hearing topic due to the content of the submission.

### *Recommendations*

435. It is recommended that the Friends **submission point 716.044 is rejected** as the concerns raised are adequately addressed in other existing policies notified in Chapter 15.

### Policy 15.1.9

436. Policy 15.1.9 reads as follows –

*“Enable point source discharge of contaminants or water to water where the discharge will not result:*

*(a) in any of the following adverse effects beyond the zone of reasonable mixing:*

- (i) the production of conspicuous oil or grease films, scums, foams or floatable or suspended materials;*
- (ii) any conspicuous change in the colour or significant decrease in the clarity of the receiving waters;*
- (iii) the rendering of freshwater unsuitable for consumption by farm animals;*
- (iv) any significant adverse effect on the growth, reproduction or movement of aquatic life; or*

*(b) in the flooding of or damage to another person’s property”.*

437. There are six submissions<sup>23</sup> that support Policy 15.1.9 and seek its retention as notified.
438. EDS (698.098) seek an amendment to add a (c) to the Policy as follows – “***The degradation of ecosystem health in combination with all other discharges***”. EDS is of the view that Policy 15.1.9 should include a link to management of all discharges to ensure an integrated approach is taken to achieving water quality outcomes and staying within limits. In the writer’s view, as s70 of the RMA specifically references that the Council shall be satisfied that none of the effects listed in s70(e) to (g) are likely to arise as a result of the discharge of the contaminant (either by itself or in combination with the same, similar, or other contaminants), then the permitted activities in Volume 2 of the MEP would not have been included unless they reflected this requirement. For this reason, in the writer’s opinion, the addition to the Policy is not necessary.
439. Fish and Game (509.179) seek an amendment to the Policy to accurately reflect the requirements of s70 of the RMA to ensure that the discharges do not result in the emission of objectionable odour. The submitter is of the view that reference to the emission of objectionable odour has been omitted from the Policy. After reading the explanation the writers are inclined towards a view that what was, or was not, included in the Policy was deliberate as the explanation states that permitted activity discharges should not cause any adverse effects identified in this Policy or Section 70. As the main premise of the Policy is that the permitted activities that fall from it would not be inconsistent with s70, in the writers view the addition is not necessary. Having said that, the same could be said for the matters that are listed in (a) of the Policy, so other than seeming to be deliberate, it is not clear why only some s70 effects were included. For the reasons expressed, while the writers are not recommending the submission is accepted as the change is not necessary in our opinion, should the Panel be inclined to accept the submission we would be comfortable with that outcome.
440. Ngāi Tahu (1189.106) seek that the Policy be amended to add a new bullet point as follows – “***adverse effects on tangata whenua iwi values associated with water***”. The submitter is of the view that point source discharges can have adverse effects on tangata whenua iwi values associated with water and, as such, this should be specifically considered as part of any discharge consent application. The writer’s note that this Policy is specific to permitted activities not activities that require a resource consent application to be obtained in order to be carried out, therefore the submitters amendment sought, in the context they provided, is not appropriate.
441. Te Ātiawa (1186.087) seek that the Policy be amended by adding a new bullet point stating that any discharge will not result is significant adverse effect on cultural values or resources. The submitter is of the view that this is an enabling Policy seeking to provide for the discharge of contaminants to water providing certain environmental, chemical and social parameters can be met, however, there is no attempt to account for cultural values. It is the writers understanding that the Iwi Working Group hui during the review of the region’s Plans considered Chapter 15 and iwi were satisfied that policies such as this protected iwi values, even when not explicit. That the effect of permitted activities that satisfied matters (a)(i) to (iv) would not be detrimental to water quality such that cultural values would be unacceptably compromised.
442. Ngāti Kuia (501.070) seek that the Policy be deleted from the MEP in its entirety and they are opposed in full on principle that point source discharges of contaminants are contrary to good management practice and should all be phased out in favour of land-based waste management. The writers are comfortable that this Policy and the provisions that fall from it reflect the enablement that is contained within s70 of the RMA, and that Policy 15.1.8 in particular signals the overall preference for discharges to be to land rather than water.

### *Recommendations*

443. It is recommended that the EDS **submission point 698.099 is rejected** as the Policy does not need the addition sought to provide the framework for the permitted activity rules that implement the Policy.
444. It is recommended that the Fish and Game **submission point 509.179 is rejected** as the Policy does not need the change sought to provide the framework for the permitted activity rules that implement the Policy.
445. It is recommended that the Ngāi Tahu **submission point 1189.106 is rejected** as the submitter’s amendment sought, in the context they provided, is not appropriate.

<sup>23</sup> 479.133 (DOC), 496.047 (Forest and Bird), 717.055 (Fulton Hogan Limited), 425.294 (Federated Farmers), 873.064 (KiwiRail) and 1004.016 (Oil Companies)

446. It is recommended that the Ngāti Kuia **submission point 501.070 is rejected** as the Policy, and the provisions that fall from it, reflect the enablement that is contained within s70 of the RMA.
447. It is recommended that the Te Ātiawa **submission point 1186.087 is rejected** as the writers understand that permitted activities that satisfy matters (a)(i) to (iv) of this Policy would not be detrimental to water quality such that cultural values would be unacceptably compromised.

### Discharge to Water Rules

448. The Port Marlborough submission (433.086) seeks the inclusion of a new discharge to water Permitted Activity rule as follows – “**Discharge of contaminants to water**”. The submitters are of the view that there are no general rules to provide for the discharge of contaminants to water (including coastal water) in the General Rules Chapter or any of the key Zone Chapters. The writers do not support the additional rule, which has been sought without standards, as it would essentially enable the discharge of anything without restriction, which would likely cause degradation of water quality. Where the discharge of a contaminant is such that water quality standards will be met and, with compliance with associated standards, there are no unacceptable adverse effects, the discharge has been enabled through Permitted Activities, for example, the discharge of aquatic agricultural and tracer dye.
449. The Fulton Hogan Limited submission (717.068) seeks the inclusion of a new discharge to water Permitted Activity rule as follows – “**Any discharge of sediment generated as a result of an activity in, on, over or under the bed of a lake or river that is permitted by this Plan**”. The submitters are of the view that works within waterbodies or their margins have the potential to temporarily disturb sediment which discharges downstream. It further notes that this can even occur as a result of undertaking permitted activities and should be contemplated as part of these activities rather than requiring separate resource consent. The MEP considers a discharge of this nature to be an effect of the land use (riverbed) activity and is managed as part of that, it does not require its own permitted activity rule and would only require resource consent the standards of the relevant permitted activity rule could not be met. This is demonstrated by the Standard 2.8.1.4, which manages the effect of the discharge of any sediment to water in relation to a Permitted Activity in, on, over or under the bed of a lake or river. It is noted that, in error, the summary of submissions recorded the relief sought as only being relative to a lakebed instead of the bed of a lake or river.
450. The Nelson Forests Limited submission (990.033) seeks the inclusion of a new discharge to water Permitted Activity rule as follows – “**Discharge of contaminants to water, or to land where it may enter water**”, with the associated standards to be as per 2.17.1.1 to 2.17.1.3 (the first three standards for the discharge of water to surface water Permitted Activity). The submitters are of the view that the diffuse discharges associated with primary industry activities do not fall within the definitions of water or stormwater, and the diffuse discharges associated with primary industry activities and the installation of river crossings need to be provided for as a permitted activity. The submitter considers the Standards 2.17.1.1 – 2.17.1.3 for discharges of water to surface water are appropriate for this activity. The Permitted Activity sought by the submitter would enable almost anything, and the standards sought do not include the main Standard related to water quality (2.17.1.5). People could discharge any contaminant to any water as long as it did not cause erosion at, or downstream of, the discharge point, alter the natural course of the receiving water or cause flooding on land other than land within the Floodway Zone. Activities that are appropriate to be enabled either through discharge rules or standards on land use activities, have been included in the MEP. If the activities the submitter seeks to be permitted are not provided for in either of these ways, then it is assumed the effects are such that consideration through a resource consent process is appropriate. To some extent it is likely that the submitters concerns will have been addressed through the promulgation of the NESPF.
451. The Oil Companies submission (1004.037) seeks several new provisions, however it is noted that some of the submission was assessed in the discharge to land s42 report so we will not reassess it here. With regards to the provisions sought for passive discharges (Permitted and Controlled), the writers agree with the recommendations of the Waste and Discharges to Land s42a report writers, for the reasons expressed in their report. There is also a proposed rule regarding the use of land that is outside of the scope of this hearing and not addressed further. The new rules sought that are considered are –

New rule 1 – “**The discharge of contaminants from dewatering activities associated with maintenance, upgrading or installation of underground tanks at service stations, utilities and infrastructure into water or onto or into land where the discharge may enter water**”;



The standards sought for new rule is as follows –

- Standard 1 – **“Where the discharge may enter groundwater, the discharge is not located within 50m of a bore used for water abstraction for potable supply or stock water”;**
- Standard 2 – **“If the discharge is from dewatering, the discharge is not from contaminated land, except where it is from land where the contaminant is petroleum hydrocarbons and the discharge contains no more than 15mg/l TPH”;**
- Standard 3 – **“The discharge shall not cause any erosion of the channel or banks of the receiving waterbody or the coastal marine area”;**
- Standard 4 – **“The discharge shall not give rise to the following effects after the zone of reasonable mixing:**
- a) a change in the pH of  $\pm 0.5$  pH unit, or**
  - b) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials, or**
  - c) any conspicuous change in the colour or visual clarity, or**
  - d) any emission of objectionable odour, or**
  - e) the fresh water is unsuitable for consumption by farm animals, or**
  - f) any significant adverse effects on aquatic life”.**

452. The Oil Companies submission does not contain very much information to support the addition of this new rule and the associated standards, and the writers are not satisfied that all the standards proposed are robust. For example, in Standard 1 what does “*where the discharge may enter groundwater*” mean in practice, and who would determine that? Or in Standard 4, what does “The discharge shall not give rise to the following effects.....any significant adverse effects on aquatic life, what does that mean in a Permitted Activity standard – who determines what “*significant adverse effects*” are? At this time the writers are not persuaded this new Permitted Activity is appropriate.

### *Recommendations*

453. It is recommended that the Port Marlborough **submission point 433.086 is rejected** as the additional provision sought is likely to cause degradation in water quality.
454. It is recommended that the Fulton Hogan **submission point 717.068 is rejected** as the MEP manages the discharge of sediment associate with a Permitted Activity in, on, over or under the bed of a lake or river as an effect of that activity, not a separate activity in its own right.
455. It is recommended that the Nelson Forests Limited **submission point 990.033 is rejected** as the additional rule sought would be inappropriately enabling and would not implement Policy 15.1.9.
456. It is recommended that the Oil Companies **submission point 1004.037 is rejected** as there is insufficient information in the submission to persuade the writers that water quality would be protected, and not degraded, particularly with some of the proposed standards as written.
457. Rule 2.16.1 and Heading 2.17.1 reads as follows –
- “Discharge of water to surface water”.*
458. There are three submissions<sup>24</sup> that support Rule 2.16.1 and Heading 2.17.1 and seek their retention as notified.
459. In the MDC submission (91.131) an additional standard is sought for Rule 2.16.1 to read as follows – **“The discharge must not be into a Significant Wetland”.** The submitter states that this standard was omitted in error and it is an appropriate standard for Rule 2.16.1 to ensure the protection of the values of Significant Wetlands. There is no opposition from any further submitter specifically on this addition, and support has been expressed from Port Marlborough. The writers agree with the addition sought and view it as consistent with standards applied to other activities that may affect the water quality of Significant Wetlands.

<sup>24</sup> 993.020 (FENZ), 873.099 and 873.100 (KiwiRail)

460. Fish and Game's submissions (509.291 and 509.292) request that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met [it is assumed that the submitter means to reference Appendix 5]. The submitter is of the view that this is necessary to be in accordance with s69 of the RMA. Fundamentally the writers disagree as activities would not be permitted if they were anticipated to not be able to comply with the Standards. Specifically, it is the writers view that s69 does not require the MEP to have a standard of the nature sought as the Permitted Activity discharge to water rules do not reference waters for which classes have been specified. The submitter has lodged the same submission on the multiple provisions, for efficiency, the writers have not repeated their assessment and our response to submission points 509.291 and 509.292 can be interpreted to also apply to points – 509.181, 509.293, 509.297, 509.298, 509.299, 509.300, 509.301, 509.302, 509.303, 509.304, 509.305, 509.306 and 509.316.
461. The Windermere Forests Limited submission (1238.025) seeks information but not a decision for which an assessment or recommendation can be made. The submitter advises that the Munsell scale is new to them and seeks further explanation on the scale and the consequences for operations in the forest. The submitter is of the view that this rule will affect road construction and other earthworks in forests. The writers note that elsewhere in this report submissions seeking the removal of the Munsell scale as a management tool in the MEP are supported.

### *Recommendations*

462. It is recommended that the MDC **submission point 91.131 is accepted** as the addition would protect the water quality in Significant Wetlands against degradation from a discharge of water. It is recommended that the following is added as Standard 2.17.1.6 under Heading 2.17.1 –

***“The discharge must not be into a Significant Wetland”.***

463. It is recommended that the Fish and Game **submission points 509.291 and 509.292 are rejected** as, in the writers opinion, s69 of the RMA does not require the additional standard sought, and it does not make sense in the context of the Permitted Activity rules as if the activities were going to have an adverse effect on the water quality standards then they would not be permitted. The submitter has lodged the same submission on multiple provisions, and for the same reasons the writers recommend the following points **are rejected – 509.181, 509.291, 509.297, 509.298, 509.299, 509.300, 509.301, 509.302, 509.303, 509.304, 509.305, 509.306 and 509.316.**

464. Standard 2.17.1.5 reads as follows –

*“After reasonable mixing, the discharge must not cause any conspicuous change in the colour or visual clarity of any waterbody, measured as follows:*

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

*(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the discharge;*

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

465. The WilkesRM Limited submission (359.033) seeks that part (a) of this Standard is removed in its entirety. The submitter is of the view that whilst the Munsell scale has previously been utilised (see Appendix J WARMP), the use and interpretation of the Munsell scale is not something that lay people can be anticipated to be familiar with and it should be removed from this Standard with no replacement to define conspicuous change in colour or clarity. The writers have reconsidered the use of the Munsell scale across all the relevant provisions and concur with the submitter that it should be removed as a management tool in the MEP as, in practice, it will not be effective in measuring changes in water quality.
466. The MFIA submission (962.140) seeks a similar change, however also seeks a rewrite of (a) to ensure that the methods of measurement are useable and meaningful. As stated above, the writers support the submission of WilkesRM Limited, which seeks the removal of (a) with no replacement. In light of this, the writers support the MFIA submission in part.

### *Recommendations*

467. It is recommended that the WilkesRM Limited **submission point 359.033 is accepted** as the protection of water quality against degradation in the MEP is not assisted by the use of the Munsell

scale as a measurement/management tool. The following amendment is recommended to Standard 2.17.1.5 –

*“After reasonable mixing, the discharge must not cause any conspicuous change in the colour or visual clarity of any waterbody, measured as follows:*

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

468. It is recommended that the MFIA **submission point 962.140 is accepted in part** as the protection of water quality against degradation in the MEP is not assisted by the use of the Munsell scale as a measurement/management tool, however in the writers view there is no practical or appropriate replacement for (a).

469. Rule 2.16.2 and Heading 2.17.2 reads as follows –

*“Discharge of an aquatic agrichemical into a waterbody”.*

470. There are two submissions<sup>25</sup> that support Rule 2.16.2 and Heading 2.17.2 and seek their retention as notified.

471. P Rene’s submission (1023.012) seeks that a new standard is added under Heading 2.17.2 as follows – **“Not in a W65 area”**, the submitter opposes the discharge of aquatic agrichemicals onto Significant Wetland W65 as it is used for drinking water and eeling. The submitter has not provided any information to support this submission and therefore the writers are not in a position to assess the proposal any further.

472. The Horticulture NZ submission (769.084) seeks to replace Standards 2.17.2.1 to 2.17.2.4 with five new standards as follows –

Standard 1 – ***“The substances, including any adjuvants, are approved by EPA under the HSNO Act for discharge directly into or onto water and must comply with requirements covering the person in charge, training, signage, storage, emergency management and all other requirements under the Hazardous Substances and New Organisms Act 1996 and pursuant Regulations”;***

Standard 2 – ***“The person authorising the discharge direct to water shall notify:***

***i. Every person taking water for potable supply within 1km downstream of proposed discharge at least 12 hours prior to discharge occurring; and***

***ii. Every resource consent holder for taking of water for public potable water supply purposes downstream of proposed discharge at least 1 week before commencing discharge”;***

Standard 3 – ***“Qualifications - Discharge of agrichemicals directly into or onto water can be carried out only by persons holding either:***

***a) a GROWSAFE® Registered Chemical Applicators Certificate (National Certificate in Agrichemical Aquatic strand) or GROWSAFE® Introductory Certificate and under direct supervision of a person holding a GROWSAFE® Registered Chemical Applicator Certificate (National Certificate in Agrichemical Aquatic strand)***

***b) Aerial application –the pilot must hold a GROWSAFE® Pilots Agrichemical Rating Certificate issued by CAA and the application company must hold AIRCARE™ Accreditation***

***Where spraying is occurring in a public place signs shall be placed within the immediate vicinity of the spraying prior to commencing and maintained until spraying has ceased”;***

Standard 4 – ***“Records – All users must keep records consistent with Appendix C9 of NZS8409:2004 Management of Agrichemicals as evidence and information that provides an authentic record to verify that the application of agrichemical(s) directly to water has been carried out in a safe responsible manner, in particular***

<sup>25</sup> 1201.124 and 1201.125 (Trustpower Limited)

***with respect to notification of any person who may take water for their own use. Such records must be provided to Auckland Council when requested”;***

Standard 5 – ***“Pest plants identified in Appendix 25, unwanted organisms under the Biosecurity Act 1993 and willow, blackberry, broom, gorse and old man’s beard are the only vegetation that may be sprayed”.***

473. Horticulture NZ are of the view that the use of agrichemicals in aquatic situations requires particular expertise and knowledge and specific training requirements should be required to ensure that the application is appropriately managed. The Standard limits the application to specified plants but Horticulture NZ seeks that unwanted organisms as declared under the Biosecurity Act 1993 are also included to ensure that such organisms can be eradicated if agrichemical application is the appropriate mechanism to use. Essentially the proposed standards 1, 2 and 3 are similar or the same as the notified provisions, the notable exception being the reference to *“unwanted organisms under the Biosecurity Act”* in the submitters Standard 5. This matter was addressed in the Significant Wetlands hearing, and the same assessment is made by the writers here - there is concern about the uncertainty created by specifying “unwanted organisms” in the Standard. The Biosecurity Act gives the Council the power to declare and implement small scale management programmes that contain measures to eradicate or control an unwanted organism if the Council is satisfied that the organisms presence in the region could cause serious adverse and unintended effects unless early action is taken to control it. In the writer’s view it would be preferable to rely on these powers rather than create uncertainty within the provisions. The submitter has not provided any supporting information for its Standard 4, which presumably it would not seek to actually reference the Auckland Council should the Panel be inclined to accept its submission. With regards to the submitters Standard 3, the writers have concerns about being so specific about industry programmes, qualifications and the like being so specifically stated in the MEP as if they become redundant or change the Standard may no longer be applicable and there may be a gap left in the standards for protecting water quality. Without further information about the inadequacy of the notified provisions, the writers prefer the standards in the MEP that reference the agrichemical having to be approved for use under HSNO and that application having to be undertaken in accordance with the most recent product label. The drafting approach to the MEP was to deliberately avoid duplication where matters are covered by other legislation, so the writers would seek to be satisfied that there were matters that needed to be covered in the MEP standards because they were not adequately covered under HSNO to support amended conditions.

#### *Recommendations*

474. It is recommended that P Rene’s **submission point 1023.012 is rejected** as there is not sufficient information in the submission to conclude that the relief sought is appropriate.
475. It is recommended that Horticulture NZ’s **submission point 769.084 is rejected** as without further information about the inadequacy of the notified provisions, the writers prefer the standards in the MEP that reference the agrichemical having to be approved for use under HSNO and that application having to be undertaken in accordance with the most recent product label. The drafting approach to the MEP was to deliberately avoid duplication where matters are covered by other legislation, so the writers would seek to be satisfied that there were matters that needed to be covered in the MEP standards because they were not adequately covered under HSNO to support amended conditions.
476. Standard 2.17.2.1 reads as follows –  
*“Pest Plants identified in Appendix 25 and willow, blackberry, broom, gorse and old man’s beard are the only vegetation that may be sprayed”.*
477. The I Bond submission (469.007) seeks clarification in the wording of these rules but not a decision for which an assessment or recommendation can be made. The submitter believes that the Council’s aquatic weed control contractor applies chemical into water ways to control other than the five listed and that there appears to be no provision in the Controlled or Discretionary Activities that addresses this. The writers note that this is a matter that would have been relevant for the applicable department of the Council to submit on if it was an issue.
478. Standard 2.17.2.3 reads as follows –  
*“The application must be undertaken in accordance with the most recent product label”.*
479. The Oil Companies submission (1004.057) seek the removal of this Standard in its entirety but do not appear to provide any explanation for this, as a result the writers are not able to assess what concern

the submitters are seeking to resolve by removing the Standard and therefore cannot support the submission.

480. The DOC submission (479.181) also seeks the removal of this Standard in its entirety. The submitter is of the view that the Standard requires the spray application to be in accordance with the most recent product label and this is not considered appropriate as the label instructions including application rate are not an indication of risk to the environment. The EPA approval for the product will consider the risk to the environment. In the writer's view, the EPA approval is a different matter but even if it is the case that it is not an indication of risk to the environment, it is not clear from the submission why the submitter would want the Standard removed, is it not beneficial to provide Plan users with the directive that is in this Standard?

### *Recommendations*

481. It is recommended that the Oil Companies **submission point 1004.057 is rejected** as the writers are not able to assess what concern the submitters are seeking to resolve by removing the Standard and therefore are not able to support the submission.
482. It is recommended that the DOC **submission point 479.181 is rejected** as the writers are not convinced by the submission that this Standard should be removed, it is beneficial to provide Plan users with this directive.
483. Standard 2.17.2.4 reads as follows –

*“The applicator must notify in writing details of the location, timing and agrichemical to be used in the application to:*

- (a) every person taking water for domestic supply within 1km downstream of the proposed discharge;*
- (b) every holder of a resource consent for the taking of water for water supply purposes within 1km downstream of the proposed discharge, at least one week before commencing the application”.*

484. In the MDC submission (91.131) the correction to an error in the Standard is sought as follows, so as to better reflect the intention of the provisions –

**“At least one week before commencing the application, the** ~~The~~ *applicator must notify in writing details of the location, timing and agrichemical to be used in the application to:*

- (a) every person taking water for domestic supply within 1km downstream of the proposed discharge;*
- (b) every holder of a resource consent for the taking of water for water supply purposes within 1km downstream of the proposed discharge, ~~at least one week before commencing the application;~~*
- (c)the Council.”**

The writers agree with the amendments as the timeframe is more effective if applied to the entire standard, and it is appropriate that the Council is advised of the activity to enable it to respond to any concerns raised by the community while the activity is taking place.

### *Recommendations*

485. It is recommended that the MDC **submission point 91.131 is accepted** as the amendments are appropriate and will minimise potential conflict within the community. Standard 2.17.2.4 is recommended to be amended as follows –

**“At least one week before commencing the application, the** ~~The~~ *applicator must notify in writing details of the location, timing and agrichemical to be used in the application to:*

- (a) every person taking water for domestic supply within 1km downstream of the proposed discharge;*
- (b) every holder of a resource consent for the taking of water for water supply purposes within 1km downstream of the proposed discharge, ~~at least one week before commencing the application;~~*
- (c)the Council.”**

486. Rule 2.16.3 and Heading 2.17.3 reads as follows –

*“Discharge of stormwater to water”.*

487. There are four submissions<sup>26</sup> that support Rule 2.16.3 and Heading 2.17.3 and seek their retention as notified.

488. The MDC (91.132) submission seeks an additional standard be added to Rule 2.16.3 as follows –

***"The discharge must not be into a Significant Wetland."***

The submitter is of the view that the standard requested was omitted in error in the drafting of the MEP and it is an appropriate standard for Rule 2.16.3 to ensure the protection of the values of Significant Wetlands. The writers agree with the addition of the new standard, and it assists the Council in implementing the NPSFM.

489. The Federated Farmers (425.478) submission seeks an amendment to the Rule as follows –

***"Discharge of stormwater to water, excluding the discharge of stormwater to water in farm drains"***.

The submitter seeks certainty that this rule for the discharge of stormwater to water does not apply to farm drains. A farm drain is very different from a pipe source discharge of stormwater because it there is no ability to control the flow, and a farmer does not have any control over the rate of discharge, and adverse effects of rainwater collecting and following in farm drains is minimal. The writers are hesitant to support this amendment as not all "farm drains" are only farm drains, they are also modified water courses, and some farm drains will also drain into natural watercourses, which makes the Standards just as applicable to a discharge of stormwater into water in a farm drain as a discharge into water in a natural watercourse. The submitter may be able to present evidence at the hearing that will address these concerns.

490. The Fish and Game submissions (509.295 and 509.296) seek to ensure that all discharge rules include conditions that ensure the water quality standards outlined in Appendix 6 are met. The submitter is of the view that all discharge rules in the Plan need to include a condition requiring that the water quality standards outlined in Appendix 6 be met in accordance with s.69 of the RMA. The writers assume the submitter means to refer to Appendix 5, and after giving the matter raised consideration, do not share the view that a standard needs to be added for the Rule to be in accordance with s.69. Nor does it need to be added to ensure the water quality standards on Appendix 5 are met, as the rule standards that have been imposed on Permitted Activity discharge rules take into account the water quality standards and therefore no additional standard is necessary. If the standards imposed on the rules were insufficient the Council would not have drafted the activity as permitted and it would have needed a resource consent.

491. The NZTA (1002.139) submission seeks an amendment to the Rule as follows –

***"Discharge of stormwater to water and land"***.

The submitter is of the view that this rule permits the discharge of stormwater to water, which is appropriate, however there is no rule relating to the discharge of stormwater onto or into land where it may enter water, as restricted by Section 15(1)(b). Stormwater from many parts of the road network discharges to water via land, and the Transport Agency requests this be specifically permitted. This is a matter that was covered in the discharge to land hearing topic, where the planner concluded that all stormwater containing contaminants which is discharged to land requires a resource consent. Where stormwater does not contain any contaminants, the discharge of this water to land is not managed under the MEP. The writers are not convinced this rule is necessary, and if it is appropriate, that perhaps tacking "and land" onto this discharge to water rule is not the best approach. Perhaps "and land where it may enter water" may be better, but perhaps a separate rule may more appropriate and allow for the consideration of whether the standards of the existing Rule would be suitable for this additional activity. The writers would be interested in further discussion on this matter from the submitter at the hearing.

492. The NZTA (1002.141) submission notes the numbering error in the MEP under the Heading 2.17.3. Standard numbers 2.17.3.1 to 2.17.3.4 were repeated in error so the standards number sequence needs to be amended as follows –

2.17.3.1; 2.17.3.2; 2.17.3.3; 2.17.3.4; 2.17.3.45; 2.17.3.26; 2.17.3.37; 2.17.3.48; 2.17.3.59; 2.17.3.610

<sup>26</sup> 1004.032 (Oil Companies), 1090.059 (Ravensdown Limited), 873.101 and 873.102 (KiwiRail)

493. D Wilson's submission (290.008) seeks the insertion of a Standard as follows – *“the discharge is not from contaminated land”*. The submitter does not particularly give a reason for this addition but notes that as it stands the Rule allows for discharges from contaminated sites. The writers are comfortable that the Standards will ensure that any discharge, regardless of the source, will not have an adverse effect on water quality greater than anticipated under the permitted activity. There is also unease at what would be considered a *“contaminated site”* under the proposed amendment. It is likely that a verified HAIL site would be the most appropriate definition but then unverified HAIL sites would not be captured.
494. The Federated Farmers (425.488) submission seeks two new standards for Rule 2.16.3 that cover quantitative measures and allowances for adverse weather events (the Submitter did not provide the specific wording for the proposed new standards). The submitter is of the view that there is merit in having quantifiable standards within the discharge of stormwater provisions as the standards refer to conspicuous change in the colour or visual clarity, and objectionable odour, yet it is not clear to the submitter what this means. As what is conspicuous or objectionable to one person may be different to another, the submitter seeks quantitative measures that will rectify this ambiguity. With regards to the second matter, the submitter is of the view that allowances need to be made for adverse weather events in circumstances where parties don't have control over the discharge. It is possible that a 1 in 100 year storm event will cause erosion and alter the natural course of water. There is nothing that can be done about this and therefore this should not be considered an offence. The writers are not in support of the proposed new standards, particularly with no detail provided to assess. While the ambiguity around the term *“conspicuous change”* are acknowledged, attempts to take a more quantifiable (e.g. Munsell scale) approach have been strongly rejected by submitters, including Federated Farmers. The Council is of a view that, all things considered, using the phrase *“conspicuous change”*, which reflects the RMA is the most appropriate approach at this time. There is concern that this becomes overly permissive as it may be challenging for the Council to demonstrate a discharge has caused conspicuous change. If the submitter is able to provide a standard containing quantitative measures in evidence the writers would be very interested to give it consideration.
495. With regards to providing for extreme weather events, if the discharge is being *“done”* by an extreme natural event then it is not an activity being conducted by a person for which the Rule and Standards would control. However, depending on the event, it may be that the nature in which the stormwater management system has been established is causing an adverse effect as a result of the discharge, like reduced water quality or flooding, and it is appropriate that the Council is able to consider compliance matters.
496. D Wilson's submission (290.001) seeks the addition of another Standard for the Rule as follows –  
*“Any stormwater treatment and discharge system is operated and maintained in accordance with the system design specification for operation and maintenance or, if there is no design specification, the requirements of Auckland Council Technical Publication 10.”*
- The submitter is of the view that, if a stormwater treatment system is used to achieve permitted activity status, then this system will need to be maintained to continue to achieve this status. If the system is not maintained properly any non-compliance notice would have to show that treatment system wasn't working which under the proposed rule could require monitoring and sampling (for non-visual contamination like dissolved heavy metals). If there was a maintenance requirement as part of the permitted activity standards then non-compliance would be easier to prove. The standards for discharge of stormwater to water are performance standards that are required to be met with or without treatment. The need for treatment to meet the standards in 2.17.3.4 are best assessed by the operator. As such it is not considered necessary to include the additional standard sought. Technical Publication 10 is a document published by the Auckland Regional Council called *“Stormwater Management Devices: Design Guidelines Manual”*. The purpose of the technical publication is to provide a guideline for those involved in the design, construction and operation of stormwater management devices in the Auckland region and to minimise adverse environmental effects of such discharges through appropriate design, construction and operation. This is a resource that is available to those undertaking stormwater discharges regardless of the plan standards. If Technical Publication 10 was to be used in a regulatory context, it should be noted that this document was not notified with the MEP as a document incorporated by reference.

### Recommendations

497. It is recommended that the MDC **submission point 91.132 is accepted** as the additional standard is appropriate and assists the Council in implementing the NPSFM.

498. It is recommended that the Federated Farmers **submission point 425.478 is rejected** as the writers have concerns what the impact of this change could be as some farm drains are also modified water courses, and some farm drains will also drain into natural watercourses, which makes the Standards just as applicable to a discharge of stormwater into water in a farm drain as a discharge into water in a natural watercourse. The submitter may be able to present evidence at the hearing that will address these concerns.
499. It is recommended that the Fish and Game **submission points 509.295 and 509.296 are rejected** as the additional standard sought is not necessary.
500. It is recommended that the NZTA **submission point 1002.139 is rejected** as at this time the writers are not convinced the Rule is necessary, or if it is that the proposal is the most appropriate way to amended the provisions.
501. It is recommended that the NZTA **submission point 1002.141 is accepted** as it corrects a numbering error. The standards number sequence under Heading 2.17.3 is to be amended as follows –  
2.17.3.1; 2.17.3.2; 2.17.3.3; 2.17.3.4; 2.17.3.45; 2.17.3.26; 2.17.3.37; 2.17.3.48; 2.17.3.59; 2.17.3.610
502. It is recommended that D Wilson's **submission point 290.008 is rejected** as the standards for Rule 2.16.3 as notified better manage the potential effects of discharges.
503. It is recommended that the Federated Farmers **submission point 425.488 is rejected** as there is a lack of detail in the submission to enable the writers to fully assess the additional standards sought, and based on the information that has been provided, the standards are considered either unnecessary or incomplete.
504. It is recommended that the D Wilson's **submission point 290.001 is rejected** as the standards for discharge of stormwater to water are performance standards that are required to be met with or without treatment. The need for treatment to meet the standards in 2.17.3.4 are best assessed by the operator. As such it is not considered necessary to include the additional standard sought.
505. Standard 2.17.3.1 reads as follows –  
  
*“For stormwater sourced from land zoned Urban Residential 1, Urban Residential 2 (including Greenfields) or Urban Residential 3 in Blenheim, the maximum discharge must not exceed 20l/s”.*
506. The Surveyors submission (996.020) seeks to change the maximum discharge specified in this Standard from 20l/s to 50l/s. The submitter notes that the notified maximum is a reduction the 50l/s in the WARMP and is of the view that this reduction in urban areas will complicate the servicing requirements for small developments and increase costs, which will likely stop the development from proceeding. As the submitter points out in their submission, the WARMP already contains a volumetric limit of 50l/s. Upon review, the Assets and Services Department of Council provided advice that the operative discharge rate enabled significant multi-lot residential development to occur without any consideration of the actual or potential adverse effects of discharge on the existing reticulated network and/or the receiving environment. They therefore sought a reduction in the rate of discharge to 20l/s, or effectively the stormwater generated from three to four residential dwellings. The notified threshold would allow the consideration of any residential subdivision of land beyond this rate to include an assessment of the actual or potential adverse effects created by the rate of discharge. The reasons set out in the submission for reducing the discharge rate are not related to the adverse effects of the discharge on the receiving environment. The operative limit of 50l/s is the equivalent of approximately 10 dwellings. The majority of residential subdivisions that result in a new discharge of stormwater to water are in excess of 10 dwellings, especially if the land subdivided is greenfields. For the above reasons, no change to Standard 2.17.3.1 is recommended at this point in time.
507. D Wilson's submission (290.002) states that this Standard is redundant (inferred seeks removal) as in his view there does not appear to be any justification for this Standard and the quantity effects of any stormwater discharge could be addressed under 2.17.3.5 (that is the second “2.17.3.1” notified under Heading 2.17.3). As set out above, the operative plan also includes a Permitted Activity threshold for the discharge of stormwater from residential zones. The use of a threshold in this manner allows for the consideration of the effects of any stormwater discharge beyond the threshold, including effects on existing stormwater infrastructure and the receiving environment. This allows for better integration of stormwater infrastructure if the subdivision requires connection to the existing reticulated network or



requires its own dedicated network. This will have the effect of ensuring the ongoing efficient and effective operation of the stormwater infrastructure from both a quantity and quality perspective. On this basis the standard is considered appropriate and it is recommended that 2.17.3.1 be retained.

#### *Recommendations*

508. It is recommended that the Surveyors **submission point 996.020 is rejected** as the notified threshold would allow the consideration of any residential subdivision of land beyond this rate to include an assessment of the actual or potential adverse effects created by the rate of discharge, and the reasons set out in the submission for reducing the discharge rate are not related to the adverse effects of the discharge on the receiving environment.

509. It is recommended that the D Wilson's **submission point 290.002 is rejected** as the use of a threshold in this manner allows for the consideration of the effects of any stormwater discharge beyond the threshold, including effects on existing stormwater infrastructure and the receiving environment.

510. Standard 2.17.3.2 reads as follows –

*“For stormwater sourced from land zoned Coastal Living, the maximum discharge must not exceed 25l/s”.*

511. D Wilson's submission (290.003) states that this Standard is redundant (inferred seeks removal) as in his view there does not appear to be any justification for this rule and the quantity effects of any stormwater discharge could be addressed under 2.17.3.5 (that is the second “2.17.3.1” notified under Heading 2.17.3). As set out in the preceding submission point, the threshold in Standard 2.17.3.2 for land zoned Coastal Living is based on advice from the Assets and Services Department and is appropriate to retain.

#### *Recommendations*

512. It is recommended that the D Wilson's **submission point 290.003 is rejected** as the use of a threshold in this manner allows for the consideration of the effects of any stormwater discharge beyond the threshold, including effects on existing stormwater infrastructure and the receiving environment.

513. Standard 2.17.3.3 reads as follows –

*“For stormwater sourced from land zoned Rural Living, the maximum discharge must not exceed 50l/s”.*

514. The NZDF (992.049 and 992.104) submissions seek the following amendment to Standard 2.17.3.3 –

*“ For stormwater sourced from land zoned Rural Living **and Airport**, the maximum discharge must not exceed 50l/s.”*

The submitter is of the view that the MEP does not appear to provide for the discharge of stormwater to water from sites within the Airport Zone, therefore it is likely that this activity would require resource consent, regardless of extent of the activity and the associated potential effects. It states that, the permitted activity standards could also be applied to Airport zoned land. In the writers view the submitter has misunderstood Rule 2.16.3. The Rule would enable the discharge of stormwater to water in the Airport Zone as the Rule applies to all zones, and nothing in the Standards limits the Rule from applying in the Airport Zone. In fact, the amendment sought by the NZDF would have the effect of limiting the discharge to no more than 50l/s, a restriction that does not currently apply to the Airport Zone. On the assumption that the writers are correct that the submitter has misunderstood the provisions, the change is not supported.

515. D Wilson's submission (290.004) states that this Standard is redundant (inferred seeks removal) as in his view there does not appear to be any justification for this rule and the quantity effects of any stormwater discharge could be addressed under 2.17.3.5 (that is the second “2.17.3.1” notified under Heading 2.17.3). As set out in the assessment of submission point 290.002, the threshold in Standard 2.17.3.2 for land zoned Coastal Living is based on advice from the Assets and Services Department and is appropriate to retain.

*Recommendations*

516. It is recommended that the NZDF **submission points 992.0149 and 992.104 are rejected** as it appears the submitter has misunderstood the provisions and seeks an additional restriction on their activities that it is likely it does not intend.
517. It is recommended that the D Wilson’s **submission point 290.004 is rejected** as the use of a threshold in this manner allows for the consideration of the effects of any stormwater discharge beyond the threshold, including effects on existing stormwater infrastructure and the receiving environment.
518. Standard 2.17.3.5 (the second “2.17.3.1” notified under Heading 2.17.3) reads as follows –  
*“The discharge must not cause flooding on land other than land within the Floodway Zone”.*
519. The NZTA (1002.014) submission seeks an amendment to the Standard as follows –  
*“The discharge must not cause flooding on land other than land within the Floodway Zone or drainage channel”.*
- The submitter is of the view that this Standard requires that the discharge must not cause flooding on land, which could be inadvertently be applied to land formed for stormwater conveyance such as roadside drainage channels. The writers do not accept this rationale from the submitter, if the stormwater is contained within a drainage channel it is not flooding.

*Recommendations*

520. It is recommended that the NZTA **submission point 1002.014 is rejected** as the writers do not concur with the submitters conclusion that water held within a drainage channel would be considered flooding on land.
521. Standard 2.17.3.9 (“2.17.3.5” notified under Heading 2.17.3) reads as follows –  
*“The discharge must not contain stormwater from an area where a hazardous substance is stored unless:*  
*(a) the hazardous substance cannot enter the stormwater;*  
*(b) there is an interceptor system in place to collect any hazardous contaminant or diverted contaminated stormwater to a trade waste system”.*
522. D Wilson’s submission (290.007) seeks the removal of this Standard as in his view the Standard does not require any form of maintenance for the interceptor system and these sorts of sites should be a discretionary activity. It is unclear from the submission as to the reasons for seeking deletion of the Standard. The submission makes the point that the discharge of stormwater from such sites should be a Discretionary Activity. It is assumed that the reliance on an interceptor system causes the submitter the concern in this respect. It would be useful if the submitter could elaborate on their concerns at the hearing.
523. The Oil Companies submission (1004.034 – in part) seeks the addition of a (c) to the Standard as follows –  
***“(c) the discharge is from a Petroleum Industry Site and meets the design requirements of the Ministry for the Environment Environmental Guidelines for Water Discharges from Petroleum Industry Sites”.***
- The submitter states that the intent of Standard 2.17.3.9 is supported in principle, insofar as it seeks to provide for discharges from an area where a hazardous substance is stored, however it does not support the requirement for hazardous substances to be prevented from entering the stormwater system. Even with an interceptor in place, some hazardous substances will enter the stormwater system, and the Standard needs to focus on ensuring that the interceptor removes sufficient quantities of hazardous substances. For the Oil Companies, this would mean that discharges to stormwater that contain less than 15mg/l petroleum hydrocarbons as specified in the MfE Environmental Guidelines for Water Discharges from Petroleum Industry Sites are permitted. The relief request relies on reference to an external document that was not notified with the MEP. Those guidelines are a 38 page document with an additional eight appendices that cover a range of best management practices for different types of activities involving petroleum products. The content of the best management

practices can still be relied upon outside a plan framework to establish an appropriate system for the management of stormwater. Section 8.2 of the guidelines contains direction on discharge water quality. This sets a maximum level of contaminants allowable in stormwater systems which discharge into the environment of 15mg/l. Instead of the standard containing reference to the guidelines which are much wider in scope, it would be appropriate to set a performance standard that reflects the guidelines with respect to petroleum contamination of the stormwater and it is recommended that the following standard be included:

***“(c) total petroleum hydrocarbons must not exceed 15mg/l.”***

The Panel may also want to consider whether it is necessary to include the same standard in Rule 2.18.1 as a consequential change, given that activities associated with petroleum are likely to occur on land zoned Business 1, Business 3 or Industrial 1 or the Industrial 2 Zone at Riverlands. This could be inserted as 2.18.1.3 as follows –

***‘That the concentration of petroleum hydrocarbons in the stormwater must not exceed 15mg/l.’***

### *Recommendations*

524. It is recommended that the D Wilson’s **submission point 290.007 is rejected** as at this time as it is unclear from the submission as to the reasons for seeking deletion of the Standard, it would be useful if the submitter could elaborate on their concerns at the hearing.
525. It is recommended that the Oil Companies **submission point 1004.034 is accepted in part** as, instead of the standard containing reference to the guidelines which are much wider in scope, it would be appropriate to set a performance standard that reflects the guidelines. On this basis it is recommended that Standard 2.17.3.9 (“2.17.3.5” notified under Heading 2.17.3) is amended to read as follows –

*“The discharge must not contain stormwater from an area where a hazardous substance is stored unless:*

*(a) the hazardous substance cannot enter the stormwater;*

*(b) there is an interceptor system in place to collect any hazardous contaminant or diverted contaminated stormwater to a trade waste system;*

***(c) total petroleum hydrocarbons must not exceed 15mg/l.”***

As a consequential change, it is recommended that Rule 2.18.1 also be amended to add a new standard 2.18.1.3 under “Standards and terms” as follows –

***“That the concentration of petroleum hydrocarbons in the stormwater must not exceed 15mg/l.”***

526. Standard 2.17.3.10 (“2.17.3.6” notified under Heading 2.17.3) reads as follows –

*“If the discharge is from a reticulated community stormwater network administered by the Council as at 9 June 2016, the discharge must not be from stormwater sourced from land zoned Business 1, Business 3, Industrial 1 or Industrial 2”.*

527. D Wilson’s submission (290.005) seeks a revision of this Standard so that these discharges are permitted until 9 June 2021 and re-written to cover all stormwater discharges from local authority stormwater network. The submitter is of the view that the Standard creates a problem in that discharges from these areas would not be permitted but the Controlled Activity, which covers them, provides for a period up to 9 June 2021 for the resource consent application to be lodged. The submitter questions what the status of these discharges is prior to consent being obtained. D Wilson also is of the view that there is no justification for removing residential areas from this Standard as it should cover all discharges from a local authority stormwater network. Controlled Activity Standard 2.18.1.1 is a standard with respect to the timing of the consent application. The Rule itself identifies that the discharge of stormwater from the identified areas is a Controlled Activity so the status is clear. The time period in Standard 2.18.1.1 recognises that there will be a requirement to prepare a consent application and the Standard provides time to compile the application.
528. The Oil Companies submission (1004.034 – in part) seeks the removal of the Standard so that discharges into the reticulated network of stormwater from land zoned Business 1, Business 3, Industrial 1 or Industrial 2 (and meeting all other requirements) is permitted. There is not a particularly clear reason for the removal of this Standard in the submission, however it is noted that the submitter

appears to have read the Standard as “discharges *into* the reticulated network”, not “discharges *from* the reticulated network”. Discharges into the network are not controlled through discharge provisions on the MEP.

*Recommendations*

529. It is recommended that the D Wilson’s **submission point 290.005 is rejected** as Rule 2.18.1 identifies that the discharge of stormwater from the identified areas is a Controlled Activity so the status is clear.
530. It is recommended that the Oil Companies **submission point 1004.034 (part) is rejected** as the submitter appears to have misread the Standard and therefore its meaning.
531. New Rule (lodged under Rule 2.16.4 and Heading 2.17.4)
532. The NZTA submissions (1002.142 and 1002.143) seek the addition of a new rule as follows –

**“Discharge of stormwater to coastal water from roads”.**

The submitter is of the view that the discharge of stormwater from roads to coastal water has not been provided for, and would therefore require consent as a discretionary activity under Rule 2.19.1, and that it is appropriate that a specific rule be provided for this expected activity. The submitter notes that the discharge of stormwater to coastal water is permitted only from the Port, Port Landing Area and Marina Zones under Rule 2.16.4. It is likely that in drafting the MEP this was not considered to be a point source discharge outside of the Port, Port Landing Area and Marina Zones, and therefore no rules were considered. The submitter has given no indication as to whether it also proposes that a Standard like 2.17.4.1, which applies to the activity in the Port, Port Landing Area and Marina Zones, would also apply to the new rule being sought. The writers would need information in this regard before they could consider supporting the relief sought as this Standard specifically manages water quality.

*Recommendations*

533. It is recommended that the NZTA’s **submission points 1002.142 and 1002.143 are rejected** as the submitter has not provided any information regarding standards that may apply, and the writers would find further information about the nature of the discharges as in drafting the MEP they were likely assumed to be non-point source.
534. Rule 2.16.7 reads as follows –

*“Discharge of swimming or spa pool water to water”.*

535. In the MDC submission (91.130) an additional standard is sought for Rule 2.16.7 to read as follows – **“The discharge must not be into a Significant Wetland”**. The submitter states that this standard was omitted in error and it is an appropriate standard for Rule 2.16.7 to ensure the protection of the values of Significant Wetlands. There is no opposition from any further submitter specifically on this addition. The writers agree with the addition sought and view it as consistent with standards applied to other activities that may affect the water quality of Significant Wetlands.

*Recommendations*

536. It is recommended that the MDC **submission point 91.130 is accepted** as the addition would protect the water quality in Significant Wetlands against degradation from a discharge of water. It is recommended that the following is added as Standard 2.17.7.6 under Heading 2.17.7 –

**“The discharge must not be into a Significant Wetland”.**

537. Rule 2.16.8 reads as follows –

*“Discharge of water to water for the purposes of purging water supply infrastructure or in emergency circumstances”.*

538. See paragraph 460 re Fish and Game submission 509.301.

539. Standard 2.17.8.1 reads as follows –

*“The discharge must be conducted by the Marlborough District Council”.*

540. See paragraph 460 re Fish and Game submission 509.302.

541. Rule 2.16.9 reads as follows –

*“Discharge of tracer dye to water”.*

542. There is one submission<sup>27</sup> that supports Rule 2.16.9 and seeks its retention as notified.

543. See paragraph 460 re Fish and Game submission 509.303.

544. Standard 2.17.9.1 reads as follows –

*“The discharge must be conducted by the Marlborough District Council”.*

545. The Trustpower Limited submission (1201.127) seeks the removal of this Standard in its entirety as it is of the view that it is inappropriate to limit the permitted activity to Marlborough District Council activities only. The submitter notes that the use of tracer dye is commonly undertaken by various industries including infrastructure providers and the availability of this method is vital to ensure safe and efficient operation of infrastructure. As an alternative, Trustpower seeks that if the Standard is retained, that the discharge of tracer dye for parties other than the Council is as a controlled activity with the matters of control limited to – the duration of the consent; the nature of the tracer dye used (including type, colour, concentration); and the location, timing and duration of the discharge. The submitter is of the view that it is inappropriate to require a discretionary activity consent for non-compliance with Standard 2.17.9.1, particularly as the only environmental effect is visual (where chemically inert dyes are used). The writers are comfortable with utilities such as the submitter being permitted to discharge tracer dye under Rule 2.16.9, however do not support the removal of this Standard in its entirety so any person would be permitted to do this activity. The writers suggest that the Standard is amended to read as follows –

*“The discharge must be conducted by the Marlborough District Council **or a network utility operator**”.*

### *Recommendations*

546. It is recommended that the Trustpower Limited **submission point 1201.127 is accepted in part** as the writers support the intention of the submitter but not the specific relief sought. The recommended amendment should address the submitters concerns. It is recommended that Standard 2.17.9.1 is amended as follows –

*“The discharge must be conducted by the Marlborough District Council **or a network utility operator**”.*

547. Heading 2.17.11 reads as follows –

*“Discharge of an agrichemical to water for the control of aquatic vegetation in the Drainage Channel Network or the Floodway Zone”.*

548. The Horticulture NZ submission (769.085) seeks to replace Standards 2.17.11.2 to 2.17.11.8 with five new standards as follows (Standard 2.17.11.1 is sought to be retained) –

Standard 2 – **“The substances, including any adjuvants, are approved by EPA under the HSNO Act for discharge directly into or onto water and must comply with requirements covering the person in charge, training, signage, storage, emergency management and all other requirements under the Hazardous Substances and New Organisms Act 1996 and pursuant Regulations”;**

Standard 3 – **“The person authorising the discharge direct to water shall notify:**

- i. Every person taking water for potable supply within 1km downstream of proposed discharge at least 12 hours prior to discharge occurring; and***
- ii. Every resource consent holder for taking of water for public potable water supply purposes downstream of proposed discharge at least 1 week before commencing discharge”;***

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<sup>27</sup> 1201.126 (Trustpower Limited)

Standard 4 – ***“Qualifications - Discharge of agrichemicals directly into or onto water can be carried out only by persons holding either:***

- c) ***a GROWSAFE® Registered Chemical Applicators Certificate (National Certificate in Agrichemical Aquatic strand) or GROWSAFE® Introductory Certificate and under direct supervision of a person holding a GROWSAFE® Registered Chemical Applicator Certificate (National Certificate in Agrichemical Aquatic strand)***
- d) ***Aerial application –the pilot must hold a GROWSAFE® Pilots Agrichemical Rating Certificate issued by CAA and the application company must hold AIRCARE™ Accreditation***

***Where spraying is occurring in a public place signs shall be placed within the immediate vicinity of the spraying prior to commencing and maintained until spraying has ceased”;***

Standard 5 – ***“Records – All users must keep records consistent with Appendix C9 of NZS8409:2004 Management of Agrichemicals as evidence and information that provides an authentic record to verify that the application of agrichemical(s) directly to water has been carried out in a safe responsible manner, in particular with respect to notification of any person who may take water for their own use. Such records must be provided to Auckland Council when requested”;***

Standard 6 – ***“The discharge must only be for the purpose of eradicating, modifying or controlling aquatic plants or unwanted organisms under the Biosecurity 1993”.***

549. Horticulture NZ are of the view that the provisions that are sought for 2.17.2 for aquatic use also apply to 2.17.11. As the submitter has not provided any further information or context specific to this activity, the writers response to its submission on 2.17.2 is relevant here also.
550. Essentially the proposed standards 2, 3 and parts of 4 and 6 are similar or the same as the notified provisions, the notable exception being the reference to *“unwanted organisms under the Biosecurity Act”* in the submitters Standard 6. This matter was addressed in the Significant Wetlands hearing, and the same assessment is made by the writers here - there is concern about the uncertainty created by specifying *“unwanted organisms”* in the Standard. The Biosecurity Act gives the Council the power to declare and implement small scale management programmes that contain measures to eradicate or control an unwanted organism if the Council is satisfied that the organisms presence in the region could cause serious adverse and unintended effects unless early action is taken to control it. In the writer’s view it would be preferable to rely on these powers rather than create uncertainty within the provisions. The submitter has not provided any supporting information for its Standard 5, which presumably it would not seek to actually reference the Auckland Council should the Panel be inclined to accept its submission. With regards to the submitters Standard 4, the writers have concerns about being so specific about industry programmes, qualifications and the like being so specifically stated in the MEP as if they become redundant or change the Standard may no longer be applicable and there may be a gap left in the standards for protecting water quality. There is also concern that the content of Standard 4 and the removal of 2.17.11.8 mean aerial spraying would be a permitted activity, this is a significant change to the Permitted Activity, which has not been justified by the submitter and is not supported by the writers. It is also noted that this Permitted Activity is only able to be conducted by the Council and it has not sought the removal of Standard 2.17.11.8 so that aerial spraying can be conducted.
551. Without further information about the inadequacy of the notified provisions, the writers prefer the standards in the MEP that reference the agrichemical having to be approved for use under HSNO and that application having to be undertaken in accordance with the most recent product label. The drafting approach to the MEP was to deliberately avoid duplication where matters are covered by other legislation, so the writers would seek to be satisfied that there were matters that needed to be covered in the MEP standards because they were not adequately covered under HSNO to support some of the amended conditions.

### *Recommendations*

552. It is recommended that Horticulture NZ’s **submission point 769.085 is rejected** as without further information about the inadequacy of the notified provisions, the writers prefer the standards in the MEP that reference the agrichemical having to be approved for use under HSNO and that application having to be undertaken in accordance with the most recent product label. The drafting approach to

the MEP was to deliberately avoid duplication where matters are covered by other legislation, so the writers would seek to be satisfied that there were matters that needed to be covered in the MEP standards because they were not adequately covered under HSNO to support amended conditions.

553. Standard 2.17.11.7 reads as follows –

*“Where the discharge is undertaken in a publicly accessible location, appropriate notification signage must be erected and remain in place for at least 7 days after the discharge has occurred”.*

554. See paragraph 460 re Fish and Game submission 509.300.

### Policy 15.1.10

555. Policy 15.1.10 reads as follows –

*“Require any applicant applying for a discharge permit that proposes the discharge of contaminants to water to consider all potential receiving environments and adopt the best practicable option, having regard to:*

*(a) the nature of the contaminants;*

*(b) the relative sensitivity of the receiving environment;*

*(c) the financial implications and effects on the environment of each option when compared with the other options; and*

*(d) the current state of technical knowledge and the likelihood that each option can be successfully applied”.*

556. There are four submissions<sup>28</sup> that support Policy 15.1.10 and seek its retention as notified.

557. Fish and Game (509.180) seek amendments to the Policy to ensure that only the best practicable option is adopted, but do not state any specific changes in the text of the Policy or explanation. The submitters offer no explanation or justification for the amendments sought. The Policy and explanation are clear that the applicant has to demonstrate that discharging to water is the best practicable option, the writers are not clear on what more the submitter is seeking.

558. Ngāi Tahu (1189.107) seek an amendment to the Policy to insert a new matter after (d) for an applicant to have regard to as follows – ***“Whether the contaminant should be released in water”***. The submitter is of the view that in a number of instances, it may be that adverse effects on cultural values can be avoided by discharging to land instead of water. In the writer’s view, without reference to cultural values or iwi, the amendment sought would not address the issue raised by the submitter. Irrespective of this, it is the writer’s opinion that the matter is appropriately addressed in Policy 15.1.11, which requires that when a discharge permit application is considered, regard will be had to *“the potential adverse effects of the discharge on spiritual and cultural values of Marlborough’s tangata whenua iwi”*. The explanation to Policy 15.1.11 signals that it is preferable for applicants to consult with iwi as part of their assessment of environmental effects.

559. EDS (698.100) seek an amendment to the Policy to insert a new matter after (a) for an applicant to have regard to as follows – ***“the contribution of those contaminants to the overall load limit”***. EDS is of the view that the contribution of an activity to the overall load should be a factor in determining grant of a discharge permit or permit conditions. The writers agree with the submitters reason but not the relief sought. Contribution to the overall load limit should be a factor considered by planners and decisions makers assessing the application, however it is an unreasonable expectation to place on an applicant at this time when no specific limits have been set.

### *Recommendations*

560. It is recommended that the Fish and Game **submission point 509.180 is rejected** as the submitter’s concerns appear to be addressed in the notified provision and it is not clear what else is being sought.

561. It is recommended that the EDS **submission point 698.100 is rejected** as the amendment sought places an unreasonable expectation on an applicant when cumulative contaminant limits have not yet been set in the MEP.

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<sup>28</sup> 424.123 (M & K Gerard), 479.134 (DOC), 496.048 (Forest and Bird) and 1004.017 (Oil Companies)

562. It is recommended that the Ngāi Tahu **submission point 1189.107 is rejected** as, in the writer's view, the amendment sought does not address the issue raised, and the concerns are appropriately addressed in the subsequent policy.

### Policy 15.1.11

563. Policy 15.1.11 reads as follows –

*“When considering any discharge permit application for the discharge of contaminants to water, regard will be had to:*

- (a) the potential adverse effects of the discharge on spiritual and cultural values of Marlborough’s tangata whenua iwi;*
- (b) the extent to which contaminants present in the discharge have been removed or reduced through treatment; and*
- (c) whether the discharge is of a temporary or short term nature and/or whether the discharge is associated with necessary maintenance work for any regionally significant infrastructure”.*

564. There are two submissions<sup>29</sup> that support Policy 15.1.11 and seek its retention as notified.

565. The Okiwi Bay Ratepayers (269.002) seek an amendment to (a) to incorporate European values along with the spiritual and cultural values of iwi. The submitter is of the view that the scope of the Policy should be broadened to provide for all users of the Marlborough Sounds and not just the spiritual and cultural values of Marlborough’s tangata whenua iwi as the Sounds has a long history of European occupation and use and these values also needs to be provided for. The writers are not clear what “European” values are sought to be provided for, and therefore how they would be provided for. It is also not clear what “European” values would not be provided for through other policies, particularly around meeting water quality standards. It is clear from the explanation the consultation with the iwi that are kaitiaki for the area relevant to the discharge would establish the relevant iwi values and therefore enable an applicant to include them in its assessment of environmental effects – how would an applicant establish the “European” values that need to be considered? Who would an applicant consult with? Would every application need to be publicly notified given the difficulty in identifying all users of the Sounds? Without further information from the submitters to address these matters, the writers cannot support the submission.

566. The EDS submission (698.101) seek amendments to the Policy as follows –

*“When considering any discharge permit application for the discharge of contaminants to water, regard will be had to:*

*(a) **the factors in policy 15.1.10;***

~~*(a)*~~*(b) the potential adverse effects of the discharge on spiritual and cultural values of Marlborough’s tangata whenua iwi;*

***(c) the potential for adverse effects on ecosystem health including in combination with other permitted discharges;***

~~*(b)*~~*(d) the extent to which contaminants present in the discharge have been removed or reduced through treatment; and*

~~*(c)*~~*(e) whether the discharge is of a temporary or short term nature and/or whether the discharge is associated with necessary maintenance work for any regionally significant infrastructure”.*

EDS is of the view that there should be a link between this Policy and the factors in Policy 15.1.10 which also go to the acceptability of the discharge. It should also specifically identify the potential for adverse effects on ecosystem health of the activity itself and in combination with other activities. This is necessary to ensure an integrated approach is applied. The writers disagree with the necessity to link to Policy 15.1.10, it suggests that under the notified provisions, an applicant would have to respond to Policy 15.1.10 in their application but then decision makers would disregard it, which is implausible. In addition, Policy 15.1.12 makes it clear that both Policies 15.1.10 and 15.1.11 will be considered in decision making. With regards to (c), the writers are not clear on what the submitter is

<sup>29</sup> 496.049 (Forest and Bird) and 1004.018 (Oil Companies)



seeking to achieve with this addition, particularly whether the reference to “permitted discharges” is meant to mean Permitted Activity discharges, discharges permitted by consent, or both.

567. The Fishing Industry submission (710.048) seeks an amendment to (b) of the Policy as follows –

*“(b) the extent to which contaminants **and sediment** present in the discharge have been removed or reduced through treatment; and”*

The submitters are of the view that Policy 15.1.11 does not address the need to reduce the sediment loading of discharges. Fishing Industry states that, while the definition of 'contaminants' includes suspended sediments, they consider that given the significance of adverse effects of sedimentation in Marlborough, this matter should be emphasised in Policy 15.1.11. They further note that the NZCPS distinguishes between contaminants and sediment loadings - for example, see NZCPS Policies 22 and 23. The writers are satisfied that the definition of “contaminant” in the RMA, which is the default for the MEP, includes sediment and potentially specifying it in the manner proposed could suggest sediment is not a contaminant. In our view the policies of the NZCPS do not distinguish between contaminant and sediment in the manner suggested by the submitter, Policy 23 applies to the discharge of contaminants (and does not exclude sediment), and Policy 22 is based around sediment generation as an effect of land use activities.

568. The KiwiRail submission (873.065) seeks an amendment to (c) of the Policy as follows –

*“(c) whether the discharge is of a temporary or short term nature and/or whether the discharge is associated with necessary maintenance **or replacement** work for any regionally significant infrastructure”.*

The submitters are of the view that (c) needs to be extended to include replacement work, to ensure that regionally significant infrastructure can continue to operate. The discharge will remain short-term as a result of either maintenance or replacement activities, and therefore the effects are consistent with those anticipated by the Policy. The wording change provides clarity that replacement can also occur. The writers support this amendment as it is limited to necessary replacement work and it is still within the context of requiring a resource consent to be obtained in order to conduct the activity.

569. The Transpower submission (1198.032) seeks an amendment to (c) of the Policy as follows –

*“(c) whether the discharge is of a temporary or short term nature and/or whether the discharge is associated with necessary ~~maintenance~~ work for any regionally significant infrastructure”.*

The submitters are of the view that the Policy should be expanded to also address the operation, upgrade and development of the National Grid in order to give effect to Policies 2 and 5 of the NPSET. The writers are concerned at the potential broad application of this part of the Policy should the changes be adopted as (c) applies to all regionally significant infrastructure, not just that linked to the NPSET. Also, the Policy as notified, and as it would be written if the KiwiRail submission is accepted, is limited to giving particular consideration to the maintenance or replacement of existing infrastructure, the amendment sought by Transpower shifts this significantly to consider new infrastructure. In the writer's view, a decision maker has to have regard to any relevant national direction and therefore the NPSET will be appropriately considered in the determination of any application, and this is where the emphasis should be for new infrastructure.

### *Recommendations*

570. It is recommended that the Okiwi Bay Ratepayers **submission point 269.002 is rejected** as there is insufficient information to understand how the Policy could be amended and implemented to address the submitters concerns, and it is likely other policies will protect values held by the wider community.
571. It is recommended that the EDS **submission point 698.101 is rejected** as the writers do not share the submitters view that there should be a link between this Policy and Policy 15.1.10. With regards to the addition of (c) to the Policy, the writers seek further information to better understand the issue the submitter is seeking to resolve, and clarification of the meaning of the text itself.
572. It is recommended that the Fishing Industry **submission point 710.048 is rejected** as the clarification is not necessary given the definition of “contaminant” and the amendment has the potential to confuse Plan users.
573. It is recommended that the KiwiRail **submission point 873.065 is accepted** as the wording change is appropriate as it is limited to necessary replacement work and it is still within the context of requiring a

resource consent to be obtained in order to conduct the activity, therefore the effects on water quality can still be considered. It is recommended that (c) of Policy 15.1.11 is amended as follows –

*“(c) whether the discharge is of a temporary or short term nature and/or whether the discharge is associated with necessary maintenance **or replacement** work for any regionally significant infrastructure”.*

574. It is recommended that the Transpower **submission point 1198.032 is rejected** as the wording change significantly changes the intent of the Policy and the matters raised should be addressed through a decision makers determination of an application relative to national direction. The recommendation that the KiwiRail submission on the same aspect of the Policy may go some way to addressing the submitters concerns.

### Policy 15.1.12

575. Policy 15.1.12 reads as follows –

*“After considering Policies 15.1.10 and 15.1.11, approve discharge permit applications to discharge contaminants into water where:*

*(a) the discharge complies with the water quality classification standards set for the waterbody, after reasonable mixing; or*

*(b) in the case of non-compliance with the water quality classification standards set for the waterbody:*

*(i) the consent holder for an existing discharge can demonstrate a reduction in the concentration of contaminants and a commitment to a staged approach for achieving the water quality classification standards within a period of no longer than five years from the date the consent is granted; and*

*(ii) the degree of non-compliance will not give rise to significant adverse effects”.*

576. There are three submissions<sup>30</sup> that support Policy 15.1.12 and seek its retention as notified.

577. The Fish and Game submission (509.182) seeks amendments to the Policy that ensure that discharge permits for contaminants are only granted where the criteria stated in the Policy are met. The submitters provide no reason or justification for the amendments sought, or any specific wording changes. In the writers view the Policy does what the submitter is seeking and no amendments are necessary. The Policy states the circumstances (criteria) in which applications will be approved (granted).

578. The EDS submission (698.102) seek amendments to the Policy as follows –

*“After considering Policies 15.1.10 and 15.1.11, approve discharge permit applications to discharge contaminants into water **only** where:*

*(a) the discharge **in combination with all other discharges** complies with the water quality classification standards set for the waterbody, after reasonable mixing; or*

*(b) **in FMUs where a contaminant(s) is over-allocated:***

***(i) only in situations where the discharge is associated with an existing use; and***

***(ii) how discharge of that contaminant will be progressively reduced over the term of the permit.***

~~*(b) in the case of non-compliance with the water quality classification standards set for the waterbody:*~~

~~*(i) the consent holder for an existing discharge can demonstrate a reduction in the concentration of contaminants and a commitment to a staged approach for achieving the water quality classification standards within a period of no longer than five years from the date the consent is granted; and*~~

~~*(ii) the degree of non-compliance will not give rise to significant adverse effects”.*~~

EDS is of the view for water quality limits to be achieved the MEP should not provide for grant of a discharge permit unless it can be sure that the limits will be respected. The addition of “only” into the policy makes that clear. The policy needs to clarify that the application itself must not only comply with

<sup>30</sup> 479.135 (DOC), 496.050 (Forest and Bird) and 1004.019 (Oil Companies)

quality standards but the application in combination with all other discharges. In over-allocated FMUs further permits should not be allowed until contaminant levels are brought below the limit. Only then will there be head room for new activities and uses. Any discharge permit for existing in over-allocated catchments should be required to reduce discharge amounts over the term of the permit. As has been discussed elsewhere in this report, the Council has not established cumulative contaminant limits or associated FMUs and provisions, therefore the most of changes sought are not appropriate at this time. The amendments to the other parts of the Policy would change the some of the intent of the Policy to provide some recognition that there are some specific circumstances where non-compliance with the water quality standards should not be a barrier to the granting of consent. In the case of (b)(i), it is clear that the non-compliance is not acceptable however a timeframe of 5 years is provided to reduce contamination from an existing discharge to meet the standards, this approach is consistent with several provisions in the MEP that provide time for compliance to be achieved. With regards to (b)(ii), the explanation discusses why this part of the Policy is important, however to perhaps give an example to assist with understanding, the natural sediment load of the Awatere River is so high at times that the river would not meet the water quality standards, an application for a discharge should be considered relative to this circumstance and not refused because of it.

579. The Ngāti Kuia submission (501.071) seeks the deletion of the Policy in its entirety as it suggests point source discharges are appropriate. Clearly the MEP reflects the Council's view that point source discharges should be provided for, and this is not inconsistent with the RMA. It is appreciated that the submitter likely has a fundamental position that has a strong cultural basis, which is not in line with the Council's approach. The writer's do not recommend this submission is accepted, however Ngāti Kuia may provide more context to their submission at the hearing.

### *Recommendations*

580. It is recommended that the Fish and Game **submission point 509.182 is rejected** as the Policy already reflects the relief sought without being amended.
581. It is recommended that the EDS **submission point 698.102 is rejected** as the writers do not support the amendments relative to limits as limits have not yet been set. Further, the writers consider that part (b) of the Policy is appropriate for meeting water quality standards over the longer term.
582. It is recommended that the Ngāti Kuia **submission point 501.071 is rejected** as the writer's support the Councils suite of provisions supporting point source discharges under appropriate circumstances.

### Policy 15.1.14

583. Policy 15.1.14 reads as follows –

*“Except as provided for by Policy 15.1.15, apply a zone of reasonable mixing to the receiving waters for all point source discharges to water. The zone shall not exceed (as measured from the discharge point):*

*(a) For rivers and streams, the lesser of:*

- (i) a distance downstream equal to seven times the width of the river (allowing for low flows); or*
- (ii) 200 metres downstream.*

*(b) For rivers subject to tidal influence at the point of discharge:*

- (i) as for rivers in 15.1.14(a), plus a distance upstream equal to half of that allowed downstream.*

*(c) For lakes and wetlands (with open standing water):*

- (i) within a radius of 100 metres of the discharge point.*

*(d) For coastal waters, limited to the extent necessary to achieve effective mixing, having regard to:*

- (i) the characteristics of the discharge, including the contaminant type, concentration and volume;*
- (ii) the coastal processes that exist at and near the point of discharge; and*
- (iii) the nature, sensitivity and use of the coastal waters”.*

584. There are two submissions<sup>31</sup> that support Policy 15.1.14 and seek its retention as notified.
585. L Neame's submission (45.002) seeks the removal of wetlands from (c) in the Policy, or a reduction in the zone of reasonable mixing from 100m to 10m. The submitter is of the view that a 100m radius is a very large area for a mixing zone in a wetland as there is little or no water movement in a lot of wetlands. The mixing zone in wetlands should be much smaller or removed altogether. The writers agree with the submitters suggestion to reduce the zone of reasonable mixing from 100m to 10m for wetlands to 10m. The specific wording changes are in recommendations below, however the Panel may want to consider making a consequential change to the definition of "reasonable mixing" for consistency.

#### *Recommendations*

586. It is recommended that L Neame's **submission point 45.002 is accepted** as the smaller zone of reasonable mixing would be more appropriate for wetlands. It is recommended that (c) of Policy 15.1.14 be amended as follows –

*(c) For lakes and wetlands (with open standing water):*

*(i) within a radius of 100 metres of the discharge point **for lakes, and 10 metres of the discharge point for wetlands.***"

#### Policy 15.1.15

587. Policy 15.1.15 reads as follows –

*"With the exception of stormwater discharges, the water quality classification standards will be met at the point of discharge, where a discharge is:*

*(a) within one kilometre upstream of an intake for a registered drinking water supply from a river; or*

*(b) to a river where the receiving waters are to be maintained in a natural state; or*

*(c) within 500 metres of any marine farming activity in freshwater or coastal waters".*

588. There are three submissions<sup>32</sup> that support Policy 15.1.15 and seek its retention as notified.
589. The Ngāti Kuia submission (501.072) and the Fish and Game submission (509.184) seek the removal of the exception for stormwater discharges from the Policy as, in their view, there should not be this exception as all discharges need to meet the water quality classifications standards at the point of discharge. Although stormwater in normal circumstances is likely to contain less contaminants than other types of contaminant discharges, the submitters make the point that nothing in the policy discusses the level of contamination for stormwater. However, Policies 15.1.8 to 15.1.13 still apply to the consideration of the effects of discharge permit applications for stormwater. The RMA provides for the use of mixing zones, effectively a zone of non-compliance. For example, Section 107 of the RMA directs that discharge permits should not be granted if certain effects occur. However, that legal test applies after reasonable mixing. Policy 15.1.14 provides guidance for the sizing of mixing zones. Policy 15.1.15 identifies that there are particularly sensitive environments for which a mixing zone is inappropriate. There is also policy guidance on the use and sizing of mixing zones in the operative plans.
590. The submitters seek all discharges to comply with water quality standards at the point of discharge. The relief requested would effectively require increased levels of treatment to meet the water quality standards at the point of discharge in all instances. No assessment of the costs associated with the increased level of treatment has occurred. Given that the RMA specifically provides for the use of mixing zones, and taking into account the unknown costs of implementing this policy shift, it is not recommended that Policy 15.1.15 be changed. It is important to note that there are implications of any such policy shift should the Panel be of a mind to consider it. For example, if mixing zones were not to be utilised, then Policy 15.1.14 would become redundant. The standards for the discharge of contaminants to water in the permitted activity rules (see 2.17 of Volume 2) apply after reasonable mixing. If the panel was to accept the submissions then it would also have to consider a consequential change to the standards in 2.17.

<sup>31</sup> 496.052 (Forest and Bird) and 509.183 (Fish and Game)

<sup>32</sup> 496.053 (Forest and Bird), 1002.072 (NZTA) and 1004.020 (Oil Companies)

591. The Fishing Industry submission (710.049) seeks an amendment to (c) of the Policy as follows –

*“(c) within 500 metres of any **habitat of particular significance for fisheries management or marine farming activity in freshwater or coastal waters**”.*

The submitter is of the view that a discharge near habitat of particular significance for fisheries management should similarly be required to meet water classification standards at the point of discharge. Discharges of contaminants can adversely affect fisheries habitat, especially through sedimentation, and this has an adverse effect on the productivity of fisheries resources. Recognising these impacts will help the Council to implement its obligation to achieve integrated management with respect to fisheries. While the writers accept that the discharge of contaminants can adversely affect fisheries habitat as is highlighted in the submission, the submitter does not elaborate as to what a habitat of significance for fisheries management is in practice. Without this explanation it is difficult to consider whether the relief requested should be accepted. The submitter is encouraged to provide further information at the hearing.

### *Recommendations*

592. It is recommended that the Ngāti Kuia **submission point 501.072** and the Fish and Game **submission point 509.184 are rejected** as the RMA specifically provides for the use of mixing zones, and the costs of implementing this policy shift are unknown.

593. It is recommended that the Fishing Industry **submission point 710.049 is rejected** as the submitter does not elaborate as to what a habitat of significance for fisheries management is in practice, and without this explanation it is difficult to consider whether the relief requested should be accepted.

### Policy 15.1.16

594. Policy 15.1.16 reads as follows –

*“The duration of any new discharge permit will be either:*

*(a) Up to a maximum of 15 years for discharges into waterbodies or coastal waters where the discharge will comply with water quality classification standards for the waterbody or coastal waters; or*

*(b) up to ten years for discharges into rivers identified in Policies 15.1.4, 15.1.5, 15.1.6 or 15.1.7 (where the water quality is to be enhanced) and the discharge will comply with water quality classification standards for the waterbody or coastal waters; or*

*(c) no more than five years where the existing discharge will not comply with water quality classification standards for the waterbody or coastal waters.*

*With the exception of regionally significant infrastructure, no discharge permit will be granted subsequent to the one granted under (c), if the discharge still does not meet the water quality classification standards for the waterbody or coastal waters”.*

595. There is one submission<sup>33</sup> that supports Policy 15.1.16 and seeks its retention as notified.

596. The Federated Farmers submission (425.295) seeks the removal of the last sentence of the Policy as follows –

~~*“With the exception of regionally significant infrastructure, no discharge permit will be granted subsequent to the one granted under (c), if the discharge still does not meet the water quality classification standards for the waterbody or coastal waters”.*~~

The submitter is of the view that it is inappropriate for Council to expect one standard of the community and private landowners and another for themselves, so this Policy needs to be amended so that it is equitable for all concerned. In the writers view the submitter has misunderstood the main purpose of the section it seeks to delete. The deletion would mean that, under (c), discharge permits that did not meet water quality standards could potentially be perpetually granted 5 year consents, which would not assist in meeting water quality objectives. If the submitter had sought the removal of

<sup>33</sup> 496.054 (Forest and Bird)

the exception for regionally significant infrastructure, that may have perhaps reflected its reasoning more accurately. However, if that was the case, it would still not be supported by the writers as, contrary to comments in the submission, regionally significant infrastructure does not only include Council infrastructure and there are other national directions such as the NPSET that are relevant considerations. Regardless, discharge permits for regionally significant infrastructure would still only get 5 year permits under this Policy if they do not comply with water quality classification standards, which will provide a regular opportunity to assess the activity relative to all the relevant provisions, not just Policy 15.1.16.

597. The Ngāti Kuia submission (501.073) states that discharges that do not meet the standards should not be approved at all, it has been inferred that they seek the removal of (c) from the Policy. The writers support the Council's approach of giving existing discharge permit holders for discharges that do not meet water quality standards 5 years to resolve this non-compliance. This approach is consistent with other provisions in the MEP that give resource users time to become compliant when their activity was previously lawful and changes are likely to have an economic impact on the consent holder.
598. The Chamber's submission (961.057) does not seek any specific relief however in addition to supporting (c) of the Policy it can be inferred that the submitter seeks the duration of consent under (a) and (b) to be change to 3 to 5 years. The submitter questions whether it would not be more practical, given the changes in the international, world and local environment requirements and regulations to have a shorter time period. The writers are not clear which requirements/regulations the submitter is referring to, and note that significantly reducing the durations in this Policy is likely to be at a substantial ongoing cost to resource users, which has not been assessed by the submitter. Without further information, the writers are not in a position to recommend this submission is accepted.
599. Trustpower Limited's submission (1201.106) seeks the following amendment to the Policy –

***“With the exception of regionally significant infrastructure the ~~The~~ duration of any new discharge permit will be either:.....”.***

The submitter has concerns that the duration for a discharge permit to discharge water from a hydro-electric generation scheme may be unduly restricted and, in this regard, it is appropriate that for regionally significant infrastructure consideration is given to the need for investment certainty, as well as the cost associated within re-consenting such activities on a regular basis. With the limited information provided, the writers are of the view that the submitters activity would likely be a diversion under the MEP and therefore would be address through the provisions of Chapter 5, not Chapter 15. If the nature of the activity is specifically a discharge, then the writers are comfortable with Policy 15.1.16 being the basis of determining duration, and the Policy as written better assists the Council in achieving implementation of the NPSFM. The 15 year duration in (a) of this Policy confirms the Council's practice prior to the notification of the MEP.

600. The Fulton Hogan Limited submission (717.056) seeks the removal of this Policy in its entirety as it is of the view that setting maximum consent durations through a policy without considering both the potential effects and benefits of an activity is presumptuous and does not promote sustainable management. The writers do not share this view and believe policies such as this are generally supported by resource users as they give some certainty around consent duration and the circumstances in which certain durations will be applied.
601. The Fish and Game submission (509.185) seeks amendments to (c) of the Policy to reflect that this applies only to existing discharges seeking new consent and that they are required to comply with Policy 15.1.15 for improvement over time to meet standards. The policy needs to reflect that no new consents will be granted and that consents will not be granted where no improvements are being made. The writers are not entirely clear exactly what amendments the submitter seeks to the Policy as no wording changes were provided and some matters raised are already catered for, i.e. the explanation makes it clear (c) only relates to existing consent holders seeking replacement consents and the last sentence of the Policy is clear that in most circumstances consents applications subsequent to those granted under (c) will not be granted if the activity still does not meet water quality standards. The writers are of the view that an explicit link to Policy 15.1.15 is not necessary as a decision makers is required to consider all relevant provisions, which would include both 15.1.15 and 15.1.16.

602. The Oil Companies submission (1004.021) seek the following amendments to the Policy and paragraph one of the explanation to the Policy –

*“The duration of any new discharge permit will be either:*

*(a) **Up to 35 years where the quality and/or nature of the discharge is such that the risk associated with the discharge is low; or***

*~~(a)~~(b) **Up to a maximum of 15 years for discharges into waterbodies or coastal waters where the discharge will comply with water quality classification standards for the waterbody or coastal waters; or***

*~~(b)~~(c) **up to ten years for discharges into rivers identified in Policies 15.1.4, 15.1.5, 15.1.6 or 15.1.7 (where the water quality is to be enhanced) and the discharge will comply with water quality classification standards for the waterbody or coastal waters; or***

*~~(c)~~(d) **no more than five years where the existing discharge will not comply with water quality classification standards for the waterbody or coastal waters.***

*With the exception of regionally significant infrastructure, no discharge permit will be granted subsequent to the one granted under (c), if the discharge still does not meet the water quality classification standards for the waterbody or coastal waters.*

*To provide greater certainty to resource users, the policy identifies the appropriate duration for discharge permit applications if they are to be granted. The duration varies depending on **a risk assessment determined by** compliance ~~with~~ water quality classification standards and the state of water quality in the waterbody or coastal waters **or by the standard of the discharge, which could be measured by, for example, industry codes of practice or Ministry for the Environment Guidelines.** Longer durations are warranted where compliance with water quality classification standards will be achieved and there is currently no water quality issue, **or where the quality of and/or nature of the discharge presents an acceptable and low risk to water quality.** ~~While~~ short term consents will occur where water quality classification standards cannot be met. In the latter case, Policy 15.1.12 identifies that consent holders only have five years to achieve compliance with water quality classification standards, hence the requirement in (c) above”.*

603. The Oil Companies are of the view that the RMA provides for discharge consents to be granted for a period up to 35 years, and that where risks associated with discharges are low and considered acceptable, for example, due to compliance with industry codes of practice and/or Ministry for the Environment guidelines, it is unnecessary and unreasonable to limit the grant of consent to a maximum period of 15 years. The NPSFM has an objective of maintain or improving the overall state of water quality, and one of the means of achieving this objective is the National Objectives Framework. This framework establishes freshwater attributes and attributes states in order to ensure that water quality is suitable for national values and other values. The framework is subject to ongoing review and the attributes and attribute states are likely to be changed and added to over time. In this current planning environment, it is considered appropriate to limit duration to less than 35 years. This will allow any adjustments to discharge permits necessary to achieve the National Objectives Framework to be made in a timely fashion. It is noted that any discharge permit to water granted under the MEP is likely to expire after the next statutory review of the MEP. Through this review process, the effectiveness and efficiency of Policy 15.1.16 will be assessed. Any change in direction with respect to discharge permit duration can be applied at the time of that reconstituting. In addition, up to the notification of the MEP, the Council had a practice of granting discharge permits for periods up to 15 years, and Policy 15.1.16 confirms that practice. For these reasons, it is not recommended that the Policy be amended at this point in time.

### *Recommendations*

604. It is recommended that the Federated Farmers **submission point 425.295 is rejected** as the amendment sought would mean that, under (c), discharge permits that did not meet water quality standards could potentially be perpetually granted 5 year consents, which would not assist in meeting water quality objectives.
605. It is recommended that the Ngāti Kua **submission point 501.073 is rejected** as writers support the approach of providing resource users time to become compliant when their activity was previously lawful and changes are likely to have an economic impact on the consent holder.

606. It is recommended that the Chamber's **submission point 961.057 is rejected** as there is insufficient information in the submission to understand the concerns the submitter is seeking to resolve with the amendments, and the changes could come at significant cost to resource users, which has not been assessed by the submitter.
607. It is recommended that the Trustpower Limited **submission point 1201.106 is rejected** as it is likely that the activity described by the submitter would not be subject to this Policy, and regardless, this Policy is more appropriate as written with regards to the Council achieving implementation of the NPSFM.
608. It is recommended that the Fulton Hogan Limited **submission point 717.056 is rejected** as the writers prefer the Council's approach of providing resource consent applicants with some certainty around consent duration and the circumstances in which certain durations will be applied.
609. It is recommended that the Fish and Game **submission point 509.185 is rejected** as the writers believe some matters raised are addressed in the Policy, and others are not necessary as all relevant policies will be considered by decision makers.
610. It is recommended that the Oil Companies **submission point 1004.021 is rejected** as it would not assist the Council in implementing the NPSFM, and it is likely any discharge permit will expire after the next statutory review of the MEP so the effectiveness and efficiency of Policy 15.1.16 will have been assessed and any change in direction with respect to discharge permit duration can be applied at the time of reconsenting.

### Policy 15.1.17

611. Policy 15.1.17 reads as follows –

*“Review, where appropriate, the conditions of existing discharge permits to impose new conditions requiring the monitoring of the discharge effects to determine compliance with the water classification standards”.*

612. There are two submissions<sup>34</sup> that support Policy 15.1.17 and seek its retention as notified.
613. The Fish and Game submission (509.186) seeks amendments the Policy to ensure that all existing discharge permits are reviewed where conditions requiring monitoring are not already included, no reason is provided for the decision sought, or specific wording changes. The writers oppose an amendment of this nature as it is likely there are many discharge permits for which there are no concerns about non-compliance with water quality standards due to the nature of the activity, and it would potentially be a significant use of consent holders and Council's resources to review every permit regardless for possibly little benefit to the environment. A targeted approach is preferred by the writers.
614. The Trustpower Limited submission (1201.107) seeks the following amendment to the –

*“Review, where appropriate, the conditions of existing discharge permits **which directly affect water quality** to impose new conditions requiring the monitoring of the discharge effects to determine compliance with the water classification standards”.*

The submitter considers that reviews undertaken as a result of this Policy should be limited to where the discharge permit is known to contribute to the degradation of water quality. That is, where the discharge does not impact water quality (i.e. as it does not add any extra component to the discharge that may impact on its quality) then that permit should not be subject to this Policy. In the writers view the amendment is unnecessary as the Policy is clear that the purpose of the review is to determine compliance with water classification standards, therefore the permit must have the potential to affect water quality to activate this Policy.

615. The Fonterra submission (1251.108) seeks the removal of this Policy in its entirety as it is of the view that the ability to review conditions of resource consents is consistent with section 128 of the RMA, however, given that it is only restating the statutory responsibilities on MDC, it is not necessary to include this Policy. The writers see value in signalling to resource users, wherever possible, when a

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<sup>34</sup> 479.136 (DOC) and 496.055 (Forest and Bird)



s128 review may be conducted and fail to see a downside for the farmers represented by the submitter in obtaining some certainty in this regard.

### *Recommendations*

616. It is recommended that the Fish and Game **submission point 509.186 is rejected** as the amendments sought have the potential to use substantial resources for little environmental benefit, therefore a targeted approach is more efficient.
617. It is recommended that the Trustpower Limited **submission point 1201.107 is rejected** as the concerns raised are adequately accounted for in the Policy as notified and the amendment is unnecessary.
618. It is recommended that the Fonterra **submission point 1251.108 is rejected** as the Policy provides some certainty to resource users and there is nothing in the submission that persuades the writers that there is a benefit gained in removing it from the MEP.

### Policy 15.1.18

619. Policy 15.1.18 reads as follows –

*“Avoid the discharge of untreated human sewage to waterbodies or coastal waters”.*

620. There are five submissions<sup>35</sup> that support Policy 15.1.18 and seek its retention as notified.
621. The Ngāti Kuia submission (501.074) seeks the amendment of the Policy to replace the word “*Avoid*” with the word “*Prohibit*”, there is no reason or discussion as to why this change is sought by the submitter. In the absence of any justification for the change, the writers are not persuaded to support the relief sought.
622. The Yachting NZ Incorporated submission (503.005), the Marlborough Berth and Mooring Association Incorporated submission (960.012), Waikawa Boating Club submission (1233.007), Pelorus Boating Club Incorporated submission (1246.007), all seek an amendment to the Policy along the following lines –

*“Avoid the discharge of untreated human sewage **from land based sources** to waterbodies or coastal waters”.*

The submitters are of the view that the Policy as worded would encompass discharge from ships, and therefore does not make provision for or allow for discharge of sewage from ships, a conflict with Policy 15.1.20 which does anticipate such discharge. R Culbert in his submission (332.002) seeks removal of the Policy from the MEP, however his reasons echo those of the other submitters to this Policy listed above. It is the writers understanding that a similar issue arose in relation to the associated Prohibited Activity rule (16.7.4) and a submission from the Council (91.156) sought an amendment similar to that sought by the submitters to Policy 15.1.18. The Council submission was considered under the Coastal hearing topic and it was recommended that the relief sought was accepted as it reflected the intent of the provision. For the same reason, the writers recommend the relief sought by Yachting NZ Incorporated, Marlborough Berth and Mooring Association Incorporated, Waikawa Boating Club and Pelorus Boating Club Incorporated is accepted but preference is for the wording change to reflect the change sought by the Council on Rule 16.7.4, which was the addition of “**from land based activities**”.

### *Recommendations*

623. It is recommended that the Ngāti Kuia **submission point 501.074 is rejected** as there is no justification for the change sought to persuade the writers that the amended wording would be preferable.
624. It is recommended that the Yachting NZ Incorporated **submission point 503.005**, the Marlborough Berth and Mooring Association Incorporated **submission point 960.012**, the Waikawa Boating Club **submission point 1233.007** and the Pelorus Boating Club Incorporated **submission point 1246.007**

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<sup>35</sup> 424.124 (M & K Gerard), 479.137 (DOC), 496.056 (Forest and Bird), 509.187 (Fish and Game) and 961.059 (Chamber)

**are accepted** with the specific wording change recommended below being the writer's preference. This change would address the submitters concerns, and better reflect the intention of the Policy. It is recommended that Policy 15.1.18 be amended to read as follows –

*“Avoid the discharge of untreated human sewage **from land based activities** to waterbodies or coastal waters”.*

625. It is recommended that the R Culbert **submission point 332.002 is rejected** as it would not be appropriate to remove the Policy in its entirety, and the writers believe the submitters concerns can be addressed through the recommended amendment above.

Prohibited Activity rules under Heading 2.20 (linked to Policy 15.1.18 above)

626. The Prohibited Activity rules under Heading 2.20 has received one submission<sup>36</sup> that supports all of the Prohibited Activity rules and seeks its retention as notified.

627. The DOC submission (479.183) seeks a new Prohibited Activity in the General Rules – Discharge to Water section to read as follows –

***“Discharge of untreated human effluent to water within rivers, lakes or wetlands.”***

The submitter is of the view that a further Prohibited Activity rule is required to ensure Policy 15.1.18 is given effect to as that Policy refers to waterbodies as well as coastal water. Rule 16.7.4 prohibits this activity in the context of coastal waters. The writers are inclined to agree with the submitters, given the policy support provided by Policy 15.1.18, and Prohibited Rule 16.7.4, which partially implements Policy 15.1.18, there does appear to be a gap in the provisions. The only amendment the writers would make, should the Panel be of a mind to accept the submission, is that the new rule reference “Significant Wetlands” rather than “wetlands” to be consistent with the approach taken to all of the rules in the MEP that relate to wetlands. There are no further submissions in opposition to the additional of this Prohibited Activity rule.

*Recommendations*

628. It is recommended that the DOC **submission point 479.183 is accepted** with the specific wording recommended below being the writer's preference. This additional rule would fill a gap in the provisions that give effect to Policy 15.1.18. It is recommended that following new Prohibited Activity rule be added to the Chapter 2 of Volume 2 of the MEP under the Heading 2.20

***“Discharge of untreated human effluent to water within rivers, lakes or Significant Wetlands”.***

Policy 15.1.21

629. Policy 15.1.21 reads as follows –

*“Manage the adverse effects of urban stormwater discharges on water quality by applying management to activities within each urban stormwater catchment in order to reduce the potential for stormwater to become contaminated at source”.*

630. There are five submissions<sup>37</sup> that support Policy 15.1.21 and seek its retention as notified.

631. The Fishing Industry submission (710.050) seeks an amendment to the Policy as follows –

*“Manage the adverse effects of urban stormwater discharges on water quality by applying management to activities within each urban stormwater catchment in order to reduce the potential for stormwater to become contaminated **or entrain sediment loadings** at source”.*

The submitter is of the view that the Policy does not address the need to reduce the sediment loading of urban stormwater discharges, and that the MEP requires a stronger focus on reducing sedimentation in coastal waters. The writers are satisfied that the definition of “contaminant” in the RMA, which is the default for the MEP, includes sediment and potentially specifying it in the manner proposed could suggest sediment is not a contaminant.

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<sup>36</sup> 479.182 (DOC)

<sup>37</sup> 425.297 (Federated Farmers), 496.059 (Forest and Bird), 1002.069 and 1002.073 (NZTA) and 1004.022 (Oil Companies)

632. The NZDF submission (992.019) seeks amendment to the Policy to better provide for stormwater from various areas within the district, including from the Airport Zone (specific wording changes not provided). The submitter is of the view that the management of stormwater in the district should not be restricted to urban areas and it should be managed across all areas of the district, including from Base Woodbourne, which is in the Airport Zone. This Policy addresses the specific issue of urban stormwater catchments, and the explanation to the Policy explains that control can only apply at the point of discharge under the RMA and that the contaminants present in urban stormwater are sourced from the properties connected to the reticulated network. The Policy seeks to apply management to land use activities and land management practices within the catchment serviced by the stormwater infrastructure. The policy framework does not ignore stormwater discharges from other sources, in particular, Policies 15.1.8 to 15.1.16 still apply to any point source discharge to water, including stormwater. Policy 15.1.21 merely recognises the unique constraints on managing the adverse effects of stormwater discharges on receiving waters in urban environments and proposes additional management to reflect these unique circumstances. It is noted that the submitter misunderstood a Permitted Activity rule enabling the discharge of stormwater and assumed a constraint on the Airport Zone that did not exist, it is possible that the submission on Policy 15.1.21 may reflect a general view, contributed to by that misunderstanding, that stormwater discharge in the Airport Zone has not been adequately considered.
633. The Fish and Game submission (509.188) seeks the removal of this Policy in its entirety as it is of the view that it is inappropriate to allow degradation beyond the limits, standards and freshwater objectives. The writers do not understand the submitters interpretation of this Policy, the Policy is about reducing contamination through management of inputs to stormwater, preventing degradation of water quality by going to the potential source of contamination.

### *Recommendations*

634. It is recommended that the Fishing Industry **submission point 710.050 is rejected** as the clarification is not necessary given the definition of “contaminant” and the amendment has the potential to confuse Plan users.
635. It is recommended that the NZDF **submission point 992.019 is rejected** as the amendment sought is not consistent with the intent of the Policy and there are other provisions consider stormwater discharges beyond the urban setting.
636. It is recommended that the Fish and Game **submission point 509.188 is rejected** as the removal of this Policy would potentially contribute to the effect that the submitters seem to view as existing because of the Policy.

### Method 15.M.9

637. Method 15.M.9 reads as follows –

*“Stormwater Management Area Plans - The Council will investigate the nature, extent and sources of contamination of urban stormwater discharges and consider possible means of reducing contaminant levels. This will be achieved through the development and implementation of Stormwater Management Area Plans. These Plans will be developed progressively and implemented for each urban stormwater catchment. It is expected that Stormwater Management Area Plans will form the basis of discharge permit applications to continue discharging stormwater into water”.*

638. There are two submissions<sup>38</sup> that support Method 15.M.9 and seek its retention as notified.
639. The Fishing Industry submission (710.051) seeks an amendment to the Method to include reference to reduction of sediment levels using Stormwater Management Area Plans. No discussion is provided around the amendment sought however it reflects similar submissions on other provisions in Chapter 15. The writers maintain their view that the definition of “contaminant” in the RMA, which is the default for the MEP, includes sediment, and therefore no amendment of this Method is necessary. The method puts emphasis on investigating the nature, extent and sources of urban stormwater contamination and until those investigations have occurred, it is considered inappropriate to focus on any one particular type of contaminant.

<sup>38</sup> 1002.070 (NZTA) and 1002.074 (NZTA)

640. The Te Ātiawa submission (1186.090) seeks amendment to the Method to include consultation and discussion with Te Ātiawa in the research, preparation, and implementation of Stormwater Management Area Plans. The submitter is of the view that, given the significance of the receiving environments to Te Ātiawa, it is considered appropriate that Te Ātiawa is explicitly included in this method. The writers are of the view that, if an amendment to the Method along the lines sought by Te Ātiawa was to be adopted, that it would not be appropriate to explicitly include Te Ātiawa. All nine Te Tau Ihu iwi have statutory acknowledgements over coastal waters and statutory acknowledgements over waterbodies are held by many iwi, and sometime multiple iwi over a single waterbody. The Stormwater Management Area Plans will be developed by the Assets and Services department of the Council and the writers would prefer that the scope and process of iwi consultation is left with that department to determine as part of the development of the Plans.

### *Recommendations*

641. It is recommended that the Fishing Industry **submission point 710.051 is rejected** as the amendment is not necessary given the definition of “contaminant”, or appropriate ahead of the investigations that will form the basis of the Stormwater Management Area Plans occurring.

642. It is recommended that the Te Ātiawa **submission point 1186.090 is rejected** as the writers are of the view that explicit reference to a single Te Tau Ihu iwi in relation to the development of Stormwater Management Area Plans would not be appropriate, and the wider matter of iwi consultation in relation to this Method should be left to Assets and Services Department processes outside of the MEP.

### Policy 15.1.22

643. Policy 15.1.22 reads as follows –

*“Recognise that the Taylor, Ōpaoa and Waitohi rivers, Waikawa Stream (and some of their tributaries) and coastal waters at Havelock, Picton and Waikawa will continue to receive urban stormwater for the foreseeable future and, with limited options to treat urban stormwater, may on an episodic basis experience reduced water quality to the extent that the management purposes in Policy 15.1.1 are not achieved”.*

644. There is one submission<sup>39</sup> that supports Policy 15.1.22 and seeks its retention as notified.

645. The Ngāti Kuia submission (501.076), Fish and Game submission (509.189) and Te Ātiawa submission (1186.089) all seek removal of this Policy in its entirety. Ngāti Kuia are of the view that it is fair to expect council infrastructure can and should be improved to mitigate the adverse effects of urban development and land uses which are increasingly harmful to aquatic life; Fish and Game consider it is inappropriate to allow degradation beyond the limits, standards and freshwater objectives; and Te Ātiawa are of the view that the Policy sets the context that the Waikawa Stream and Waitohi River, and the coastal environment of Waikawa and Picton will continue to receive urban storm water, and accepting that water quality will be low. And, that the streams and coastal environment identified are of significant cultural value and their continued degradation reflects badly on the identity of Te Ātiawa, its spiritual and cultural relationship with the land and sea. Te Ātiawa does not accept that these areas are to continue to be degraded, exploited, and contaminated.

646. Policy 15.1.22 emphasises that there may be degraded water quality but only on an episodic basis (in response to rainfall events). The explanation makes it clear that it is still important to reduce the level of contaminants in stormwater over time and in this regard, it is important to read Policy 15.1.22 in conjunction with Policy 15.1.21. Policy 15.1.21 commits Council to investigate and address sources of contaminants present in urban stormwater at source, this is also reflected in Method 15.M.9 concerning Stormwater Management Area Plans. Until those Stormwater Management Area Plans are developed and implemented, the Policy recognises the reality that urban stormwater will have an impact on water quality in the receiving waters during and immediately after rainfall events.

### *Recommendations*

647. It is recommended that the Ngāti Kuia **submission point 501.076**, Fish and Game **submission point 509.189** and Te Ātiawa **submission point 1186.089 are rejected** as until the Stormwater Management Area Plans are developed and implemented (Policy 15.1.21 and Method 15.M.9), it is

<sup>39</sup> 496.060 (Forest and Bird)

appropriate to recognise the reality that urban stormwater will have an impact on water quality in the receiving waters during and immediately after rainfall events.

### Controlled Activity Rule 2.18.1

648. Rule 2.18.1 reads as follows –

*“The discharge of stormwater to water from a Council operated stormwater system that services land in Blenheim, Picton, Havelock or the Industrial 2 Zone in Riverlands as at 9 June 2016.*

#### Standards and terms:

*2.18.1.1. The resource consent application required must be received by the Council by 9 June 2021.*

*2.18.1.2. In Blenheim, Picton and Havelock this rule applies when there is land zoned Business 1, Business 3, or Industrial 1 in the catchment served by the Council operated stormwater system.*

#### Matters over which the Council has reserved control:

*2.18.1.3. The duration of the consent.*

*2.18.1.4. Monitoring and reporting on the quality of stormwater discharges and the effect on the receiving environment.*

*2.18.1.5. The effect of the discharge on water quality, relative to the Water Quality Classification Standards in Appendix 5.*

*2.18.1.6. Timeframes for the development of a stormwater management strategy to reduce the level of contaminants present in the stormwater.”*

649. D Wilson’s submission (290.006) seeks that this Controlled Activity rule be changed to a Restricted Activity rule with the following requirements –

*“(a) the resource consent application includes a stormwater management strategy.*

#### Matters for discretion

*1. The contents and implementation of the stormwater management strategy*

*2. Development and implementation of methods, such as catchment specific stormwater management plan(s), in accordance with any relevant objectives identified in this plan, including any relevant whitua specific objectives*

*3. Management of adverse effects, including cumulative effects, on aquatic ecosystem health and mahinga kai, contact recreation and Maori customary use”.*

The submitter is of the view that the Controlled Activity rule makes it too easy for Council get its stormwater discharge consents and excludes discharges from residential areas, and that it should cover the discharge of stormwater into water from a local authority stormwater network (i.e. including residential zones). As this rule only applies to existing discharges the writers are comfortable with the Controlled Activity status. Stormwater discharges from residential areas are provided for as Permitted Activities, and non-compliance with the standards associated with those provisions defaults to a Discretionary Activity where not provided for in Controlled Activity Rule 2.18.1.

650. The Te Ātiawa submission (1186.113) seeks the addition of a matter over which the Council has reserved control as follows – *“cultural values and issues”*. The submission does not elaborate on this addition in a manner that assists the writers to understand how the addition sought would work in the context of this rule, and it is hoped that further information may provided at the hearing.

### *Recommendations*

651. It is recommended that D Wilson’s **submission point 290.006 is rejected** as the writers are of the view that a Controlled Activity status is appropriate in the circumstances, and residential area stormwater discharges are provided for as Permitted Activities.

652. It is recommended that the Te Ātiawa **submission point 1186.113 is rejected** as there is insufficient information in the submission for the writers to understand how the proposed additional matter would work in the context of this rule..

### Policy 15.1.24

653. Policy 15.1.24 reads as follows –

*“Establish a response capability to deal with spills of hazardous substances that enter waterbodies or coastal waters”.*

654. There are two submissions<sup>40</sup> that support Policy 15.1.24 and seek its retention as notified.

655. The NMDHB submission (280.027) seeks a new policy that requires operators to appropriately locate, design, construct and manage treatment and/or spill response facilities (where appropriate) for hazardous substances. And that, the same or similar policy is required in relation to preventing or mitigating the contamination of soils (for instances where activities do not occur on impervious surfaces where stormwater contamination is of more concern). The submitter is of a view that Policy 15.1.24 (and Policy 15.5.5) seeks that agencies involved in any spill of hazardous substances establish a response capability to deal with spills that enter the environment, waterbodies or coastal waters. However, there is no policy which requires the operators of activities (e.g. industrial sites, mobile activities) who use hazardous substances (and who are generally first on the scene to be able to react) to have appropriate treatment and/or spill response facilities to prevent or mitigate the contamination of stormwater, groundwater or surface water. Although regulations under the Hazardous Substances and New Organisms Act 1996 will be primarily relied on (as per Policy 15.5.1), this only relates to the way that hazardous substances are used, stored and transported, not managed in the event of a spill.

656. The Council’s understanding of the regulations promulgated under the legislation is that these matters are considered with respect to the use, storage and transportation and are therefore already addressed effectively through those regulations. There is therefore considered to be no need for land use controls with respect to addressing spills. Any such policy as requested would require Council to exercise discretion over the appropriateness of the spill response facilities and it does not currently retain that expertise on staff. This would make the policy difficult to implement. The submitter has not provided wording for a policy and it would be helpful if the submitter was able to elaborate on the intent and relief requested at the hearing. In particular, more information on the shortcomings of the Hazardous Substances and New Organisms Act 1996 and/or the regulations promulgated under it would be welcomed.

### *Recommendations*

657. It is recommended that the NMDHB **submission point 280.027 is rejected** at this time but the writers would welcome further information from the submitter at the hearing on the intent and relief requested, and in particular, on the shortcomings of the Hazardous Substances and New Organisms Act 1996 and/or the regulations promulgated under it.

### Method 15.M.11

658. Method 15.M.11 reads as follows –

*“Liaison - Liaise with iwi, Nelson Marlborough Fish and Game Council, Department of Conservation, water users and the community to determine the uses and values supported by rivers, lakes, wetlands, aquifers and coastal waters.*

*Liaise with Port Marlborough New Zealand Limited, the Department of Conservation and resort owners to establish accessible pump-out facilities for boaties and public toilets at strategic locations in the Marlborough Sounds.*

*Work with the Marine Farming Association and other organisations collecting coastal water quality information to establish a representative coastal water quality monitoring network, including the sharing of information”.*

659. The NMDHB submission (280.028) seeks that Method 15.M.11 is amended to include the Nelson Marlborough District Health Board as one of the parties to liaise with in determining uses and values of waterbodies. The submitters are of a view that it should be part of this consultation in relation to public health and wellbeing matters. The writers have no concerns about this amendment to the Method.

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<sup>40</sup> 496.062 (Forest and Bird) and 548.086 (AWUG)

### Recommendations

660. It is recommended that the NMDHB **submission point 280.028 is accepted** as the writers have no concerns about this addition to the Method. It is recommended that the first paragraph of Method 15.M.11 is amended to read as follows –
661. *“**Liaison** - Liaise with iwi, Nelson Marlborough Fish and Game Council, Department of Conservation, **Nelson Marlborough District Health Board**, water users and the community to determine the uses and values supported by rivers, lakes, wetlands, aquifers and coastal waters.”*

## Matter 6: Management of non-point source discharges.

662. This matter covers provisions established to cover non-point source discharges. Non-point source discharges are diffuse in nature as they do not enter the environment at a discrete point. Most non-point source discharges are the result of run-off where rain water picks up contaminants such as sediment, nutrients, toxicants and pathogens from land. It is also possible for some of these contaminants to leach into underlying groundwater through infiltration. As such, any non-point source discharge (effectively contaminated runoff) is a consequence of particular land use activities
663. The policies in this section direct that a largely non-regulatory approach will be taken to non-point source discharge, and that this will include working closely with rural industry. There are policies relating to the use of riparian margins and esplanade strips/reserves as tools to mitigate the effects of land use activities that may contaminate water, and/or enable enhancement of water quality. Other policies discuss managing specific activities, such as land disturbance, disturbance of the seabed and riverbed, the establishment of new dairy farms.
664. This matter includes all of the provisions relating to Groundwater Protection Areas – policy, methods, rules (and standards) and maps. These are areas where certain activities have the potential to contaminate municipal water supplies across the region.
665. There are also policies that assist applicants, Council staff and decision makers when applying for, or considering, a resource consent application to know what particular matters should be given regard to, or included in an application.
666. Finally, there are a number of methods and AERs that are also relevant to Matter 6.
667. Below is an assessment of the submissions relating to the management of non-point source discharges. The recommendations for each of the submissions for the whole of Matter 6 are at the end of the Matter 6 section.

## Submissions and Assessment

### Definition – Non-point Source Discharge

668. NZTA (1002.247) have lodged a submission seeking the addition of a definition in the MEP for “*non-point source discharge*” as follows – **“A discharge that runs off land or structures in a diffuse manner for which no specific drainage channels or pipes have been constructed.”** The submitter is of the view that the issues, objectives and policies use the term non-point source discharge but this is not defined in the MEP. This may be a true statement; however, it does not explain why the submitter considers it necessary for the term to be specifically defined in the Definitions of the MEP.
669. The third paragraph of the introduction to the water quality states the following – *“There are two types of contaminant discharge that can affect water quality: “point source” discharges (those that enter water at a definable point, often through a pipe or drain) and “non-point source” discharges (those that enter water from a diffuse source, such as land run-off or infiltration through soils).”* And, the first paragraph of the first policy in the non-point source discharge group of policies states – *“Non-point source discharges are diffuse in nature as they do not enter the environment at a discrete point. Most*

*non-point source discharges are the result of run-off where rain water picks up contaminants such as sediment, nutrients, toxicants and pathogens from land. It is also possible for some of these contaminants to leach into underlying groundwater through infiltration. As such, any non-point source discharge (effectively contaminated runoff) is a consequence of particular land use activities.”*

670. In addition to these more direct descriptions of non-point source discharge, there is other information within the provisions that builds on these, particularly in the introduction and somewhat by logic, everything in the non-point source discharge suite of provisions. One concern of note with the proposed definition is it would appear to not include leaching into groundwater. At the risk of limiting what may be meant by non-point source discharge, and in the absence of a clear purpose for adding a definition, the writers do not support the relief sought in this submission.

### *Recommendations*

671. It is recommended that the NZTA **submission point 1002.247 is rejected** as the definition proposed would not fully reflect the activity, and there is no clear deficiency in the MEP that would be filled by adding the proposed definition.

### Policy 15.1.25

672. Policy 15.1.25 reads as follows –

*“Recognise that, in many situations, non-regulatory methods will be an effective method of managing the adverse effects of non-point source discharges”.*

673. There are eight submissions<sup>41</sup> that support Policy 15.1.25 and seek its retention as notified.
674. EDS (698.104) have lodged a submission on this Policy seeking the following amendments – *“Recognise that, in many situations, non-regulatory methods ~~will~~ **may** be an effective method of managing the adverse effects of non-point source discharges”.* The submitter is concerned that this Policy sets up non-regulatory methods as a preferential tool for addressing non-point source discharge. In the view of EDS, precautionary interim limits should be put in place until the cumulative contaminant limits are set in accordance with Policy 15.1.3. They advise that discharges from non-point sources can be measured using models like Overseer and allocations should be based on Land Use Capability. The explanation clearly explains why the Council took the non-regulatory approach for managing non-point source discharges for the life of the MEP but, in short, if the Council were in a position to give effect to the NPSFM by setting any cumulative limits without delay, it would have. This was not considered possible and the NPSFM provided a mechanism for the Council to develop an implementation programme that would unfold over time. Part of that implementation programme was to introduce a resource consent requirement for new dairy farms, which was added to the operative Plans through plan changes. So, despite this Policy, and the delay in establishing cumulative limits, the Council did identify one of the greater non-point source contamination risk activities and move to put in place controls immediately. The wording of the Policy is deliberate and reflects the intent better than the amendment sought.
675. Nelson Forests Limited (990.237) have lodged a submission seeking amendments to the last paragraph of the explanation as follows – *“In time ~~and as signalled in Policy 15.1.3, the Council will~~ **may** establish cumulative contaminant limits to assist with the effective management of the adverse effects of all discharges to freshwater within a catchment. These limits will be established as regional rules and will establish a maximum amount of resource use within a catchment for water quality outcomes. **If the adoption of good management practices provides sufficient management of non-point source discharges, regulation may not be required.**”* The MFIA (962.090) have lodged a submission along similar lines. The submitters are of the view that working with landowners could result in no requirement to control resource use and this outcome should be provided for, not just a regulation outcome as is stated in the final sentence. Nelson Forests Limited and the MFIA do not appear to appreciate that the Council has an obligation under the NPSFM to set cumulative contaminant limits, so some level of regulation is necessary.

<sup>41</sup> 425.299 (Federated Farmers), 998.034 (NZ Pork), 1002.075 (NZTA), 1090.041 (Ravensdown Limited), 1192.031 (Fertiliser Assn), 1251.047 (Fonterra), 496.063 (Forest and Bird) and 769.066 (Horticulture NZ)



### Recommendations

676. It is recommended that the EDS **submission point 698.104 is rejected** as the wording of the Policy is deliberate and reflects the intent better than the amendment sought.
677. It is recommended that the Nelson Forests Limited **submission point 990.237** and the MFIA **submission point 962.090 are rejected** as the amendments suggested would not reflect the information the Council is trying to convey with regards to the obligation it has under the NPS to set cumulative contaminant limits.

### Policy 15.1.26

678. Policy 15.1.26 reads as follows –

*“Encourage, in close association with rural industry groups, the use of sustainable rural land management practices”.*

679. There are seven submissions<sup>42</sup> that support Policy 15.1.26 and seek its retention as notified.
680. EDS (698.105) have lodged a submission on this Policy seeking the following amendment – *“~~Encourage~~ **Require**, in close association with rural industry groups, the use of sustainable rural land management practices”.* The submitter is of the view that concerned that the use of sustainable rural land management practices should be required as a minimum. The writers struggle to understand how this would be done in a non-regulatory setting. Without more specific detail from the submitter on this matter, the amendment is not supported.

### Recommendations

681. It is recommended that the EDS **submission point 698.105 is rejected** as there is insufficient information in the decision requested to understand how the Policy, with the amendment sought, would be implemented.

### Policy 15.1.27

682. Policy 15.1.27 reads as follows –

*“Promote the retirement and planting of riparian margins in rural areas to intercept contaminated runoff, especially where water quality is degraded or at risk of degradation”.*

683. There are six submissions<sup>43</sup> that support Policy 15.1.27 and seek its retention as notified.
684. The Federated Farmers submission (425.301) seeks the following amendments to the Policy – *“Promote the retirement, **management, and appropriate riparian vegetation** and planting of riparian margins in rural areas ~~to intercept contaminated runoff, especially where water quality is degraded or at risk of degradation~~ **in order to achieve the desired outcomes for the waterbody**”.* The submitter is of the view that riparian planting requires a targeted approach to achieve the desired outcomes for a particular waterbody, and that this policy should focus on promoting appropriate riparian management. Where riparian margins are retired and/or not actively managed, conservation purposes may be better served by allowing grazing where consistent with good management practices. While it is noted that riparian retirement may require fencing to prevent stock entry to the riparian margin, there are a number of barriers to the adoption of riparian margins. These include when streams are the only supply of stock drinking water, cost can at times be prohibitive, and terrain can be difficult to fence in hill country or for waterways with steep banks. This Policy is really given effect to through the consideration of resource consent applications, or non-regulatory actions, so giving effect to this Policy can be targeting, for example through consent conditions ongoing management could be required.

<sup>42</sup> 425.300 (Federated Farmers), 998.035 (NZ Pork), 1090.042 (Ravensdown Limited), 1192.032 (Fertiliser Assn), 1251.048 (Fonterra), 496.064 (Forest and Bird) and 769.067 (Horticulture NZ)

<sup>43</sup> 479.140 (DOC), 509.191 (Fish and Game), 1090.043 (Ravensdown Limited), 1192.033 (Fertiliser Assn), 1251.049 (Fonterra) and 496.065 (Forest and Bird)

The writers are not persuaded that the changes to the Policy are required, and we are concerned that the purpose of the Policy may become less certain and directive with the proposed changes. We also find the use of the term “desired outcomes for the waterbody” a bit ambiguous, what are the desired outcomes, where are they recorded for people using this Policy to use?

685. The Federated Farmers submission (425.565) seeks a new rule to read as follows –

**"Grazing of a permanently fenced riparian margin may occur for weed control purposes."**

The submitters are of the view that a new rule should be included in the Plan which allows for the active management of riparian margins through the grazing of margins for weed control purposes as a Permitted Activity. The ability to graze stock for weed control in riparian margins is important and should be permitted. Weed control allows streams to flow freely to reduce flooding. In the writers view this proposed new rule would seem entirely contrary to Policy 15.1.27, which in the explanation states, “*riparian retirement may require fencing to prevent stock entry to the riparian margin*”.

686. EDS (698.106) have lodged a submission on this Policy seeking the following amendment – “*Promote the retirement and planting of riparian margins in rural areas to intercept contaminated runoff, especially where water quality is degraded or at risk of degradation and requiring planting or riparian margins as a condition of consent where it is an effective management tool in intercepting contaminant run off, excluding stock, or preventing sediment loss*”. The submitter is of the view that a course of action based on a requirement to “promote” is weak. Planting of riparian margins should be required as a condition of consent in situations where it is a necessary and effective tool to address water quality pressures. The use of the word “promote” reflects that this Policy is as much, if not more, associated with a non-regulatory setting than a regulatory one. For the most part land use activities are likely to be permitted and therefore promotion through non-regulatory means is appropriate. However, that does not preclude the use of conditions where resource consents are required, for example as indicated in the explanation, “*where stock is intensively grazed, riparian retirement may require fencing to prevent stock entry to the riparian margin*” [writers emphasis]. Livestock entering or passing over riverbeds, and new dairy farms are examples of activities in which resource consent may be required and this Policy would support conditions requiring the retirement and planting of riparian margins if was appropriate/necessary at the site.

687. Ngāti Kuia (501.078) have lodged a similar submission to EDS in that they seek a change in the Policy from “*Promote*” to “*Require*”, however the submitter provides no reason for seeking this change therefore the writers are not persuaded that the alternative is more appropriate.

688. Ernslaw One Limited (505.017) seeks to amend the explanation to the Policy to read as follows – “*Riparian margins.....waterbodies and coastal waters. On properties where stock (other than low intensity sheep) is intensively are grazed, riparian retirement may will require fencing to prevent stock entry to the riparian margin. The effect .....*”. The submitter is of the view that low intensity beef, pigs and deer can have significantly adverse effects on water quality. What does and does not constitute “*intensively farmed livestock*” is best dealt with in the definition for that term, which is the subject of a different report. In the writer’s view, there is no need to amend the Policy if the definition is addressed. Another submission from Ernslaw One Limited on this Policy (505.055) is more specific to the addition of a Permitted Activity and is covered elsewhere in this report. Where submission point 505.055 references Policy 15.1.27, it does so in the same vein as point 505.017 so the writer’s response is the same.

689. Nelson Forests Limited (990.238) seeks to amend the Policy so it applies to all of Marlborough, and to amend the explanation to the Policy to provide commentary on the effectiveness of riparian planting and the need for a practical planned approach to any planting to ensure that unintended adverse consequences are avoided. The submitter is of the view that the Policy should not only apply to rural areas, however no further information is provided to assist in understanding what activities occurring in non-rural areas, which may result in non-point sources discharges, the submitter is concerned about. The reasons for the submission suggest an issue with using “promote” rather than “require”, however the submitter has not sought this change in its decision requested. Regardless, this matter is assessed in other submissions raising the same issue. With regards to the amendment to the explanation sought, no specific wording is provided and the writers struggle to turn the submitters concerns into an amendment that would improve the explanation or fill a deficiency that the submitters perceive to exist.

690. D & C Collins (640.011), G Robb (738.014) and M Robb (935.011) have lodged submissions seeking that the Policy is amended so that grazing of riparian areas is encouraged in order to keep them free of weeds and pests rather than promote planting of these areas. In the experience of the submitters riparian areas on both seashore and stream side encourage weeds and make productivity difficult. Weeds and pests flourish in an uncultivated environment and it would be better to encourage grazing of these areas to keep them free of weeds and pests than promote planting. In the writers view this proposed new rule would seem entirely contrary to Policy 15.1.27, which in the explanation states, “*riparian retirement may require fencing to prevent stock entry to the riparian margin*”.
691. M & K Gerard’s (424.128) submission asks a question rather than seeking a decision for which an assessment or recommendation can be made. For the benefit of the submitter, there is nothing in this Policy that would limit its application to any particular rural areas.
692. The MFIA (962.091) requests clarification rather than seeking a decision for which an assessment or recommendation can be made. The reason in the submission does not greatly assist in the writers understanding of the submitters concerns, however it is possible that an incorrect link between setbacks in rules and this Policy has been made, which may be the basis for its concern.

### *Recommendations*

693. It is recommended that the Federated Farmers **submission point 425.301 is rejected** as the changes do not improve the Policy, and may potentially make it less clear and certain.
694. It is recommended that the Federated Farmers **submission point 425.565 is rejected** as the relief sought would not give effect to Policy 15.1.27, and appears to be contrary to the provision.
695. It is recommended that the EDS **submission point 698.106 is rejected** as there are concerns about how the amendment sought would be applied, especially as the Policy as written does not preclude the use of conditions on resource consents as described.
696. It is recommended that the Ngāti Kuia **submission point 501.078 is rejected** as the writers are not persuaded that the alternative is more appropriate.
697. It is recommended that the Ernslaw One Limited **submission points 505.017 and 505.055 are rejected** as the matters raised are best dealt with under the definition of “*intensively farmed livestock*” and if that is done, whatever the outcome, there is no need to alter this Policy as well.
698. It is recommended that the Nelson Forests Limited **submission point 990.238 is rejected** as there is insufficient information in the submission for the writers to conclude that the Policy and its explanation would benefit from the amendments sought.
699. It is recommended that D & C Collin’s **submission point 640.011**, the G Robb **submission point 738.014** and the M Robb **submission point 935.011 are rejected** as the relief sought would not give effect to Policy 15.1.27, and appears to be contrary to the provision.

### Policy 15.1.28

700. Policy 15.1.28 reads as follows –

*“To require where appropriate (as part of the subdivision consent process) the creation of esplanade reserves and esplanade strips to maintain or enhance water quality”.*

701. There is one submission<sup>44</sup> that supports Policy 15.1.28 and seeks its retention as notified.
702. DOC (479.141) have lodged a submission seeking that the Policy is amended as follows – “*To require where appropriate (as part of the subdivision consent process) the creation of esplanade reserves and esplanade strips to maintain or enhance water quality and/or aquatic habitats* “. The submitters are of the view that this amendment should be made as it better reflects section 229(a) of the RMA. The writers are hesitant to make this amendment to this Policy, not necessarily because it is not warranted or does not reflect s229(a) but because it is not the correct place to consider this matter. This Policy is

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<sup>44</sup> 496.066 (Forest and Bird)

in a suite of provisions that ultimately have the purpose of maintaining or enhancing water quality, this change would place a provision in the midst of that with a purpose of maintaining or enhancing aquatic habitats. The writers query whether a Policy of this nature would be better considered in the biodiversity provisions.

703. The Federated Farmers submission (425.302) seeks removal of this Policy from the MEP as it is of the view that the creation of esplanade reserves and strips is dealt with in Chapter 9: Public Access and Open Space. Esplanade reserves and strips can be created for a number of purposes, including public access and recreation, but also for the maintenance or enhancement of water quality, therefore in the writers view it is entirely appropriate to include provisions relating to esplanade reserves and strips in all places within the MEP where they are a valid management option.
704. The Fish and Game submission (509.192) seeks removal of this Policy from the MEP, however the reason given is confusing. The submission reason states – “*Esplanade reserves and strips are for access, they have a specific role in relation to water quality*”. Given the decision sought it seems likely the reason is not as intended as the second part of the reason would support retention of the Policy. The submitter may wish to clarify this submission in evidence but, based on the information available, the writers would not support the removal of this Policy.

### *Recommendations*

705. It is recommended that the DOC **submission point 479.141 is rejected** as a Policy of this nature may be better considered in the biodiversity provisions.
706. It is recommended that the Federated Farmers **submission point 425.301 is rejected** as the inclusion of a Policy regarding esplanade reserves and strips is appropriate in the Resource Quality chapter, even if there may be similar provisions elsewhere in the MEP as this management tool serves different purposes in different circumstances.
707. It is recommended that the Fish and Game **submission point 509.192 is rejected** as there is nothing in the submission that persuades the writers that the Policy should be removed, and it is not entirely clear if that is what is being sought.

### Policy 15.1.29

708. Policy 15.1.29 reads as follows –

*“To control land disturbance activities in order to:*

- (a) mitigate the effects of increased sediment runoff to fresh waterbodies or coastal water; and*  
*(b) avoid the potential for direct entry of contaminants into groundwater”.*

709. There are two submissions that support Policy 15.1.29 and seek its retention as notified.
710. Federated Farmers (425.303) have lodged a submission on this Policy seeking the following amendments – “*To ~~control~~ **enable** land disturbance activities in order to ~~where: (a) mitigate the effects of increased sediment runoff to fresh waterbodies or coastal water; and (b) avoid the potential for direct entry of contaminants into groundwater~~ **are mitigated***”. The submitter is of the view that land disturbance should be enabled where the effects of sediment runoff and potential for direct entry of contaminants into groundwater are mitigated. As with all Permitted Activities in the MEP, where there are not unacceptable effects from activities they are enabled, however it is prudent for the Plan to also signal to resource users the circumstances in which activities may need greater controls.
711. EDS (698.107) have lodged a submission on this Policy seeking the following amendment – “*To control land disturbance activities in order to: (a) ~~mitigate~~ **avoid** the **adverse** effects of increased sediment runoff to fresh waterbodies or coastal water; and....”.* The submitter is of the view that sediment is a significant stressor on water quality and in-water ecosystems and land disturbance activities should be controlled so that increased sediment does not occur. As described in the explanation, where there is certainty that activities undertaken in a particular way will not adversely affect water quality, the control can take the form of enabling rules, however, where there is uncertainty about the effect of the land disturbance activity on water quality then a discretionary activity rule will be used. There are different management approaches depending of the activity

and/or the circumstances, which in the writer's view better sits with the use of the word mitigate rather than avoid in part (a) of the Policy. Fish and Game (509.193) and DOC (479.142) lodged similar submissions seeking that (a) be amended to include avoid and remedy. Using "avoid" has already been addressed, the addition of remedy is not preferred in the circumstances as it implies that it is acceptable to have effects on water quality from increased sediment if you remedy them later.

712. Nelson Forest Limited (990.239) have lodged a submission on this Policy seeking that it is rewritten to fairly reflect the issues and ensure equity of application for all land uses. And, that any rules resulting from this Policy should either be a Permitted Activity (subject to performance standards) or a Controlled Activity. The submitter is of the view that this Policy is too narrow in its focus. It should apply to any activity that generates unacceptable inputs of sediment and/or contaminants, such as winter-feeding pads, intensive grazing, stock pugging and wallowing, cropping and bank collapse. The policy description states the reasons for the rules, therefore the effects are known and the matters for control can be established. Any rule associated with this Policy should be as a controlled activity. The Policy deliberately covers land disturbance activities, and there are other provisions that cover other types of activities that may cause contamination. In the writer's view this is an appropriate approach and the water quality provisions would not benefit from a potential amendment as submitted. With regards to rule status, there may be circumstances where a land disturbance activity should not take place due to the impact it will have on water quality, a controlled activity status would remove the option for a decision maker to decline consent. The MFIA submission (962.092) mirrored the Nelson Forests Limited submission with regards to activity status so the writer's assessment and recommendation are the same for the two submissions.
713. Horticulture NZ (769.068) has lodged a submission on this Policy seeking that the status of resource consents required where standards for Permitted Activities are not met is a Restricted Discretionary Activity, not a Discretionary Activity. Horticulture NZ notes that cultivation is a land disturbance activity that is undertaken that has the potential to create sediment to water and advise that it has developed guidance that minimises the potential for such effects and seeks that these are included in rules in the Plan. The explanation to the submission seems to imply that the concern is around the cultivation rules but the relief sought is not as specific, so it is not clear if a status change is only sought for cultivation activities that do not meet water quality related standards, or all activities. The overall approach in drafting the MEP was to limit activities to Permitted, Discretionary and Prohibited, unless very specific circumstances supported the use of another status. There is nothing in this submission to indicate this is one of those circumstances. While the matter of rules is discussed in the explanation, the specific issues raised are better suited to a consideration of the rules rather than this Policy, particularly as controls on land disturbance activities are not all necessarily related to managing effects on water quality.
714. The NZ Forest Products submission (995.021) seeks a new Policy be added to the MEP after Policy 15.1.29 that recognises that some land use activities will cause short term land disturbance and potential sediment discharge, but that any adverse effects are likely to be minor. The submitter is of the view that any controls applied to commercial forestry activities are consistent with those set out in the New Zealand Forest Owners Association's Environmental Code of Practise for Plantation Forestry. If the proposed new policy was specific to forestry as the submission suggests, then it is likely that the matter has now been superseded by the promulgation of the NESPF. However, the decision sought is not specific to forestry so it is still considered. The submitter has not provided sufficient information in its submission to support the new Policy. No specific wording has been provided and what has is ambiguous, for example, what activities are included in "some land use activities" as to recognise them presumably means permit them, and "any adverse effects are likely to be minor", is that minor because they are of short duration or because they will meet water quality standards?

### *Recommendations*

715. It is recommended that the Federated Farmers **submission point 425.303 is rejected** as it is prudent for the Plan to signal to resource users the circumstances in which activities may need greater controls, while being enabling wherever possible.
716. It is recommended that the EDS **submission point 698.107 is rejected** as the Policy as worded is appropriate for the rule framework that gives effect to the Policy.

717. It is recommended that the Fish and Game **submission point 509.193** and the DOC **submission point 479.142 are rejected** as the suggested amendments are either inconsistent with the rule framework that gives effect to the Policy, or could result in unacceptably degraded water quality.
718. It is recommended that the Nelson Forests Limited **submission point 990.239 is rejected** as the concerns with regards to the focus of the Policy are addressed when the wider water quality provisions are considered, and it is inappropriate to remove the ability to decline consent in circumstances where the effect of an activity on water quality may be unacceptable.
719. It is recommended that the MFIA **submission point 962.092 is rejected** as it is inappropriate to remove the ability to decline consent in circumstances where the effect of an activity on water quality may be unacceptable.
720. It is recommended that the Horticulture NZ **submission point 769.068 is rejected** as it is inconsistent with the Council's approach to the activity status of rules, and the submission does not demonstrate any special circumstances that would make this an exception.
721. It is recommended that the NZ Forest Products **submission point 995.021 is rejected** as the submitter has not provided sufficient information, or specific policy text, to enable a full assessment of its proposed new policy.

### Policy 15.1.30

722. Policy 15.1.30 reads as follows –

*“Protect groundwater sources of community drinking water by identifying land overlying groundwater vulnerable to leachate contamination. Manage, with respect to this land:*

- (a) change in land use to activities that have the potential to result in leachate discharges so that activities are, where practicable, located elsewhere or the contaminants are contained;*
- (b) existing land use activities so that any potential for groundwater contamination is monitored and, where necessary, corrective action is taken;*
- (c) point source discharges of contaminants to land; and*
- (d) excavation”.*

723. There are three submissions<sup>45</sup> that support Policy 15.1.30 and seek its retention as notified.
724. The Fish and Game submission (509.194) seeks amendments to the Policy to ensure that the Policy applies to all land use activities that effect water quality, it seeks the addition of a new policy to that effect. The submitter is of the view that this policy should apply to all land use activities that effect water quality. It is not clear to the writers where this Policy is deficient as it identifies land use activities that will be controlled because of the potential effect they may have on community drinking water quality, which appears to be what the submitter is seeking.
725. The P Wilhelmus and Ormond Aquaculture Limited submission (1035.001) and the J Timms submission (475.005) seek that existing bores and surface takes within the Groundwater Protection Area (GPA) are able to be altered or maintained. The submitters are of the view that the MEP makes no apparent recognition of:
- In the case of the Wairau Valley GPA, if the source of recharge is Mill Stream, then the water quality of that stream is impacted upon by upstream non-point source discharges as opposed to the land use practices of Ormond Aquaculture;
  - The presence of existing bores within the GPA on which the financial viability of Ormond Aquaculture is dependent and which in all likelihood will require alteration or maintenance in the foreseeable future; and
  - The ability to undertake excavation in excess of 10m<sup>3</sup> but not intercepting groundwater that would not lead to adverse effects on the GPA.

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<sup>45</sup> 992.017 (NZDF), 961.068 (Chamber) and 496.068 (Forest and Bird)

726. Peter Davidson has provided the following advice to the writers regarding the relief sought –

- The water quality and chemistry of Mill Stream at Wairau Valley is affected by both diffuse and point sources. We know Mill Stream gains flow through the base of its channel from groundwater and brings with it diffuse contaminants generated over large areas of land upstream in the catchment as well as tributary flow from riparian margins.
- Exposing the groundwater table provides a rapid flow-path for land surface pollutants to contaminate groundwater.
- Excavations expose the water table and limiting the excavated volume to what is reasonable for individual landowners is a prudent where an aquifer is used for rural drinking water and there is a risk to human health, especially a municipal water supply where a large population could be affected.
- Of particular concern are pollutants that won't be treated at the Wairau Valley municipal supply wellfield.

On the basis of the advice provided by Peter Davidson, the writers are of a view that, the relief sought was accepted, the Policy would no longer serve its purpose to protect groundwater sources of community drinking water.

### *Recommendations*

727. It is recommended that the Fish and Game **submission point 509.194 is rejected** as in the writers view the Policy as notified addresses the issues raised by the submitter.
728. It is recommended that the P Wilhelmus and Ormond Aquaculture Limited **submission point 1035.001** and the J Timms **submission point 475.005 are rejected** as if the relief sought was accepted, the Policy would no longer serve its purpose to protect groundwater sources of community drinking water.

### New Groundwater Protection Area

729. The NZDF submission (992.103) seeks the creation of a new GPA to protect the bores operating at Base Woodbourne. The submitter states that water supply at Base Woodbourne is a significant issue and they consider that the existing bores should appropriately protected in the MEP through establishing Groundwater Protection Areas.
730. Peter Davidson has provided the following advice to the writers regarding the relief sought –

- Given the relatively large population serviced by the RNZAF Base Woodbourne water supply in conjunction with the risk from intensive farming and settlement pattern upstream in aquifer flow terms, it makes sense to define a groundwater protection area to manage the risk to drinking water supplies.
- The RNZAF who operate the Base Woodbourne water supply would have to submit a design for the GPA that was consistent with the approach used by MDC in the MEP for the public water supplies in Marlborough.

The Council worked with the NZDF on this matter during the preparation of the MEP however, as there was insufficient time for consultation with affect landowners before notification, the GPA was not included in the notified Plan. While the GPA sought by the NZDF has merit and is supported in theory, the submitter did not include the details of the proposed GPA in its submission, therefore potentially affected landowners have not had an opportunity to consider the impacts of the new GPA on their activities. For this reason, and based in the advice of Peter Davidson, the writers do not recommend the addition of this GPA at this time.

### *Recommendations*

731. It is recommended that the NZDF **submission point 992.103 is rejected** as the submitter did not include the details of the proposed GPA in its submission, so potentially affected landowners have not had an opportunity to consider the impacts of the new GPA on their activities, therefore the writers do not recommend the addition of this GPA at this time.

## Groundwater Protection Area Maps 2 and 8

732. There are two submissions<sup>46</sup> that support Groundwater Protection Area Maps 2 and 8 and seeks their retention as notified.
733. The Rarangi Residents submission (1089.006) seek the creation of a new GPA for the Rarangi area to cover the same geographical area as the Freshwater Management Unit: Volume 4, Map 4 - Rarangi Shallow North and Rarangi Shallow South. The submitters state that Rarangi residents depend on groundwater supply wells for their water, and note that Rarangi is a Soil Sensitive Area because of the free draining soils, therefore the water from these wells is vulnerable to contamination.
734. The Rarangi North WS submission (1000.006) seek that the area of the Rarangi Shallow Aquifer including the area of the Pukaka Hills northwards be classified as a GPA. The submitter states that the Rarangi Shallow Aquifer is mostly in a Soil Sensitive Area and it is important to protect the integrity of our water supply, which is fed from the surrounding hills.
735. Peter Davidson has provided the following advice to the writers regarding the relief sought –
- The Rarangi Shallow Aquifer has two registered community water supply schemes at the north end (Miro Street) and Millenium Rock (Edgewater rural residential supply), which warrant a level of protection based on managing up-gradient land uses.
  - A design for the GPA would have to be developed that was consistent with the approach used by MDC in the MEP for the public water supplies in Marlborough.
  - It may be sensible in the future that all registered water supply schemes have some form of GPA associated with them to protect drinking water quality.
  - For the wider Rarangi area, the Soil Sensitive Areas afford enough protection at this stage to manage land uses that could potentially affect groundwater quality.

While the GPAs sought by the submitters have merit and are perhaps supported in theory, the submitters did not include sufficient details of the proposed GPAs in their submissions, therefore potentially affected landowners have not had an opportunity to consider the impacts of the new GPAs on their activities. For this reason, and based in the advice of Peter Davidson, the writers do not recommend the addition of these GPAs at this time.

736. The writers also wish to note that for the future there's is a wider issue here with regards to the protection of drinking water supplies. In a regulatory context, how far does the Council go? In the wake of the Havelock North enquiry, there is considerable focus on the issue of protection water quality but should that manifest itself in a regions Plan. In the drafting of the MEP it was decided that protecting municipal water supplies was the threshold, however water suppliers in Woodbourne and Rarangi validly seek the same protection for their private water supplies. Those supplies service a significant number of people, but equally the GPAs they seek may restrict a large number of people's activities. It might be reasonable to expect that other communities that also have water supplies servicing multiple households should also have GPAs, this would then restrict more people's activities. That is not to say that all this protection may not be warranted to protection peoples health and wellbeing, however in the writers view it may be prudent to consider the wider issues from a region wide perspective before the piecemeal addition of GPAs to the MEP. At this time, there is of course the potential that central government may not leave these matters solely up to local government to address, so there may be benefit in waiting to see what develops in this space.

### *Recommendations*

737. It is recommended that the Rarangi Residents **submission point 1089.006** and the Rarangi North WS **submission point 1000.006 are rejected** at this time as the submitters did not include sufficient details of the proposed GPAs in their submissions for potentially affected landowners to have had an opportunity to consider the impacts of the new GPAs on their activities.

## Standards 3.3.14.5, 5.3.10.6, 6.3.5.5

738. Standards 3.3.14.5, 5.3.10.6, 6.3.5.5 are all related to rules for excavation, and read as follows –

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<sup>46</sup> 1002.281 and 1002.287 (NZTA)



*“There must be no excavation in excess of 10m<sup>3</sup> within a Groundwater Protection Area”.*

739. There are two submissions<sup>47</sup> that support Standard 3.3.14.5 and seek its retention as notified.
740. The P Wilhelmus and Ormond Aquaculture Limited submission (1035.003) and the J Timms submission (475.006) seek the ability to undertake excavation in excess of 10m<sup>3</sup> and if underground water is struck compaction to be under taken to reduce leaching. The submitters views are the same as those provided against Policy 15.1.30 but of particular relevance here, they state that excavation in excess of 10m<sup>3</sup> but not intercepting groundwater would not lead to adverse effects on the GPA. While not explicitly stated, it is assumed that the relief sought is for Standard 3.3.14.5 to be deleted so there is not a volumetric limit in a GPA.
741. Peter Davidson has provided the following advice to the writers regarding the relief sought –
- The water quality and chemistry of Mill Stream at Wairau Valley is affected by both diffuse and point sources. We know Mill Stream gains flow through the base of its channel from groundwater and brings with it diffuse contaminants generated over large areas of land upstream in the catchment as well as tributary flow from riparian margins.
  - Exposing the groundwater table provides a rapid flow-path for land surface pollutants to contaminate groundwater.
  - Excavations expose the water table and limiting the excavated volume to what is reasonable for individual landowners is a prudent where an aquifer is used for rural drinking water and there is a risk to human health, especially a municipal water supply where a large population could be affected.
  - Of particular concern are pollutants that won't be treated at the Wairau Valley municipal supply wellfield.

On the basis of the advice provided by Peter Davidson, the writers are of a view that, the relief sought was accepted, the groundwater sources of community drinking water would not be protected.

742. The Federated Farmers submission (425.547) seeks removal of Standard 3.3.14.5 in its entirety, however there is no reason or discussion as to why this is sought by the submitter. In the absence of any justification for the removal of this Standard, the writers are not persuaded to support the relief sought.
743. The MDC submissions (91.241 and 91.242) seek the amendment of Standards 5.3.10.6 and 6.3.5.5 to read as follows –

*“There must be no excavation in excess of 10m<sup>3</sup> within a Groundwater Protection Area, **unless the excavation is to establish a foundation for a building permitted in this zone**”.*

The submitter is of the view that the notified wording of Standards 5.3.10.6 and 6.3.5.5 may act as an unnecessary constraint to residential development, which can involve the scraping of the ground surface to construct a foundation, and it is not anticipated that the scraping would create a risk of groundwater contamination. The writers are satisfied that the amendments sought would not adversely effect water quality in community drinking water supplies within the Urban Residential 1, 2 and 3 Zones that are protected by GPAs. No further submissions were received specifically opposing the relief sought in these submissions.

744. The Aquanort Pools submission (1254.001) and the R Post submission (1255.001) seek that an exclusion to Standard 5.3.10.6 is provided for excavation for the purposes of constructing a domestic swimming pool, or alternatively that the limit is increased from 10m<sup>3</sup> to 30m<sup>3</sup> or 40m<sup>3</sup>. The submitter is of the view that the construction of domestic swimming pools has been unintentionally caught up in this Standard. The volume of 10m<sup>3</sup> is intentional, as is capturing any activity (with the exception of building foundations) that will excavate in excess of that volume. The writers have not provided any evidence to assure the writers that excavations of 30m<sup>3</sup> or 40m<sup>3</sup> within a GPA would not adversely impact on community drinking water supplies. Without evidence to counter the existing view that 10m<sup>3</sup> is a safe limit, the writers are not in a position to support the submission.

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<sup>47</sup> 454.093 (K Loe) and 1000.002 (North Rarangi WS)

745. Peter Davidson has provided the following advice to the writers regarding the relief sought –

- There are good reasons for managing excavations within the Blenheim GPA's. For example, the likely contamination of Middle Renwick Road municipal wellfield groundwater in 2008 due to stormwater excavations in the Rose Street area upstream to the west.
- Notwithstanding this the short-term nature and small scale of domestic swimming pool construction means the risk is significantly lower than for infrastructure related excavations.
- However, a risk does exist and it is a matter of balancing this against the contamination of the public water supply with something that may not be tested for routinely by MDC or able to be treated.
- The volume of material that can be excavated before consent is required could be increased but this is a somewhat arbitrary line and there may be calls for relaxing the rules even then. Peter is open to ideas on changes to the permitted excavated volume and other ideas on standards or conditions.

On the basis of the advice provided by Peter Davidson, and without any evidence from the submitters to assure the writers that excavations of 30m<sup>3</sup> or 40m<sup>3</sup> within a GPA would not adversely impact on community drinking water supplies, the writers are not in a position to support the submissions at this time.

### *Recommendations*

746. It is recommended that the P Wilhelmus and Ormond Aquaculture Limited **submission point 1035.003** and the J Timms **submission point 475.006 are rejected** as if the relief sought was accepted, groundwater sources of community drinking water would not be protected.

747. It is recommended that the Federated Farmers **submission point 425.547 is rejected** as no reason why the submitter seeks the removal of Standard 3.3.14.5 has been provided, so the writers are not persuaded to support the relief sought.

748. It is recommended that the MDC **submission points 91.241 and 91.242 are accepted** as the writers are satisfied that the amendments sought would not adversely affect water quality in community drinking water supplies within the Urban Residential 1, 2 and 3 Zones that are protected by GPAs. It is recommended that Standards 5.3.10.6 and 6.3.5.5 are amended as follows –

*“There must be no excavation in excess of 10m<sup>3</sup> within a Groundwater Protection Area, **unless the excavation is to establish a foundation for a building permitted in this zone**”.*

749. It is recommended that the Aquanort Pools **submission point 1254.001** and the R Post **submission point 1255.001 are rejected** as the submitter has provided no evidence at this time to assure the Peter Davidson or writers that excavations of 30m<sup>3</sup> or 40m<sup>3</sup> within a GPA would not adversely impact on community drinking water supplies.

### Policy 15.1.31

750. Policy 15.1.31 reads as follows –

*“Recognise that disturbing the seabed or the wet bed of a lake or river results in a discharge of sediment that has the potential to cause adverse effects on water quality”.*

751. There are four submissions<sup>48</sup> that support Policy 15.1.31 and seek its retention as notified.

752. The MFIA submission (962.093) seeks to “Allow short term and/or minor discharges”, and similarly Nelson Forests Limited have lodged a submission (990.240), which seeks amendment to the explanation to state that it is accepted that some short term and minor discharges may occur in conjunction with an activity that aims to avoid further or sustained bed disturbance. As this policy is about recognition of an issue, and therefore signalling there is an effect to be managed, it is not clear how the MFIA wants to amend the Policy. The Policy does not enable or otherwise an activity, and it does not preclude a situation existing where the adverse effects on water quality are such that they

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<sup>48</sup> 479.143 (DOC), 496.069 (Forest and Bird), 509.195 (Fish and Game) and 548.087 (AWUG)

are acceptable. In the writer's view it would be inappropriate to amend the Policy or explanation in some manner to address the submitters concerns. However, as a general observation it is noted that the submitters are of the view that the MEP should provide for some short term and minor discharges, the writers would suggest that the MEP does in fact do this as there are many land use and discharge activities that are permitted as long as the applicable standards are met. Nelson Forests Limited appear to suggest that adverse effects from, for example, the installation of a culvert may be acceptable if the installation means future bed disturbance is no longer necessary (it is assumed this would be because it replaces a ford). It is noted that under Policy 15.1.32(b)(i) that regard will be given to any positive effects accruing from disturbance in the event of possible non-compliance with the clarity standards.

### *Recommendations*

753. It is recommended that the MFIA **submission point 962.093** and the Nelson Forests Limited **submission point 990.240 are rejected** as it would be inappropriate to amend the Policy in some manner to address the submitters concerns.

### Policy 15.1.32

754. Policy 15.1.32 reads as follows –

*“In considering any resource consent application for the disturbance of a river or lake bed, or the seabed, or land in close proximity to any waterbody, regard will be had to:*

- (a) whether the disturbance is likely to result in non-compliance with the clarity standards set for the waterbody, after reasonable mixing;*
- (b) in the event of possible non-compliance with the clarity standards set for the waterbody, after reasonable mixing:*
  - (i) the purpose for undertaking the disturbance and any positive effects accruing from the disturbance;*
  - (ii) the scale, duration and frequency of the disturbance;*
  - (iii) the extent to which the bed disturbance is necessary and adverse water quality effects caused by the disturbance are mitigated; and*
  - (iv) for freshwater, the potential effects of increased turbidity on the values of the waterbody set out in Schedule 1 of Appendix 5 of the Marlborough Environment Plan or on the natural character values of the coastal environment in relation to water quality as set out in Appendix 2 of the Marlborough Environment Plan”.*

755. There are four submissions<sup>49</sup> that support Policy 15.1.32 and seek its retention as notified.

756. The Fish and Game submission (509.196) seeks amendments to the Policy to provide direction on how effects will be managed rather than a list of matters for consideration. No specific wording changes are sought, and the explanation to the submission does not elaborate. The writers do not have any concerns about the Policy as written, and without further specific information from the submitter about revised wording, no further assessment has been made. As a comment, the general approach where possible in the MEP has been to focus on the effects that are being managed, not how an activity should or should not be done or how the effects are managed. If a resource user can conduct their activity in a manner that does not have effects that are unacceptable, then how they do that is not a matter that the MEP is generally prescriptive about.

757. In the NMDHB submission (280.029) it seeks the addition of criterion for considering the effects of sedimentation on the aquatic/marine environments and associated social, cultural and economic values of areas not identified within Schedule 1 of Appendix 5 or Appendix 2 of the MEP. The submitter's explanation to the decision sought does not assist in understanding what specific values are not captured in Appendices 2 or 5, that the NMDHB is concerned will be affected by disturbance activities and are not considered in the application of this Policy. As the Policy is about clarity standards, and the clarity standards are linked to water quality classifications, which are applied to values set out in Appendix 5, it is not clear how the additional criterion would be applied. Potentially, if the amendment was added then the pathways described in the preceding sentence would no longer

<sup>49</sup> 479.144 (DOC), 496.070 (Forest and Bird), 992.020 (NZDF) and 873.068 (KiwiRail)

be relevant in this instance as the amendment is rather all encompassing. It would be preferable that, if the submitter was of the view that there were values not picked up in Appendix 2 or 5 that should be, they seek their addition there rather than decreasing the certainty provided in this Policy as to the circumstances in which effects on values would be considered.

758. Several submissions<sup>50</sup> seek amendments to the Policy along the lines of some or all of the following –

*“In considering any resource consent application for the disturbance of a river or lake bed, or the seabed, or land in close proximity to any waterbody, regard will be had to:*

*(a) whether the disturbance is likely to result in non-compliance with the clarity standards set for the waterbody, after reasonable mixing;*

*(b) in the event of possible non-compliance with the clarity standards set for the waterbody, after reasonable mixing:*

*(i) the purpose for undertaking the disturbance and any positive effects accruing from the disturbance;*

***(ii) the economic consequences of not undertaking the disturbance;***

*(iii) the scale, duration and frequency of the disturbance;*

***(iv) in the case of water supply intakes and associated structures in a river bed, the practical viability of alternative methods of abstracting water;***

*(#iv) the extent to which the bed disturbance is necessary and adverse water quality effects caused by the disturbance are mitigated; and*

*(ivi) for freshwater, the potential effects of increased turbidity on the values of the waterbody set out in Schedule 1 of Appendix 5 of the Marlborough Environment Plan or on the natural character values of the coastal environment in relation to water quality as set out in Appendix 2 of the Marlborough Environment Plan*

***(vii) riverbed activities in, on, under or over the River bed (with exception of the taking of water), which require resource consent, must prepare site specific management plans that set out how adverse effects from activities are to be avoided, minimised or mitigated”.***

The submitters are of the view that the policy includes no direct recognition of the need to undertake disturbance of the river beds or land in close proximity to water bodies for the installation and maintenance of irrigation supply intakes. Further, the Policy is absent of any recognition of the economic implication of not being able to install and maintain irrigation supply intakes and has the potential to be interpreted by decision makers that such matters are not to be considered when determining applications for resource consent for the disturbance of a riverbed or land in proximity to any water body. Submitters also consider it would be appropriate to require site specific management plans in applications and for conditions of consent to be applied requiring compliance with those plans.

759. With regards to the first two additions, the writers consider these to be unnecessary as b(i) of the Policy clearly directs that regard will be had to any positive effects accruing from disturbance that may not meet clarity standards. This Policy applies to any type of disturbance activity, and covers riverbed, lakebed, seabed, and land in close proximity to any waterbody, the provision as written would enable any applicant to present information in their application that could be considered relative to b(i), for example, the economic benefits or the benefits of using existing infrastructure, without starting to make the Policy apply to only certain types of activities or locations. Regarding the third amendment sought, in the writer's view this would be an inappropriate addition to this Policy. Policy 15.1.32 is about having regard to the effects of an activity, its purpose is not to prescribe how an application should be made. It is quite possible that an applicant may find the best way to relay information relevant to the effects of their activity is with a site management plan, but it is considered inconsistent with the purpose of this Policy to require them to do so as part of this provision.

760. The Fishing Industry submission (710.052) seeks amendments to the Policy as follows –

<sup>50</sup> 548.088 (AWUG), 778.086 (Irrigation NZ), 1039.099 (Pernod Ricard), 631.047 (Constellation), 1242.041 (Yealands Estate Limited), 431.076 (Wine Marlborough), 457.045 (Accolade), 776.027 (Indevin Estates Limited), 909.066 (Longfield Farm Limited), 1218.068 (Villa Maria), 970.013 (Middlehurst Station Limited), 777.004 (Investavine Limited), 462.031 (BRIL) and 473.033 (Delegat Limited)

*“In considering any resource consent application for the disturbance of a river or lake bed, or the seabed, or land **in the coastal environment** in close proximity to any waterbody, regard will be had to:.....*

*(iv) ~~for freshwater~~, the potential effects of increased turbidity on the values of the waterbody set out in Schedule 1 of Appendix 5 of the Marlborough Environment Plan or ~~on~~ the natural character values of the coastal environment in relation to water quality as set out in Appendix 2 of the Marlborough Environment Plan **and fisheries resources**”.*

The submitters are of the view that the Policy does not address disturbance to land in the coastal environment or potential adverse effects on habitat of particular significance for fisheries management. They further explain, that while the policy applies to disturbance of land in close proximity to any waterbody, it does not apply to land in close proximity to the coastal marine area (i.e., land in the area defined as the coastal environment). This gap should be rectified in order to provide a consistent, integrated approach to the management of the effects of land disturbance on water clarity, including coastal water clarity. In the writers view the submitter does highlight a gap in the Policy and some drafting issues that this submission offers the opportunity to correct, particular that the matters given regard to only relate to waterbodies, which do not include coastal waters, however the Policy as a whole applies to both. While not exactly the amendments sought, the following recommendation follows the intent of part of the submission. It is recommended that Policy 15.1.32 is amended as follows –

*“In considering any resource consent application for the disturbance of a river or lake bed, or the seabed, or land in close proximity to any waterbody **or coastal water**, regard will be had to:*

- (a) whether the disturbance is likely to result in non-compliance with the clarity standards set for the waterbody **or coastal water**, after reasonable mixing;*
- (b) in the event of possible non-compliance with the clarity standards set for the waterbody **or coastal water**, after reasonable mixing.....”.*

- 761. With regards to the second amendment, the submitter is of the view that the reference in (b)(iv) of the Policy to 'the natural character values of the coastal environment in relation to water quality as set out in Appendix 2' goes some way to addressing impacts of increased turbidity on coastal ecosystems, but the areas identified in Appendix 2 do not include habitat of particular significance for fisheries management or areas otherwise important for fisheries. As discussed relative to other submissions, the writer's preference is that, if there are values that have not been identified in the appropriate appendices, then that is where changes are made rather than to Policies.
- 762. The MFIA submission (962.094) covers a few matters not directly related to this Policy and covered elsewhere but in direct reference to this provision, the submitter notes there is no definition of proximity. No reason is provided for why the MFIA seeks that this word be defined. The writers are of the view that “proximity”, or more specifically “close proximity” in this instance, will mean different things in different circumstances (e.g. activity type, location) and is not appropriate to limit its meaning by way of a definition. Whether disturbance is in “close proximity”, should take into consideration the potential effects of the activity at the site on the water quality of waterbodies.
- 763. Nelson Forest Limited (990.241) seek for the Policy to be rewritten to ensure no interpretation is required, any clarity standards are meaningful and measurable, that short term and/or minor bed disturbances are acknowledged and accepted, and any rules resulting from this Policy should either be a Permitted Activity (subject to performance standards) or a Controlled Activity. The submitter is of the view that the Policy requires interpretation because there is no definition or understanding of what “in close proximity to” means. This matter was addressed by the writers above in relation to the MFIA submission point 962.094. The submitter states that there is no methodology to support the water clarity standards. In the writer's view, this Policy would not be the appropriate place for such a methodology, should it indeed be missing from the MEP.
- 764. With regards to short term and minor discharges, the submitter is of the view that the Policy should acknowledge they are acceptable if they are either de minimus or are associated with an activity that will provide for the protection of the resource, such as the installation of a culvert or bridge, therefore removing the need for further disturbance of the bed. And, that any rule associated with this policy should be as a Controlled Activity. Part (b)(i) of the Policy directs that regard will be had to the purpose of the disturbance activity and any positive benefits, in the writers view this adequately

addresses the submitters concerns regarding consideration being given to the effects of temporary disturbance that may have a benefit in minimising future bed disturbance. It would not be appropriate for a rule that triggered consideration of this Policy to be of Controlled Activity status as that would remove the ability for decision makers to decline consent. This is especially the case with this provision as it is considering non-compliance with water quality clarity standards. Suggesting that any rule that results from this Policy should be a Permitted Activity seems to miss the point that the rule comes into play only in the circumstance of a resource consent being required.

### *Recommendations*

765. It is recommended that the Fish and Game **submission point 509.196 is rejected** as there is insufficient information in the submission to enable the writers to understand the changes sought to the Policy to the extent that is necessary to conclude the amendments would result in more appropriate Policy text than the current wording.
766. It is recommended that the NMDHB **submission point 280.029 is rejected** as there is insufficient information in the submission to enable the writers to understand the changes sought to the Policy to the extent that is necessary to conclude the amendments would result in more appropriate Policy text than the current wording.
767. It is recommended that the AWUG **submission point 548.088**, Irrigation NZ **submission point 778.086**, Pernod Ricard **submission point 1039.099**, Constellation **submission point 631.047**, Yealands Estate Limited **submission point 1242.041**, Wine Marlborough **submission point 431.076**, Accolade **submission point 457.045**, Indevin Estates Limited **submission point 776.027**, Longfield Farm Limited **submission point 909.066**, Villa Maria **submission point 1218.068**, Middlehurst Station Limited **submission point 970.013**, Investavine Limited **submission point 777.004**, BRIL **submission point 462.031**, Delegat Limited **submission point 473.033 are rejected** as the additions are unnecessary, as the Policy clearly directs that regard will be had to any positive effects accruing from disturbance that may not meet clarity standards, and it is inconsistent with the purpose of this Policy to prescribe the method in which application content is provided.
768. It is recommended that the Fishing Industry **submission point 710.052 is accepted in part** as the submitter does highlight a gap in the Policy and some drafting issues that should be corrected. With regards to the second amendment, if there are values that have not been identified in the appropriate appendices, then that is where changes should be made rather than in this Policy. It is recommended that Policy 15.1.32 is amended as follows –
- “In considering any resource consent application for the disturbance of a river or lake bed, or the seabed, or land in close proximity to any waterbody **or coastal water**, regard will be had to:*
- (a) whether the disturbance is likely to result in non-compliance with the clarity standards set for the waterbody **or coastal water**, after reasonable mixing;*
- (b) in the event of possible non-compliance with the clarity standards set for the waterbody **or coastal water**, after reasonable mixing.....”.*
769. It is recommended that the MFIA **submission point 962.094 is rejected** as “*proximity*”, or more specifically “*close proximity*” in this instance, will mean different things in different circumstances and is not appropriate to limit its meaning by way of a definition.
770. It is recommended that the Nelson Forest Limited **submission point 990.241 is rejected** as it is not appropriate to limit the meaning of “*close proximity*” by way of a definition and a rewrite of this Policy is not necessary to address the concerns of the submitter.

### Policy 15.1.33

771. Policy 15.1.33 reads as follows –

*“Require land use consent for the establishment and operation of any new dairy farm”.*

772. There are five submissions<sup>51</sup> that support Policy 15.1.33 and seek its retention as notified.
773. Federated Farmers (425.304) seek the removal of this Policy from the Plan in its entirety. The submitter opposes the requirement for a land use consent for the establishment and operation of a new dairy farm as it is not clear what is meant by a new dairy farm. The writers acknowledged that the definition of new dairy farm was not carried over from the operative Plans to the MEP, this is an error that is being sought to be correct through the Council's submission.
774. Federated Farmers does not see rapid growth in dairying that drives the need for a consenting regime. The writers clarify, rapid growth is not the driver behind this Policy. The submitter states that industry has a critical role in encouraging farmers to fence waterbodies, plant riparian margins and provide advice on effluent storage. These issues are well managed by industry, including through strict requirements under the Sustainable Dairying Water Accord, and in conjunction with existing consent requirements for effluent storage. Dairying should be a permitted activity, with new dairy farms requiring a farm environment plan developed with industry to strive for improvements. In some circumstances non-regulatory and regulatory tools are appropriate to be used together, this is one of those circumstances. All of the industry assistance described will be of great benefit to a resource consent applicant, and there is agreement on both sides that some form of management plan is appropriate. However, in the writers view this management plan is better to be part of a consent process where the content can be considered and, if consent is granted, compliance can be established around that Plan. The requirement for new dairy farms to obtain a resource consent is an important component of the Council's Progressive Implementation Programme giving effect to the NPSFM.
775. Ravensdown Limited (1090.044) and the Fertiliser Association (1192.034) seek the removal of this Policy from the Plan in its entirety. The submitters are of the view that the Policy is not needed given that Policy 15.1.34 provides clear direction that dairy farms will generally require resource consent. In the writer's view the submitters have misunderstood the two distinct but complimentary purposes of the policies. Policy 15.1.33 tells resource users the circumstances under which a resource consent is required (the establishment and operation of any new dairy farm), whereas Policy 15.1.34 tells an applicant, planner and decision maker the circumstances in which a resource consent application for a new dairy farm will be approved. The approach of having complementary policies along these lines is common throughout Volume 1 of the MEP.

### *Recommendations*

776. It is recommended that the Federated Farmers **submission point 425.304 is rejected** as this Policy is an important component to the Councils implementation of the NPSFM.
777. It is recommended that the Ravensdown Limited **submission point 1090.044** and the Fertiliser Association **submission point 1192.034 are rejected** as Policies 15.1.33 and 15.1.34 serve different, but complimentary, purposes so are both appropriate to retain in the MEP.

### Policy 15.1.34

778. Policy 15.1.34 reads as follows –

*“Approve land use consent applications for new dairy farms where the proposed farming would have no more than minor adverse effects on ground or surface water quality or on significant wetlands. A land use consent application must identify the risks of new dairy farming and provide measures to address those risks, including as a minimum:*

- (a) measures (including fences, bridges or culverts) to prevent stock entering onto or passing across the bed of any river or lake, significant wetland, or any drain or the Drainage Channel Network;*
- (b) provision of an appropriate, non-grazed buffer along the margins of any river, lake, significant wetland, drain or the Drainage Channel Network, to intercept the runoff of contaminants from grazed pasture, with reference to the values of fresh waterbodies as identified in Appendix 5;*

<sup>51</sup> 479.145 (DOC), 496.071 (Forest and Bird), 509.197 (Fish and Game), 1189.110 (Ngāi Tahu) and 1201.104 (Trustpower)

- (c) provision for storage of dairy effluent, with all storage ponds sufficiently sized to enable deferral of application to land until soil conditions are such that surface runoff and/or drainage do not occur;
- (d) demonstration of appropriate separation distances between effluent storage ponds and any surface waterbodies to ensure contamination of water does not occur (including during flood events); and
- (e) a nutrient management plan that includes nutrient inputs from dairy effluent, animal discharges, fertiliser and any other nutrient input”.

779. There are three submissions<sup>52</sup> that support Policy 15.1.34 and seek its retention as notified.

780. The Fertiliser Association (1192.035) and Ravensdown Limited (1090.045) seek the following changes to this Policy –

~~“Approve land use consent applications for new dairy farms~~ **and intensive farms** ~~where the proposed farming would have no more than minor adverse effects on~~ **can identify potential risks to** ground or surface water quality or on significant wetlands. ~~A land use consent application must identify the risks of new dairy farming and provide measures to address those risks, including as a minimum preparing and implementing a Farm Management Plan as set out in Appendix X:~~

~~(a) measures (including fences, bridges or culverts) to prevent stock entering onto or passing across the bed of any river or lake, significant wetland, or any drain or the Drainage Channel Network;~~

~~(b) provision of an appropriate, non-grazed buffer along the margins of any river, lake, significant wetland, drain or the Drainage Channel Network, to intercept the runoff of contaminants from grazed pasture, with reference to the values of fresh waterbodies as identified in Appendix 5;~~

~~(c) provision for storage of dairy effluent, with all storage ponds sufficiently sized to enable deferral of application to land until soil conditions are such that surface runoff and/or drainage do not occur;~~

~~(d) demonstration of appropriate separation distances between effluent storage ponds and any surface waterbodies to ensure contamination of water does not occur (including during flood events); and~~

~~(e) a nutrient management plan that includes nutrient inputs from dairy effluent, animal discharges, fertiliser and any other nutrient input”.~~

781. The submitters are concerned that the Policy is only directed at new dairy farms as it is noted that intensive farming and intensively farmed livestock are identified in the Plan. They consider that all farms should be required to operate at Industry Agreed Good Management Practices. In the writers view it would be inappropriate to capture “*intensive farming*” in this Policy as, by definition, that type of farming is not dependant on the soil (it tends to be in buildings), all waste is collected and often it does not involve any animals. The Policy could be extended to include new farms that fit the intensively farmed livestock definition but are not dairy (as already covered), so the Policy would then apply to cattle or deer grazed on irrigated land or contained for breakfeeding of winter feed crops and farmed pigs. Policy 15.1.33 would also need to be amended accordingly to note the requirement for these types of farming to also need resource consent if being newly established. The writers are not sure that the potential effects of these types of farming on the environment justify the extension of this Policy, however it is possible that the Fertiliser Association has a greater appreciation of the nutrient inputs and outputs on these types of farms, and that they would be most appropriately managed through a resource consent process. The writers are aware that the intention behind the intensively farmed livestock definition was to only use it in the context of stock in riverbeds. While the writers potentially see merit in requiring all “*intensively farmed livestock*” farms to obtain a resource consent is it a significant shift in Policy, and the costs and benefits have not been considered by the submitter. Generally, there is insufficient information in the submission to enable the writers to support this change at this time.

782. The writers disagree with the amendment to “*no more than minor adverse effects*”, the submitters appear to make rather circular arguments about it and relate it to the gateway tests for non-complying activities. In the context of this Policy, this phrase informs the resource user what the expectation is, i.e. a consent will only be approved if there is no more than a minor adverse effect on water quality from the activity. It makes the expectations clear for all parties – an applicant knows what they have

<sup>52</sup> 479.146 (DOC), 496.072 (Forest and Bird) and 1251.050 (Fonterra)



to demonstrate in their application and a decision maker knows what they have to be satisfied about in order to approve consent.

783. Finally, the submitters are of the view that the matters set out in (a) to (e) should be removed from the Policy and incorporated into a Farm Management Plan, an example of which would be put into the appendices of the MEP. In this Policy a lot of guidance is given to resource users about what their applications need to consider, they may choose to do that by way of a Farm Management Plan but it was a deliberate decision of the plan drafters to not make that a requirement. It should be remembered that this Policy and the higher-level provisions it gives effect to are about water quality, and as such, in the writers view it is only appropriate to seek information relevant to protecting water quality. In the Fertiliser Association's submission on Method 15.M.25 (1192.040) it notes that Farm Management Plans can be broader than just managing water quality and are a well-established method of managing farming activities. This demonstrates the writer's concern at replacing (a) to (e) with the requirement for a Farm Management Plan within this Policy. There is also some uneasiness about having an appendix with an example in it, something as uncertain as an example might be better placed as a guidance tool outside of the MEP.
784. Ngāi Tahu (1189.111) seek the amendment of (e) so that there is a standard that needs to be met, as opposed to the standard being the provision of a nutrient management plan, of which the contents may not be acceptable. The submitter is of the view that it is appropriate for the matters set out to be considered in the event of a change of land use to dairy farming. In particular, a nutrient management plan is essential in determining the effects of dairy farming. The Policy is clear that consent would only be approved if the new dairy farm was going to have no more than minor adverse effects on water quality, and that applications had to identify the risks and provide measures to address those risks, including providing a nutrient management plan. The writers are of the view that the Policy is sufficiently clear that the nutrient management plan would have to be meaningful in the context of the proposed activity/application, and mere lodgement of a plan would not be sufficient.
785. Fish and Game (509.198) seek amendments to the Policy so that it specifies appropriate limits for dairy farming, including maximum nitrogen leaching standards, management practices to avoid loss of phosphorus and sediment and faecal contamination. The submitter provides no explanation for the amendments sought. The approach of the Plan drafters, which is supported by the writers, was to have applicants identify through nutrient management plans (and other means) the effects of their activity and the mitigation rather than the MEP being prescriptive.
786. EDS (698.108) seek the following changes to this Policy –
- “Approve land use consent applications for new dairy farms where the proposed farming would have no more than minor adverse effects on ground or surface water quality or on significant wetlands. A land use consent application must identify **(as part of and in combination with the requirements in Schedule 1 RMA)** the risks of new dairy farming and provide measures to address those risks, including as a minimum:*
- (a) measures (including fences, bridges or culverts) to prevent stock entering onto or passing across the bed of any river or lake, significant wetland, or any drain or the Drainage Channel Network;*
  - (b) provision of an appropriate, non-grazed buffer along the margins of any river, lake, significant wetland, drain or the Drainage Channel Network, to intercept the runoff of contaminants from grazed pasture, with reference to the values of fresh waterbodies as identified in Appendix 5;*
  - (c) provision for storage of dairy effluent, with all storage ponds sufficiently sized to enable deferral of application to land until soil conditions are such that surface runoff and/or drainage do not occur;*
  - (d) demonstration of appropriate separation distances between effluent storage ponds and any surface waterbodies to ensure contamination of water does not occur (including during flood events); ~~and~~*
  - (e) a nutrient management plan that includes nutrient inputs from dairy effluent, animal discharges, fertiliser and any other nutrient input **and the discharge outputs;***
  - (f) **assessment of the effects of any discharges, in combination with all other discharges to the FMU on the receiving environment and identifying how and why the adverse effects are no more than minor; and***

***(g) measures in place to ensure that leaching maxims are met or for existing farms measures in place to reduce leaching down to the maxim by a specified date .”***

EDS are of a view that the MEP should be amended to include maximum leaching limits for dairy farming that are based on the inherent productive potential (LUC) of the subject land, as this would ensure that production and intensification occur within the capacity of the environment to sustain itself. EDS are also of the view that the Policy needs to make it clear that the other assessment requirements stipulated in Schedule 1 of the RMA must be addressed. The writers are confused about this amendment sought as Schedule 1 does not relate to the resource consent process, the submitter may be able to clarify in evidence the intention of this amendment. The writers generally find the relief sought confusing, cumulative limits have not yet been set so referencing FMUs is inappropriate and adding (g) with a reference to existing farms is out of step with the Policy as it is only triggered by an application for a new farm, which the submitter has not sought to be changed. It is also unreasonable to require an application to have knowledge of all other discharges outside of their own farms.

787. The Environment Centre (1193.077) seek amendments to the Policy to require that dairy farms, all farms with high nutrient leaching risk and those with non-compliance issues write a Farm Environment Plan (FEP) (including a nutrient management plan) which is regularly audited with a requirement for practices identified as risking damage to the environment to be corrected within a designated timeframe. It adds that, the FEP must include an assessment of the adverse environmental effects, risks associated with the farming activities and how those effects and risks will be managed, including irrigation, application of nutrients, effluent application, stock exclusion from waterways, offal pits and farm rubbish pits. FEP should be audited annually then less often if practices consistently reach a high standard. As discussed above in relation to the Fertiliser Association and Ravensdown Limited submissions, a Farm Management Plan is not the preferred regulatory method of managing effects on water quality. As demonstrated in the Environment Centre’s submission, Farm Management Plans go beyond addressing water quality, which is the issue this Policy seeks to address. In the writer’s view, the requirement for a Farm Management Plan for dairy farms, or any farming, is a matter to be determined in the “Use of the Rural Environment” space, not specifically in relation to this Policy.
788. Federated Farmers (425.305) seek the removal of this Policy in its entirety from the MEP. The submitters are of the view that this policy reads like a set of permitted activity standards, and while it recognises the importance of some of these measures, these can be achieved through permitted activity standards for new dairy farming, including a requirement for the development of a farm environment plan. The writers strongly disagree with the submitters view that this Policy could, in essence, be converted to a Permitted Activity. The provision of information and level of assessment required in relation to this activity warrants a process in which the effects can be thoroughly considered, assessed and addressed. The language and content of parts (a) to (e) are not well suited to being Permitted Activity standards. The removal of this Policy and the companion Policy 15.1.33, will not assist the Council in meeting its obligations under the NPSFM and would be inconsistent with the Progressive Implementation Programme established to give effect to the water quality component of the NPSFM.

### *Recommendations*

789. It is recommended that the Fertiliser Association **submission point 1192.035** and the Ravensdown Limited **submission point 1090.045 are rejected** as there is insufficient information in the submission to enable the writers to support the extension of this Policy to include all farms with intensively farmed livestock, and Farm Management Plans are a best used as a non-regulatory tool.
790. It is recommended that the Ngāi Tahu **submission point 1189.111 is rejected** as the notified wording of the Policy, in the writer’s view, does not lead to the issue expressed by the submitter.
791. It is recommended that the Fish and Game **submission point 509.198 is rejected** as the submitter has provided no explanation for the amendments sought, and the writers support the approach in the MEP of having applicants identify through nutrient management plans (and other means) the effects of their activity and the mitigation rather than the Plan being prescriptive.

792. It is recommended that the EDS **submission point 698.108 is rejected** as the writers are confused about much of the content of the submission and little supporting information has been provided. As lodged, the relief sought is inappropriate and/or inconsistent with the purpose of the Policy.
793. It is recommended that the Environment Centre **submission point 1193.077 is rejected** as Farm Management Plans are a best used as a non-regulatory tool.
794. It is recommended that the Federated Farmers **submission point 425.305 is rejected** as the removal of this Policy will not assist the Council in meeting its obligations under the NPSFM, and would be inconsistent with the Progressive Implementation Programme established to give effect to the water quality component of the NPSFM.

### Method 15.M.25

795. Method 15.M.25 reads as follows –

*“Management plans for dairy farming - Water Quality Management Plans can be used as a means of demonstrating on an ongoing basis that any adverse effects on water quality resulting from dairy farming will be avoided, remedied or sufficiently mitigated. They provide the ability to consider all farm management practices with the potential to adversely affect surface or groundwater quality or wetlands and manage these risks in an integrated way. This also enables the dairy farmer to progressively plan farm upgrades based on priority or in the case of new farms, at the time of establishment. Water Quality Management Plans can be used to support applications for land use consent to convert the use of land to dairying.*

*Nutrient Management Plans will be required as a means to demonstrate how nutrient inputs associated with dairy farming are to be managed to ensure any adverse effects on water quality will be avoided, remedied or mitigated. Nutrient Management Plans should be written documents that incorporate a nutrient budget developed by an accredited nutrient adviser using OVERSEER® or similar. This should describe how the major plant nutrients (nitrogen, phosphorus, sulphur and potassium) and any other nutrients of importance to specialist crops will be managed (including all sources of nutrient - for example, discharges from farm dairy effluent systems, animal discharges and/or atmospheric nitrogen fixation”.*

796. H Collins (397.005) seeks clarification and makes statements in her submission rather than requesting a decision, therefore no assessment and recommendation is possible. However, the following comments are made that may be of assistance – nutrient management plans under the proposed provisions would only apply to new dairy farms, the MEP is deliberately not specific about having to use Overseer or which version should be used to enable the Policy primarily associated with this Method (Policy 15.1.34) to be applied with the most up-to-date and relevant tools, under the provisions a nutrient management plan would only be a requirement at the time a resource consent application was made for a new dairy farm, however that does not prevent conditions of consent requiring them to be monitored or audited for the life of the consent if that would be appropriate.
797. Federated Farmers (425.308) seek that the Method is amended to include farm environment plans, which are to be utilised in conjunction with the catchment enhancement plans as a non-regulatory tool to compliment the partnership approach. Federated Farmers supports the concept of farm environment plans, or water quality management plans as they are termed in this method. Federated Farmers submits that they should be used within the non-regulatory framework and linked to prioritised catchment enhancement plans. As indicated in relation to the submissions on Policy 15.1.34, the writers are of the view that the inclusion of farm environment plans (or farm management plans) in the MEP, in whatever capacity, is a matter for consideration in the “Use of the Rural Environment” space, not specifically in relation to the water quality provisions. The submitter suggests that farm environment plans and water quality management plans are one in the same, the writers are of the view that they are not, and this Method was carefully drafted to ensure it was specific to its intended purpose. To be clear, the writers do not disagree with the submitter that farm environment plans can be a useful non-regulatory tool, and they may well be useful in relation to working with farmers when the Catchment Management Plans for degraded or at risk catchments are developed.
798. Ravensdown Limited (1090.050) and the Fertiliser Association (1192.040) seek that the Method is amended as follows –

~~“Management Farm Environment plans for dairy farming and intensively farmed livestock - Water Quality Management Farm Environment Plans can be used as a means of demonstrating on an ongoing basis that any adverse effects on water quality resulting from dairy farming and intensively farmed livestock will be avoided, remedied or sufficiently mitigated. They provide the ability to consider all farm management practices with the potential to adversely affect surface or groundwater quality or wetlands and manage these risks in an integrated way. This also enables the dairy farmer to progressively plan farm upgrades based on priority or in the case of new farms, at the time of establishment. Water Quality Management Plans can be used to support applications for land use consent to convert the use of land to dairying.~~

**The Farm Environment Plan should include:**

- *Nutrient Management Plans. These will be required as a means to demonstrate how nutrient inputs associated with dairy farming and intensively farmed livestock are to be managed to ensure any adverse effects on water quality will be avoided, remedied or mitigated. Nutrient Management Plans should be written documents that incorporate a nutrient budget developed by an accredited nutrient adviser, a Certified Nutrient Management Advisor using OVERSEER® or similar. This should describe how the major plant nutrients (nitrogen, phosphorus, sulphur and potassium) and any other nutrients of importance to specialist crops will be managed (including all sources of nutrient - for example, discharges from farm dairy effluent systems, animal discharges and/or atmospheric nitrogen fixation;*
- **Good management plans;**
- **Riparian management plans; and**
- **Details of the property including location of waterbodies”.**

799. The submitters are concerned that the Method is only directed at dairy farming and note that intensive farming requires consent but is not subject to any particular method. It is considered that Method 15.M.25 should be broadened to include intensive farming activities. The writers suspect that the submitters have been confused by the definitions of “*intensively farmed livestock*” and “*intensive farming*”, or they have not looked at the definitions. While “*intensive farming*” does require a resource consent, that is because the nature of that type of farming is that it is not dependant on soils (it is usually conducted in buildings), and so it is important to be considered whether locating these types of activities on productive rural land, is an appropriate “*use*” of the soil resource. Or to put it another way, the effects seeking to be managed when controlling “*intensive farming*” are not related to water quality, so are not relevant to this Method. Should Policy 15.1.34 be extended as appears to be sought by the submitters to include all the stock referred to in the “*intensively farmed livestock*” definition, then it would be appropriate to amend the Method accordingly. The writers remain uncertain that this is the outcome the submitters are really seeking.

800. The submitters seek national consistency where ever possible, however the each seek that that consistency be expressed differently – Ravensdown seek that the term Farm Environment Plan is used instead of Water Quality Management Plans, and the Fertiliser Association seeks that the term Farm Management Plan is used. The reasons why the writers do not support the use of either of these terms in the water quality provisions has been fully covered, and in assessment of the other submissions on this Method and on Policy 15.1.34. The submitters also express a concern that the MEP does not have a definition for either a Water Quality Management Plan or a Nutrient Management Plan, the writers are of the view that these tools are better described in a Method rather than creating an explicit definition. The nature of the tools is such that the content will vary depending on the circumstance and there is the potential that definitions may be limiting. That said, if the submitters provide text in their evidence of the definitions they would seek, the writers are open to reconsidering their assessment.

**Recommendations**

801. It is recommended that the Federated Farmers **submission point 425.308 is rejected** as it would be inappropriate to extend this Method, as part of this suite of provisions, beyond addressing water quality matters.

802. It is recommended that the Fertiliser Association **submission point 1192.040** and the Ravensdown Limited **submission point 1090.050 are rejected** as the inclusion of intensive farming in this Method would be inappropriate as it is not managed for water quality purposes, and the inclusion of a Farm

Management (Environment) Plan method is a consideration better suited to the “Use of the Rural Environment” space, not the water quality provisions.

### 803. OTHER METHODS RELATED TO THIS MATTER

#### Method 15.M.16

804. Method 15.M.16 reads as follows –

*“District rules - Use permitted activity rules to enable the planting of appropriate riparian vegetation on land adjoining rivers, lakes, significant wetlands and coastal waters.*

*Apply permitted activity standards to require rural land uses with the potential to adversely affect water quality through non-point source discharges to be setback from rivers, lakes, significant wetlands and coastal waters.*

*Apply district rules within Groundwater Protection Areas to ensure that land uses with the potential to result in leachate discharges require resource consent. This will ensure that the potential adverse effects of the proposed activity on groundwater quality for the community water supply are appropriately assessed”.*

805. The MFIA submission (962.095) seeks for the word “*potential*” to be defined and questions how this is identified. The submitter is of the view that there is quite a difference between these two approaches – both for permitted activities. Where does the setback distance come from? What is the scientific basis? In the writers view the submission is not particularly clear, we are not sure what the two approaches are that the submitter refers to. In this instance “potential” is not at all ambiguous as there are specific rules/standards that are in the MEP reflecting this Method. For example, a permitted activity standard that requires a rural land use with the potential to adversely affect water quality through non-point source discharges to be setback from a water body would be, Standard 3.3.14.3, which states excavation must not be in, or within 8m of a river.

806. The Nelson Forests Limited submission (990.242) seeks to amend the second paragraph of the Method as follows – *“Apply permitted activity standards to require rural land uses with the potential to adversely affect water quality through non-point source discharges to be setback from rivers, lakes, significant wetlands and coastal waters. **The required setbacks will be commensurate with the effects of the activity.**”* The submitter is of the view that any application of setbacks should be based on evidence, not an arbitrary measurement. Setbacks need to be equally applied to the effects of the activity (both positive and adverse effects). The writers are confused about this submission in the context of Permitted Activities, which is what the paragraph is discussing, as setbacks could not be variable depending on an assessment of effects unless it was really within a consent process. Taken on the face of it, it would not be practical to have standards on Permitted Activities that reflected the additional wording sought by the submitter.

#### *Recommendations*

807. It is recommended that the MFIA **submission point 962.095 is rejected** as the word potential as used in this Method does not need to be defined as the presence in the MEP of the rules and standards that reflect this Method in of themselves make the meaning clear.

808. It is recommended that the Nelson Forests Limited **submission point 990.242 is rejected** as the word potential as used in this Method does not need to be defined as the presence in the MEP of the rules and standards that reflect this Method in of themselves make the meaning clear.

#### Method 15.M.18

809. Method 15.M.18 reads as follows –

*“Liaison - Work with established rural industry groups to develop and implement sustainable land management programmes. The initial focus will be on viticulture, pastoral farming (especially dairy and intensive beef farming), arable farming and forestry, but may be expanded to other rural activities if the need arises.*

*Rural land uses upstream of or adjacent to rivers that have degraded water quality and rural land uses in groundwater protection areas are a priority for sustainable land management programmes.*

*Work with landowners and community groups to establish and enhance riparian margins and improve water quality”.*

810. There are five submissions<sup>53</sup> that support Method 15.M.18 and seek its retention as notified.
811. Several submissions<sup>54</sup> seek the following addition to this Method – **“Work with water user groups and other agencies to develop riverbed activity guidelines”**. In most submissions no particular reason is given for this addition however one submitter does comment on the usefulness of these guides both in a consenting process and for community involvement in the management of rivers. In particular, documents of this nature are useful where there is potential conflict between resource users. The writers have no objection to the addition, however would prefer slightly different wording so as to not single out one particular type of community group. In addition, there is preference for linking the development of guidelines to a purpose so as to not establish an expectation that guidelines will be developed for all rivers, as they may not be necessary everywhere. Riverbed activity can take many forms, be done for many reasons and the characteristics of each river will be unique. There are many parties that may be appropriate to involve in a riverbed activity guideline, and the addition to the Method should reflect this. In a separate submission it is noted the Te Ātiawa (1186.091) seek the inclusion of iwi within the liaison framework. As a reflection of the writer’s assessment of all of these submission points, the following recommendation for an addition to the Method is offered –

**“Work with resource users, community groups, agencies and iwi to develop riverbed activity guidelines where potential conflict between river users is identified”.**

812. As discussed above, in its submission, Te Ātiawa (1186.091) seek the inclusion of iwi within the liaison framework. In a similar vein to the writer’s recommendation regarding the riverbed activity guideline submissions, the following recommended amended to the existing text of the Method is suggested –

*“Work with landowners, iwi and community groups to establish and enhance riparian margins and improve water quality”.*

Te Ātiawa have not offered any specific amended wording for the Method so it is not possible to know if the suggested additions to the existing and proposed Method text addresses their concerns. Should a more specific submission be made in evidence, the writers will reassess the recommendations.

813. The AWUG submission (548.089) also seeks the addition of a sentence in the Method as follows – **“Engage with water user groups when determining the need for research, the design and implementation of research projects.”** There is nothing in the submission that explains this addition or gives it context. Presumably AWUG, a water user group, want to be involved in research projects on water quality in the Awatere River. While this may be quite appropriate, the writers do not see the need to include it in the Method. In the MEP the purpose of water user groups is to assist the Council in managing water resources, it is a Method in Chapter 5 (Allocation of Public Resources). It may be very efficient to spring board off a water user group and use them for another purpose, they are no doubt a great resource, however in the writer’s view this is not something that needs to be entrenched in the MEP.
814. H Collins (397.004) makes statements in her submission rather than a requesting a decision, therefore no assessment and recommendation is possible. However, the following comments are made that may be of assistance – this Method represents the intention of the Council to work with industry to address issues of water quality degradation, it is a positive signal of inclusiveness. There is nothing in this Method as written that to suggest that other work being done by industry is not of value. This is a Method about liaison between the Council and other parties. There are other Methods, such as 15.M.24, that focus on code of practice and the like.

### Recommendations

815. It is recommended that the Villa Maria **submission point 1218.069**, Accolade **submission point 457.077**, BRIL **submission point 462.032**, AWUG **submission point 548.089**, Wine Marlborough **submission point 431.076**, Pernod Ricard **submission point 1039.099** are accepted in part as the

<sup>53</sup> 425.307 (Federated Farmers), 715.369 (Forest and Bird), 961.071 (Chamber), 1090.046 (Ravensdown Limited) and 1192.037 (Fertiliser Assn)

<sup>54</sup> 1218.069 (Villa Maria), 457.077 (Accolade), 462.032 (BRIL), 548.089 (AWUG), 431.076 (Wine Marlborough) and 1039.099 (Pernod Ricard)

addition sought is not inappropriate, subject to amendments of the writers. It is recommended that Method 15.M.18 has the following additional sentence added to the end to the Method:

***“Work with resource users, community groups, agencies and iwi to develop riverbed activity guidelines where potential conflict between river users is identified”.***

816. It is recommended that the Te Ātiawa **submission point 1186.091 is accepted**, subject to the submitter providing alternative specific text in their evidence. The following amendment to the existing text of the Method is suggested –

*“Work with landowners, iwi and community groups to establish and enhance riparian margins and improve water quality”.*

817. It is recommended that the portion of the AWUG **submission point 548.089 that relates to engagement on research projects is rejected** as the addition sought a necessary addition to the Method and does not reflect the purpose of water user groups in the MEP.

### Method 15.M.21

818. Method 15.M.21 reads as follows –

*“Information - Provide information, including guidelines, to landowners, resource users and the public:*

- to generally promote awareness of water quality issues; and*
- to encourage the adoption of appropriate land management practices to minimise non-point source discharges.*

*Although the focus of this method will be on rural resource users, the information will also be applicable to residential situations (in both rural and urban environments).*

*Provide information on the benefits of retiring and planting riparian margins. This will include information on the appropriate width of riparian margins and suitable plant species, taking into account the variation in the nature of waterbodies/coastal waters and the adjoining rural land uses. Information on options for formally protecting retired riparian margins can also be provided”.*

819. There is one submission<sup>55</sup> that supports Method 15.M.21 and seeks its retention as notified.

820. Ravensdown Limited (1090.048) and the Fertiliser Association (1192.038) seek that the first paragraph of the Method is amended as follows –

*“Information - Provide information, including guidelines, to landowners, resource users and the public:*

- to generally promote awareness of water quality issues; and*
- to encourage the adoption of appropriate land management practices to minimise **any adverse effects of non-point source discharges. This includes promoting industry Codes of Practice and industry guidelines and encouraging the adoption of Agreed Good Management Practices. (Industry Agreed Good Management Practices, Sept 2015 have been development and documented by the Primary industry sector groups in conjunction with Canterbury Regional Council.)***

The submitters are of the view that the method should be providing information and increased awareness and supporting the adoption of appropriate land management practices to minimise any adverse effects of non-point discharges. This includes support for following Industry Agreed Good Management Practices. The writers disagree with the submitters amendments and are of the view that it is not the role of the Council to promote any particular industry product. As indicated in Method 15.M.24, the Council advocates for industry groups to prepare and adopt codes of practice or other guidelines aimed at reducing the effects of non-point source discharges where they do not already exist, but it is the role of those groups to promote those tools. This Method is about the Council providing information it creates or holds.

<sup>55</sup> 961.074 (Chamber)

### Recommendations

821. It is recommended that the Fertiliser Association **submission point 1192.038** and the Ravensdown Limited **submission point 1090.048 are rejected** as the suggested amendment would not be appropriate as this Method is about the Council providing information it creates or holds, and it is not the Council's role to promote a particular industry product.

### Method 15.M.24

822. Method 15.M.24 reads as follows –

*“Codes of practice and industry guidelines - Advocate to rural industry groups that they, locally or nationally, prepare and adopt codes of practice or other guidelines aimed at reducing the effects of non-point source discharges where they do not already exist”.*

823. Several submissions<sup>56</sup> seek the following addition to this Method – **“Work with water user groups and other agencies to develop riverbed activity guidelines to prevent or minimise the adverse effects of activities in, on, under or over river beds; to assist in the preparation of site specific management plans and for the processing of resource consent applications.”** The submitters have provided no reason or explanation for seeking this addition to this Method. A similar addition was sought to Method 15.M.18, which the writers recommend is accepted with amendment. In the writer's view, similar text is not required in both Methods and the content is better suited to 15.M.18 when read against both methods.

824. Ravensdown Limited (1090.049) and the Fertiliser Association (1192.039) seek the removal of Method 15.M.24 in its entirety as a result of the amendments sought to 15.M.21. The submitters are of the view that rural industry groups have developed and adopted a wide range of industry guidelines, including Codes of Practice and Industry Agreed Good Management Guidelines. In their view, the onus does not rest with Marlborough District Council to advocate for rural industry groups to prepare and adopt these, but for the Marlborough District Council to support rural industry groups in promoting their application and use. For the reasons already explained, the writers do not support the amendments the sought by the submitters to 15.M.21, however it is acknowledged that the submitters, as rural industry groups, do not agree with the position the Council places itself in under Method 15.M.25. While no submitters sought the retention of this Method as notified, it is noted that Horticulture NZ lodged a further submission in opposition to the Ravensdown Limited submission and state, *“Codes of Practice can be for a wide range of issues and it is appropriate that they are retained as a separate method”*. The writers offer the possibility that 15.M.24 is retained however, if it is within scope, that the text is amended as follows –

*“Codes of practice and industry guidelines - Advocate to **Work with** rural industry groups **so that they are encouraged**, locally or nationally, **to** prepare and adopt codes of practice or other guidelines aimed at reducing the effects of non-point source discharges where they do not already exist”.*

### Recommendations

825. It is recommended that the Villa Maria **submission point 1218.070**, Accolade **submission point 457.078**, BRIL **submission point 462.033**, AWUG **submission point 548.090**, Wine Marlborough **submission point 431.076**, Longfield Farm Limited **submission point 909.068 are rejected** as a similar amendment was sought to Method 15.M.18, which the writers recommend is accepted in part, and that is the appropriate place for the addition sought. It would also be unnecessary duplication to have similar text in both methods.

826. It is recommended that the Fertiliser Association **submission point 1192.039** and the Ravensdown Limited **submission point 1090.049 are rejected** subject to the writer's recommendation being within scope. The following amendment to the existing text of the Method is suggested –

*“Codes of practice and industry guidelines - Advocate to **Work with** rural industry groups **so that they are encouraged**, locally or nationally, **to** prepare and adopt codes of practice or other guidelines aimed at reducing the effects of non-point source discharges where they do not already exist”.*

<sup>56</sup> 1218.070 (Villa Maria), 457.078 (Accolade), 462.033 (BRIL), 909.068 (Longfield Farm Limited), 548.040 (AWUG) and 431.076 (Wine Marlborough)



Anticipated environmental results and monitoring effectiveness - 15.AER.1

827. 15.AER.1 reads as follows –

*“Water quality in Marlborough’s rivers, lakes and wetlands is suitable to support and sustain swimming, fishing, aquatic ecosystems and customary harvesting”.*

828. There is one submission<sup>57</sup> that supports 15.AER.1 and seeks its retention as notified.

829. The MDC lodged four submissions<sup>58</sup> seeking changes to 15.AER.1, those changes are as follows –

- Amend the eighth indicator for 15.AER.1 as follows - *“Water quality which was degraded is enhanced so that the waterbodies can support natural and human use values. ~~Catchment enhancement plans are developed and implemented.~~”*;
- Add a new indicator, which partly replaces the deleted part of the indicator above, as follows - ***“Increase in the number of catchment enhancement plans developed and implemented for waterbodies deemed degraded.”***;
- An amendment to the last indicator for 15.AER.1 as follows - *“Stormwater Management Area Plans are developed **and implemented** for all stormwater catchments that discharge into waterbodies and coastal waters with degraded water quality.”*; and
- Add a new indicator for 15.AER.1 as follows - ***“The number of complaints about unlawful discharges of contaminants to water or discharges to land in circumstances where contaminants may reach water.”***

830. The submitter is of the view that catchment enhancement plans are already being developed and implemented, therefore it is appropriate for a new indicator about catchment enhancement plans to be about increasing the number of plans rather than just establishing them. With regards to the third change sought, it is important to monitor not only whether Stormwater Management Area Plans are developed but also whether they are implemented. The new indicator sought regarding complaints recognises that an appropriate indicator for monitoring effectiveness is to record compliance information as it helps build a picture of water quality issues. There was only one further submission of note, it was lodged by Federated Farmers in support of the MDC submission seeking the new indicator relating to Catchment Management Plans.

### *Recommendations*

831. It is recommended that the MDC **submission points 91.070, 91.133, 91.159 and 91.161 are accepted** as the amendments will enable greater monitoring of effectiveness in relation to 15.AER.1. The following amendments to the list of indicators is recommended:

- Amend the eighth indicator as follows –  
  
*“Water quality which was degraded is enhanced so that the waterbodies can support natural and human use values. ~~Catchment enhancement plans are developed and implemented.~~”*;
- Add a new indicator immediately after indicator eight as follows –  
  
***“Increase in the number of catchment enhancement plans developed and implemented for waterbodies deemed degraded.”***;
- An amendment to the last indicator as follows –  
  
*“Stormwater Management Area Plans are developed **and implemented** for all stormwater catchments that discharge into waterbodies and coastal waters with degraded water quality.”*; and
- Add a new indicator as follows –

<sup>57</sup> 1002.071 (NZTA)

<sup>58</sup> 91.070, 91.133, 91.159 and 91.161 (MDC)

***"The number of complaints about unlawful discharges of contaminants to water or discharges to land in circumstances where contaminants may reach water."***

### Anticipated environmental results and monitoring effectiveness - 15.AER.2

832. 15.AER.2 reads as follows –

*"Water quality in Marlborough's coastal waters is suitable to support and sustain swimming, food gathering and marine ecosystems".*

833. There is one submission<sup>59</sup> that supports 15.AER.2 and seeks its retention as notified.

834. The MDC has lodged a submission (91.158) seeking changes to the second indicator for 15.AER.2 as follows – *"With the exception of regionally significant infrastructure, there are no discharges of human sewage from land-based activities into the coastal waters of the Marlborough Sounds."* The submitters are of the view that the amendment requested provides greater clarity to Plan users. The writers note that this amendment reflects similar amendments to policy and rule provisions related to the discharge of human sewerage into coastal waters. Nelson Forests Limited lodged a further submission in opposition to the MDC submission as it is of the view that confining the points to "land-based activities" fails to address the major contributions to the problem, that is boats and septic tank discharges. In the writer's view this is a matter that should be addressed at the Policy level, and if the Panel do not determine that the MDC amendment sought to Policy 15.1.19 (point 91.157) is accepted then perhaps Nelson Forests Limited's concerns regarding submission 91.158 should be considered further.

835. The Fishing Industry has lodged a submission (710.053) seeking changes to 15.AER.2 as follows –

*" Water quality in Marlborough's coastal waters is suitable to support and sustain swimming, ~~food gathering~~ seafood harvesting and marine farming, and marine ecosystems and fisheries resources."* The submitter also seeks as new indicator for 15.AER.2 as follows – ***"The number, duration and location of incidences in which seafood harvesting is prohibited or restricted for public health reasons"***.

The submitter refers to its submission on Policy 15.1.1 to provide reasoning behind its submission on 15.AER.2. It is the writers understanding that limitations on seafood harvesting can occur for a number of reasons, not all of which are associated with activities and effects that are controlled through the MEP. Prohibitions and restrictions are also not management tools that the Council is responsible for, which adds to the discomfort around the proposed indicator being a measure of effectiveness of the provisions of MEP. The writers are not convinced that if an anticipated environmental result of the provisions of the MEP is that the water quality in Marlborough's coastal waters is suitable to support and sustain food gathering and marine ecosystems, that it would not also be suitable for seafood harvesting, marine farming and fisheries resources.

### *Recommendations*

836. It is recommended that the MDC **submission point 91.158 is accepted** as the amendment reflects changes sought to associated policy and rule provisions, and will provide clarity for Plan users. The following amendment to the second indicator in the list of indicators for 15.AER.2 is recommended:

*"With the exception of regionally significant infrastructure, there are no discharges of human sewage from land-based activities into the coastal waters of the Marlborough Sounds."*

837. It is recommended that the Fishing Industry **submission point 710.053 is rejected** as the changes to 15.AER.2 are not necessary and the new indicator is not appropriate as a measure specifically related to the effectiveness of the MEP provisions given outside influences and the involvement of multiple agencies.

### Anticipated environmental results and monitoring effectiveness – New AER

838. The Rarangi Residents have lodged a submission (1089.009) seeking a new AER with two associated indicators as follows –

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<sup>59</sup> 716.175 (Friends)

**"Water quality in Rarangi is suitable for drinking, domestic use and sustaining aquatic ecosystems".**

Indicator 1 – **"Water is tested annually at Wells 3668, 3711, 1634 and 4442 to ensure chrome, copper and arsenic levels are within health standards."**; and

Indicator 2 – **"Water is tested annually at Wells 3668, 3711, 1634 and 4442 to ensure agrichemical residues are within health standards."**

The submitters are concerned about there being spray residue and the leaching of chemicals from treated vineyard posts into the Rarangi Shallow Aquifer water supply as a result of the rapid expansion of vineyards in Rarangi.

839. Peter Davidson has provided the following advice to the writers regarding the relief sought –

- Given the ecological and drinking water supply importance of the Rarangi Shallow Aquifer (RSA); there is a need to follow-up on the research commissioned by MDC in the early 2000's as to the effect of timber preservative (chromium-copper-arsenic (CAA)) from vineyard support posts on local groundwater and also pesticides;
- While these same activities are ubiquitous across the Wairau Plain, the point of difference is the lesser rate of through-flow and assimilative capacity of the RSA,
- Rather than further modelling, measuring how much CCA is transferred to groundwater from vineyard posts may be a more beneficial approach and has the advantage of being easily incorporated into existing MDC State of the Environment monitoring programme.
- MDC and the community are currently collaborating (2018/19) on a short-term joint research programme into the effects of rural residential settlement and agriculture/vineyard on groundwater quality at Rarangi. While the focus is on nutrients, other land use pollutants including sulphur are being assessed.
- Expanding the number of parameters tested for as part of existing State of the Environment seasonal monitoring at the MDC coastal wells: P28w/3668 and P28w/3711 to include chromium, copper and pesticides would be a simple matter and the extra cost is justified in my view. Arsenic is already tested for as it occurs naturally at many places at Rarangi.
- An expanded State of the Environment programme at Rarangi would also assess the impact of rural residential settlement on underlying groundwater, which hasn't been done to date.

On the basis of the advice provided by Peter Davidson, the writers are of a view that the relief sought would be better provided for through the expansion of the MDC State of the Environment reporting than by the additions sought to the MEP.

### *Recommendations*

840. It is recommended that the Rarangi Residents **submission point 1089.009 is rejected** as the relief sought would be better provided for through the expansion of the MDC State of the Environment reporting than by the additions sought to the MEP.

## **Matter 7: Water quality standards on other activities.**

### Standards 2.3.23.7, 2.8.1.4, 2.14.5.7, 21.3.6.5, 21.3.7.6, 21.3.9.10

841. Standard 2.3.23.7 applies to the General Rule 2.2.24, which provides for the diversion of water in the Floodway Zone.
842. Standard 2.8.1.4 applies to all Permitted Activities in, on, over or under the bed of lake or river in the General Rules.
843. Standard 2.14.5.7 applies to the General Rule 2.9.1, which provides for land disturbance for the purposes of diverting water in the Drainage Channel Network.

844. Standard 21.3.6.5 applies to the Floodway Zone Rule 21.1.6, which provides for shaping and beaching.
845. Standard 21.3.7.6 applies to the Floodway Zone Rule 21.1.7, which provides for land disturbance to facilitate the diversion of water.
846. Standard 21.3.9.10 applies to the Floodway Zone Rule 21.1.9, which provides for gravel and sediment removal within a wet part of a riverbed.
847. Standards 2.3.23.7, 2.8.1.4, 2.14.5.7, 21.3.6.5, 21.3.7.6, 21.3.9.10 read as follows –

*“Any discharge of sediment into water [associated with the activity/shaping and beaching/land disturbance/removal] must not, after reasonable mixing, cause a change in colour 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”.*

848. There is one submission<sup>60</sup> that supports Standard 2.8.1.4 and seeks its retention as notified.
849. The T James submission (307.017) on Standard 2.3.23.7 seeks an addition to the standard as follows – *“Any discharge of sediment into water.....cause a change in colour 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, or an increase in the suspendible sediment of more than 30% as measured using Sediment Assessment Method 4 in Clapcott et al 2011”.*

The submitter states that fine sediment is well known to cause significant adverse effects on benthic fish and invertebrate populations and it is the sediment that is deposited to the bed that is most important. There are many situations when the fine sediment in the water column has cleared, but there is significant deposited fine sediment within the bed matrix. The current provision will not adequately protect the environment. Although the writers agree with the submitter that fine sediment is known to cause significant adverse effects on instream aquatic life, the difficulty is that this only impacts hard bottomed streams. Some lowland streams naturally have fine sediment dominating the beds of the streams. The Clapcott et al methodology for Method 4 requires laboratory analysis to determine the level of sediment and therefore you would have to have a before reference to determine if there had been a 30% increase. For these reasons, the amendment sought is not practicable in all situations and therefore is inappropriate to include in the Standard.

850. The Reade Family submission (318.002) on Standard 2.8.1.4 includes text that it is inferred the submitters seek to replace the current wording of this Standard. The replacement text is as follows –

***“Describe water clarity at a point 200m downstream of the discharge must not result in significant water clarity degradation from that above the source for more than 8 hours in a day. Where significant is debated, use the black disc method (20%) as the arbitrator”.***

The submitter is of the view that the Munsell scale is impractical to use as its use and effectiveness is debatable. The writers agree with the submitter regarding the Munsell scale, so removal of the scale from the Standard is supported, however the remainder of the relief sought is not supported as it is difficult to determine what significant water clarity degradation is without supplying a definition. Black disk has inherent issues as it can be variable depending on light levels and the eye sight of the individual measuring the distance.

851. There are four submissions<sup>61</sup> on Standard 2.8.1.4 seek the following amendment to the Standard –
- “Any discharge of sediment into water.....after reasonable mixing, cause ~~a change in colour 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”.*

The submitters are of the view that the average person would know what Munsell Scale was for, let alone know how to use it or apply it on farm. They also expressed concern that natural disasters may create a change of more than 10 points on the scale. The submission from Windermere Forests Limited also seeks substitution with a measure of horizontal clarity. The writers agree with the submitter regarding the Munsell scale, so removal of the scale from the Standard is generally supported, however the preferred amendments of the writers are in the assessment of other similar

<sup>60</sup> 509.282 (Fish and Game)

<sup>61</sup> 640.018 (D and C Robbins), 935.018 (M Robb), 738.021 (G Robb) and 1238.031 (Windermere Forests Limited)

submissions below. The substitution of the Munsell scale with a measure of horizontal clarity sought by one of the submitters is not supported as it is not practical in all waterways.

852. In the Ernslaw One Limited submission (505.020) on Standard 2.8.1.4 amended text is not provided however the submitter seeks the removal of the reference to colour change and Munsell units, and that they are replaced with horizontal visibility as measured with a (NIWA) SHMAK clarity tube (in streams & rivers) or Black Disc measurement (in Lakes or in the Sounds). It further seeks that the Standard specify no more than a 40% change in visual clarity. The submitter is of the view that Munsell colour belongs in soil science, not freshwater hydrology as a Munsell colour score is not an appropriate measure for sediment and will be impacted by natural tannins in water. The writers agree with the submitter regarding the Munsell scale, so removal of the scale from the Standard is generally supported, however the preferred amendments of the writers are in the assessment of other similar submissions below. The substitution of the Munsell scale with horizontal visibility measures as sought by the submitter is not supported as measures with a (NIWA) SHMAK clarity tube is not practicable in all rivers and streams as many waterways have a clarity greater than the clarity tube can measure. The kit is designed for a quick and easy assessment tool and not as a robust piece of scientific equipment. Black disk has inherent issues as it can be variable depending on light levels and the eye sight of the individual measuring the distance.

853. There are eight submissions<sup>62</sup> on Standards 2.8.1.4, 2.14.5.7, 21.3.6.5, 21.3.7.6 and 21.3.9.10 that seek the removal of that part of the Standard that references the Munsell scale. WilkesRM Limited notes that the Standard uses the Munsell scale as a means to defining "a change in colour" and, whilst the Munsell scale has previously been utilised in the WARMP, the submitter is of the view that the use and interpretation of the Munsell scale is not something that lay people can be anticipated to be familiar with. PF Olsen Limited reiterates that it is not a practical field measure and not well used for the purpose sought. The writers agree with the submitter regarding the Munsell scale, so removal of the scale from the Standard is supported, and it is recommended that the Standards 2.8.1.4, 2.14.5.7, 21.3.6.5, 21.3.7.6 and 21.3.9.10 are amended as follows –

*"Any discharge of sediment into water [associated with the activity/shaping and beaching/land disturbance/removal] must not, after reasonable mixing, cause a **conspicuous** change in colour 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".*

854. The MFIA submission (962.136) and Nelson Forests Limited submissions (990.025 and 990.026) on Standard 2.8.1.4 seek the removal of the reference to the Munsell Scale as the measure to record a change in colour, and that the rule is rewritten with methods of measurement that are useable and meaningful. Nelson Forests Limited suggest the following alternative – **"Any discharge of sediment into water must not, after reasonable mixing, cause a decrease in clarity of more than 20% for more than 8 hours in any 24 hour period and more than 40 hours in total in any calendar month"**. The submitters are of the view that there is no methodology available on how to use the Munsell scale and this leaves the rule open to interpretation. The writers agree with the submitter regarding the Munsell scale, so removal of the scale from the Standard is generally supported, however the preferred amendments of the writers are in the assessment of other similar submissions above.

855. The AWUG submission (548.123) on Standard 2.8.1.4 seeks for the Council to work with water user groups and other agencies to develop riverbed activity guidelines to prevent or minimise the adverse effects of activities, this is a matter dealt with in the submissions on 15.M.18. However, in the reasons for the submission AWUG raises concerns about the application of this Standard in the context of the Awatere River, which has a naturally high sediment load. Given the content of the submission relative to this Standard no assessment or recommendation is made, however with regards to the submitters concerns, it is noted that the Standard is specific to the discharge causing a change in colour therefore the measure would be against the existing environment at the time of the discharge.

### Recommendations

856. It is recommended that the T James **submission point 307.017 is rejected** as the amendment sought is not practicable in all situations and therefore is inappropriate to include in the Standard.

857. It is recommended that the Reade Family **submission point 318.002 is accepted in part** as it is agreed that the Munsell scale should be removed from the Standard. The remainder of the relief

<sup>62</sup> 149.065 (PF Olsen Limited), 448.010 (L Powell), 425.450 (Federated Farmers), and 359.010, 359.011, 359.012, 359.032, 359.033 and 359.034 (WilkesRM Limited)

sought is not supported as it is difficult to determine what significant water clarity degradation is without supplying a definition, and the black disk method has inherent issues with being applied.

858. It is recommended that the D and C Robbins **submission point 640.018**, M Robb **submission point 935.018**, G Robb **submission point 738.021** and Windermere Forests Limited **submission point 1238.031 are accepted in part** as it is agreed that the Munsell scale should be removed from the Standard. The remainder of the relief sought is not supported as a horizontal clarity method is not practical in all waterways.
859. It is recommended that the Ernslaw One Limited **submission point 505.020 is accepted in part** as it is agreed that the Munsell scale should be removed from the Standard. The remainder of the relief sought is not supported as the alternative method is not practical in all waterways.
860. It is recommended that WilkesRM Limited's **submission points 359.010, 359.011, 359.012, 359.032 and 359.033**, PF Olsen Limited's **submission point 149.065**, L Powell's **submission point 448.010 and** the Federated Farmers **submission point 425.450 are accepted** as the writers agree with the submitter regarding the Munsell scale, so removal of the scale from the Standard is supported, and it is recommended that the Standards 2.8.1.4, 2.14.5.7, 21.3.6.5, 21.3.7.6 and 21.3.9.10 are amended as follows –
- “Any discharge of sediment into water [associated with the activity/shaping and beaching/land disturbance/removal] must not, after reasonable mixing, cause a **conspicuous** change in colour 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”.*
861. It is recommended that the MFIA **submission point 962.136** and Nelson Forests Limited **submission points 990.025 and 990.026 are accepted in part** as it is agreed that the Munsell scale should be removed from the Standard.

Standards 3.3.9.11, 4.3.8.11, 8.3.8.11, 3.3.12.11, 4.3.11.11, 7.3.8.11, 19.3.4.6, 22.3.9.8, 3.3.13.6, 4.3.12.6, 3.3.14.12, 4.3.13.10, 19.3.6.15, 22.3.7.8, 22.3.6.6, 3.3.16.11, 4.3.15.11, 19.3.5.15, 20.3.3.8

862. Standards 3.3.9.11, 4.3.8.11 and 8.3.8.11 apply to Rural Environment, Coastal Environment and Rural Living Zone Rules 3.1.9, 4.1.8 and 8.1.1, which provide for woodlot forestry harvesting.
863. Standards 3.3.12.11, 4.3.11.11, 7.3.8.11, 19.3.4.6 and 22.3.9.8 apply to Rural Environment, Coastal Environment, Coastal Living, Open Space 3 and Lake Grassmere Salt Works Zone Rules 3.1.12, 4.1.11, 7.1.10, 19.1.6 and 22.1.10, which provide for non-indigenous vegetation clearance.
864. Standards 3.3.13.6 and 4.3.12.6 apply to Rural and Coastal Environment Zone Rules 3.1.13 and 4.1.12, which provide for cultivation.
865. Standards 3.3.14.12, 4.3.13.10, 19.3.5.15 and 22.3.6.6 apply to Rural Environment, Coastal Environment, Open Space 3 and Lake Grassmere Salt Works Zone Rules 3.1.14, 4.1.13, 19.1.7 and 22.1.7, which provide for excavation.
866. Standards 3.3.16.11, 4.3.15.11, 19.3.6.15 and 22.3.7.8 apply to Rural Environment, Coastal Environment, Open Space 3 and Lake Grassmere Salt Works Zone Rules 3.1.16, 4.1.15, 19.1.8 and 22.1.8, which provide for filling of land with clean fill.
867. Standard 20.3.3.8 applies to the Open Space 4 Zone Rule 20.1.5, which provides for excavation or filling.
868. Standards 3.3.9.11, 4.3.8.11, 8.3.8.11, 3.3.12.11, 4.3.11.11, 7.3.8.11, 19.3.4.6, 22.3.9.8, 3.3.13.6, 4.3.12.6, 3.3.14.12, 4.3.13.10, 19.3.6.15, 22.3.7.8, 22.3.6.6, 3.3.16.11, 4.3.15.11, 19.3.5.15, 20.3.3.8 read as follows –

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

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

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

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

869. There are five submissions<sup>63</sup> that support Standards 3.3.13.6, 3.3.14.12, 19.3.4.6, 19.3.5.15 and seeks their retention as notified.
870. There are five submissions<sup>64</sup> from T James on Standards 3.3.9.11, 3.3.12.11, 3.3.13.6, 3.3.14.12 and 3.3.16.11 that seek the addition of the following to the Standard – **“Or an increase in the suspendible sediment of more than 30% as measured using Sediment Assessment Method 4 in Clapcott et al 2011”**.

The submitter states that fine sediment is well known to cause significant adverse effects on benthic fish and invertebrate populations and it is the sediment that is deposited to the bed that is most important. There are many situations when the fine sediment in the water column has cleared, but there is significant deposited fine sediment within the bed matrix. The current provisions will not adequately protect the environment. Although the writers agree with the submitter that fine sediment is known to cause significant adverse effects on instream aquatic life, the difficulty is that this only impacts hard bottomed streams. Some lowland streams naturally have fine sediment dominating the beds of the streams. The Clapcott et al methodology for Method 4 requires laboratory analysis to determine the level of sediment and therefore you would have to have a before reference to determine if there had been a 30% increase. For these reasons, the amendment sought is not practicable in all situations and therefore is inappropriate to include in the Standards.

871. There are 19 submissions<sup>65</sup> from WilkesRM Limited, one on each of the Standards relevant to this section of the s42a report. WilkesRM Limited seek the removal of that part of the Standards that reference the Munsell scale. WilkesRM Limited notes that the Standards use the Munsell scale as a means to defining "a change in colour" and, whilst the Munsell scale has previously been utilised in the WARMP, the submitter is of the view that the use and interpretation of the Munsell scale is not something that lay people can be anticipated to be familiar with. The writers agree with the submitter regarding the Munsell scale, so removal of the scale from the Standard is supported, and it is recommended that the Standards 3.3.9.11, 4.3.8.11, 8.3.8.11, 3.3.12.11, 4.3.11.11, 7.3.8.11, 19.3.4.6, 22.3.9.8, 3.3.13.6, 4.3.12.6, 3.3.14.12, 4.3.13.10, 19.3.6.15, 22.3.7.8, 22.3.6.6, 3.3.16.11, 4.3.15.11, 19.3.5.15 and 20.3.3.8 are amended as follows –

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

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

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

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

It is noted that the removal of (c) does not reflect the submissions of WilkesRM Limited, however it was sought elsewhere (see 676.087) and for efficiency the changes have been recommended all as one. The deletion of (b) is only a reconfiguration as a result of (a) and (c) being removed.

872. There are 12 submissions<sup>66</sup> from D and C Robbins, M Robb and G Robb on Standards 3.3.9.11, 3.3.12.11, 3.3.13.6, 4.3.8.11 and 4.3.12.6 that seek that (a) is removed from the Standards. D and C Robbins are of the view foresters need to be able to judge this out in the field so a much more common measurement type of recording need be on offer that the average person can understand and implement out on the farm or in a commercial scenario. The Robb's are of the view that for the average landowner assessing points in the Munsell scale is not practical and a simpler recording

<sup>63</sup> 454.086 and 454.100 (K Loe), 1193.119 (Environment Centre), 509.427 and 509.429 (Fish and Game)

<sup>64</sup> 307.011, 307.012, 307.013, 307.014 and 307.015 (T James)

<sup>65</sup> 359.007, 359.008, 359.009, 359.013, 359.014, 359.015, 359.016, 359.017, 359.018, 359.020, 359.021, 359.022, 359.023, 359.024, 359.026, 359.027, 359.028, 359.029 and 359.030 (WilkesRM Limited)

<sup>66</sup> 640.036, 640.038, 640.049 and 640.051 (D and C Robbins), 935.038, 935.049, 935.051 and 935.066 (M Robb) and 738.038, 738.039, 738.049 and 738.051 (G Robb)

system should replace the Munsell Scale. The writers agree with the submitter regarding the Munsell scale, so removal of the scale from the Standard is supported.

873. There are five submissions<sup>67</sup> from Nelson Forests Limited submissions on Standards 3.3.12.11, 3.3.13.6, 3.3.14.12, 4.3.11.11 and 4.3.13.10 that seek the removal of the Standards in their entirety, as a Permitted Activity with associated standards has been proposed for diffuse discharges from primary production activities and these existing Standards are in conflict with this. It is not clear what new Permitted Activity this is referring to – the submitters do have one under point number 990.033, however that is a discharge to water and Standards 3.3.12.11, 3.3.13.6, 3.3.14.12, 4.3.11.11 and 4.3.13.10 are controls on land use activities. The submitter has not supplied sufficient information for the writers to understand the reasons behind the relief sought, and we are of the view that these Standards are necessary (as amended) to protect water quality.
874. There are seven submissions<sup>68</sup> from Dairy NZ and Federated Farmers on Standards 3.3.14.12, 3.3.16.11, 4.3.13.10, 4.3.15.11, 19.3.5.15 and 19.3.6.15 that seek the removal of (a) and (c) from the Standards. Dairy NZ is of the view that the majority of farmers will not reasonably know, nor can be reasonably expected to know, if they have changed hue by more than 10 Munsell points or if reflectance has changed. Federated Farmers offers no reason for the decision sought on most points but on 425.802 states the view that cleanfill and minerals used for normal farming activities should be exempt from this Standard. The writers agree with the submitter regarding the Munsell scale and the reflectance standard, so removal of those parts of the Standards are supported.
875. The Federated Farmers submissions (425.542 and 425.795) on Standards 3.3.13.6 and 4.3.12.6 seek the removal of (a), (b) and (c) from the Standards, and amendment of the remainder of the Standards as follows –
- “~~Cultivation~~ Any run off to a surface water body must not cause any conspicuous change in the colour or visual clarity of a flowing river after beyond the zone of reasonable mixing, or a Significant Wetland, lake or the coastal marine area, as measured as follows:”.*
- The submitter is of the view that there is a significant amount of land that would not be able to be worked for crops, even those crops that are fast growing and would not be used for intensive winter grazing as a result of these Standards as notified, and the Standards should be amended to reflect practical attention on the key issues that have the potential to cause adverse effects. Some of the amendments sought by the submitter are supported as they reflect the writer’s amendments elsewhere, however the remainder are not, in particular the removal of Significant Wetland, lake and coastal marine area without explanation.
876. The I Bond submission (469.017) on Standard 3.3.14.12 seeks that Standard be amended and relaxed but does not provide alternatives of this nature. In the submitters view the Standard seems impractical and very onerous as the life of a forest is on average 25 to 30 years and the issue of adverse water clarity only occurs in the first year, maybe two. Further the submitter considers this Standard to be very harsh and discriminatory against forestry. The submitter has not offered any alternative for the writers to assess, and it is likely that the concerns for the most part will be addressed as a result of the promulgation of the NESPF, which covers excavation related to forestry even outside of planting and harvesting periods.
877. The S Parkes submission (339.022) on Standard 4.3.11.11 seeks that Standard be amended to remove the reference to the Munsell Scale. The submitter is of the view that farmers want to be able to test and judge for themselves so that they do not break the rules, but questions how some of these rules about hue and change in the reflectance going to be measured and by whom. The writer’s note that the original submission related to all standards of a similar nature without identifying a specific standard in the MEP and the submission has been related to Standard 4.3.11.11 for the purposes of providing context. The writers agree with the submitter regarding the Munsell scale, so removal of the scale from the Standard is supported.
878. The S Parkes submission (339.019) on Standard 4.3.12.6 seeks that the Standard be removed from the MEP in its entirety as the submitter is of the view that when cultivating a paddock there is no effect on the water. The writers maintain the view of the Council that there is a potential for water quality to be adversely affected by cultivation, however irrespective of this view, if there is no effect on water from cultivation as stated by the submitter, then this Standard should never be a barrier to farmers.

<sup>67</sup> 990.103, 990.104, 990.112, 990.139 and 990.147 (Nelson Forests Limited)

<sup>68</sup> 676.087 (Dairy NZ), and 425.551, 425.557, 425.660, 425.739, 425.802 and 425.830 (Federated Farmers)



879. The D Hemphill submission (648.044) and the MFIA submission (962.196) on Standard 4.3.13.10 seek that the Standard be amended to specify an acceptable temporary discoloration or loss of clarity. The submitters are of the view that this Standard is impossible to meet due to high sediment loads following rainfall events, and that is acceptable to have higher sediment levels in water during harvest as there is a much lower level of sediment suspension for the majority of a forest rotation. The amendment should reflect a review of the available science to decide what an acceptable temporary discoloration or loss of clarity from acceptable construction and forestry practices should be. It is likely that the submitter's concerns for the most part will be addressed as a result of the promulgation of the NESPF, which covers excavation related to forestry even outside of planting and harvesting periods. The writers note that temporary discoloration is very subjective both temporally and spatially, a temporary discharge of a few hours is a much greater impact on an invertebrate than a 25 year harvest operation and it can also have a large impact on the success of spawning of native fish.
880. The Killearnan Limited submission (167.006) requests clarification and expresses the view that the Standard is open to interpretation, but does not request a decision, therefore no assessment and recommendation is possible.

### Recommendations

881. It is recommended that the T James **submission points 307.011, 307.012, 307.013, 307.014 and 307.015 are rejected** as the amendment sought is not practicable in all situations and therefore is inappropriate to include in the Standards.
882. It is recommended that WilkesRM Limited's **submission points 359.007, 359.008, 359.009, 359.013, 359.014, 359.015, 359.016, 359.017, 359.018, 359.020, 359.021, 359.022, 359.023, 359.024, 359.026, 359.027, 359.028, 359.029 and 359.030 are accepted** as the writers agree with the submitter regarding the Munsell scale, so removal of the scale from the Standard is supported, and it The writers agree with the submitter regarding the Munsell scale, so removal of the scale from the Standard is supported, and it is recommended that the Standards 3.3.9.11, 4.3.8.11, 8.3.8.11, 3.3.12.11, 4.3.11.11, 7.3.8.11, 19.3.4.6, 22.3.9.8, 3.3.13.6, 4.3.12.6, 3.3.14.12, 4.3.13.10, 19.3.6.15, 22.3.7.8, 22.3.6.6, 3.3.16.11, 4.3.15.11, 19.3.5.15 and 20.3.3.8 are amended as follows –
- “[Harvesting/Vegetation clearance/Cultivation/Excavation/Filling/Excavation or filling] must not cause any conspicuous change in the colour or ~~visual~~ natural clarity of a flowing river after reasonable mixing, or a Significant Wetland, lake or the coastal marine area, ~~as measured as follows:~~*
- ~~(a) hue must not be changed by more than 10 points on the Munsell scale.~~*
- ~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the [harvesting/vegetation clearance/cultivation/excavation/filling/excavation or filling] site.~~*
- ~~(c) the change in reflectance must be <50%”.~~*
883. It is recommended that the D and C Robbins **submission points 640.036, 640.038, 640.049 and 640.051**, the M Robb **submission points 935.038, 935.049, 935.051 and 935.066** and the G Robb **submission points 738.038, 738.039, 738.049 and 738.051 are accepted** as the writers agree with the submitter regarding the Munsell scale, so removal of the scale from the Standard is supported.
884. It is recommended that the Nelson Forests Limited **submission points 990.103, 990.104, 990.112, 990.139 and 990.147 are rejected** as the submitter has not supplied sufficient information for the writers to understand the reasons behind the relief sought, and we are of the view that these Standards are necessary (as amended) to protect water quality.
885. It is recommended that the Dairy NZ **submission point 676.087 is** and the Federated Farmers **submission points 425.551, 425.557, 425.660, 425.739, 425.802 and 425.830 are accepted** as the writers agree with the submitter regarding the Munsell scale and the reflectance standard, so removal of those parts of the Standards are supported.
886. It is recommended that the Federated Farmers **submission points 425.542 and 425.795 are accepted in part** as some of the amendments sought by the submitter are supported as they reflect the writer's amendments elsewhere, however the remainder are not, in particular the removal of Significant Wetland, lake and coastal marine area without explanation.

887. It is recommended that I Bond's **submission point 469.017 is rejected** as there is insufficient information in the submission to assess the alternative sought by the submitter, and the NESPF is likely to address the submitters concerns.
888. It is recommended that the S Parkes **submission point 339.022 is accepted** as the writers agree with the submitter regarding the Munsell scale, so removal of the scale from the Standard is supported.
889. It is recommended that the S Parkes **submission point 339.019 is rejected** as the writers maintain the view of the Council that there is a potential for water quality to be adversely affected by cultivation, however irrespective of this view, if there is no effect on water from cultivation as stated by the submitter, then this Standard should never be a barrier to farmers
890. It is recommended that the D Hemphill **submission point 648.044** and the MFIA **submission point 962.196 are rejected** as a temporary discharge of a few hours is a much greater impact on an invertebrate than a 25 year harvest operation and it can also have a large impact on the success of spawning of native fish.

### Definition – Munsell scale

891. The definition of "*Munsell scale*" reads as follows –

*"is one of the most widely known colour systems and is suitable for routine water resources surveys and monitoring by matching of natural colours to the Munsell scale".*

892. The Federated Farmers submission (425.412) seeks the removal of the term "*Munsell scale*" from the MEP definitions as the submitter disagrees with the explanation provided next to the term Munsell scale which states it is one of the most widely used colour systems and suitable for routine water monitoring. As the writers have supported all submissions to remove the Munsell scale from planning standards in the MEP, the removal of the definition would also be appropriate.
893. The G Barnett submission (1258.006) with regards to the term Munsell scale, the submitter expresses the view that practical application is going to be difficult, but does not request a decision, therefore no assessment and recommendation is possible.

### *Recommendations*

894. It is recommended that the Federated Farmers **submission point 425.412 is accepted** as the writers have supported all submissions to remove the Munsell scale from planning standards in the MEP, the removal of the definition would also be appropriate

### Definition – Natural clarity

895. The definition of "*Natural clarity*" reads as follows –

*"refers to the transmission of light through water. There are two aspects: visual clarity, which can be taken as the hydrological range – the distance a perfect black body can be seen horizontally underwater; and the depth to which diffuse sunlight can penetrate vertically into water. Natural clarity shall be measured by using accepted scientific methods, and shall be taken to be the clarity of a water body immediately upstream of any discharge from a land disturbance site, or in the case of lakes or the sea, the clarity of water beyond the sediment 'plume' in the water. Reduction in clarity due to the discharge shall be measured at a point 50m downstream or offshore from the point of discharge, or two river widths, whichever is the greater".*

896. The Federated Farmers submission (425.414) seeks the amendment of the definition for "*Natural clarity*" so that the definition is clarified and everyday language is used (alternative wording has not been provided in the submission). The submitter is of the view that it is important that Plan users know and understand what is meant by a term so they know whether they are able to comply with the standards of a permitted activity. The writers do not agree that an amendment is required, however they would reassess this if the submitter provided specific wording changes in evidence.

### Recommendations

897. It is recommended that the Federated Farmers **submission point 425.414 is rejected** as the writers do not agree that an amendment is required, however they would reassess this if the submitter provided specific wording changes in evidence

### Definition – Reasonable mixing

898. The definition of “*Reasonable mixing*” reads as follows –

*“means for any point source discharge the zone of reasonable mixing in the receiving water must extend from the discharge point as follows:*

*For rivers and streams, the lesser of:*

*(a) a distance downstream that equals seven times the width of the river or stream when the flow is at half the median flow; or*

*(b) 200m downstream*

*For rivers subject to tidal influence: As for rivers and streams plus a distance upstream equal to half of that allowed downstream when the width is taken at half the median river flow at mid-tide.*

*For artificial watercourses (including farm drainage channels), the greater of:*

*(a) 200m downstream; or*

*(b) the property boundary.*

*For lakes: Within a radius of 100m”.*

899. There is one submission<sup>69</sup> that supports the definition and seeks its retention as notified.

900. The Federated Farmers (425.419) and Beef and Lamb NZ (459.064) submissions seek the amendment of the definition as follows –

*“means for any point source discharge the zone of reasonable mixing in the receiving water must extend from the discharge point as follows:.....*

~~*For artificial watercourses (including farm drainage channels), the greater of:*~~

~~*(a) 200m downstream; or*~~

~~*(b) the property boundary.*~~

~~*For lakes.....”.*~~

The submitters are of the view that the definition of rivers explicitly excludes this type of waterbody, therefore all references to artificial waterways should be removed from the definition of reasonable mixing to avoid confusion/ interpretation issues. Federated Farmers further notes that the definition is specific to point source discharges but the term “*reasonable mixing*” is used in standards for non-point source discharges. The writers agree with the submitters that the definition is limited to point source yet the term “reasonable mixing” is used throughout the rule standards, this could be corrected as follows “*means for any ~~point source~~ discharge*”, the issue the writers have is that the current wording in this regard reflects Policy 15.1.14 and it seems quite likely that it was originally only intended to apply to point source discharges. The other matter the submitter raises with regards to artificial water courses brings up another concern about consistency, as artificial water courses are not included in the way “reasonable mixing” is defined in Policy 15.1.14. The writers are not comfortable about removing artificial watercourses from the definition as if discharges are able to go beyond the farm boundary from artificial watercourses then there can be cumulative increases as the next farmer downstream would have a higher base line to start from.

901. The G Barnett (1258.005) submission makes a statement but does not seek a decision for which an assessment or recommendation can be made. With regards to the definition of “*Reasonable mixing*” the submitter states, this term is used throughout the MEP, and the practical application is going to be difficult.

<sup>69</sup> 1002.248 (NZTA)

### Recommendations

902. It is recommended that the Federated Farmers **submission point 425.419** and Beef and Lamb NZ **submission point 459.064 are rejected** as discharges into water in artificial watercourses can reach natural water courses and there can be cumulative increase in contaminants as you go downstream.

### Definition – Drainage channel

903. The definition of “*Drainage channel*” reads as follows –

*“means an artificial or other watercourse maintained or created for the purposes of removing unwanted water”.*

904. There is one submission<sup>70</sup> that supports the definition and seeks its retention as notified.

905. The Federated Farmers submission (425.395) seeks the amendment of the definition as follows –

*“means ~~an~~ a permanently flowing artificial or other watercourse maintained or created for the purposes of removing unwanted water. Channels designed and constructed to convey water only during rainfall events and which do not convey or retain water at other times are excluded from this definition”.*

The submitters are of the view that this definition should only apply to a permanently flowing watercourse that is designed and constructed for the purpose of removing unwanted surface water. This definition will capture farm drains and it is important that it is specific, given the setback distances required from drainage channels for common farming activities including the spreading of dairy effluent, silage pits and ofal pits. The writers do not agree with the amendments sought by the submitter, drainage channels are designed to remove unwanted water, which is likely to be from rainfall events, not from a constant excess of water at all times of the year. A drainage channel is a physical structure created for a purpose, it does not become something else when it does not contain water. The setbacks from drainage channels are quite appropriate with the existing definition, the amendment would mean an ofal pit, for example, could be placed immediately adjacent to a drainage channel that may contain water every time it rains but not in between. This has the potential to affect water quality if the drainage channel discharges into a waterbody or coastal water.

### Recommendations

906. It is recommended that the Federated Farmers **submission point 425.395 is rejected** as the amendment sought would likely lead to degradation of water quality in fresh and coastal waters.

## Matter 8: Submissions not covered elsewhere.

### Other Submissions on Chapter 15

907. The Federated Farmers submission (425.272) seeks a multitude of changes to the Introduction section of Chapter 15. The submitter seeks to list 10 findings from State of the Environment reporting in great detail, however the writers submit that this information was valid at a particular point in time and is probably already out-of-date, so including in the MEP, which has a life of 10 years would be inappropriate. Other changes sought move the direction or focus of the provisions away from that intended, or reflects management approaches inaccurately. Overall, the writers are not persuaded that any of the amendments sought would be preferable to the notified text.
908. The Nelson Forests Limited submission (990.229) seeks that the last sentence in paragraph 2 of the introduction be amended as follows – “~~Any reduction~~ **Reduction** in water quality is therefore a significant issue in Marlborough”. The submitter is of the view that “any reduction” overstates the issue. Some reduction in water quality is inevitable in response to natural events (such as storms) and short-term minor reduction in water quality may be required to allow for use of resources. In managing water quality, while natural events are acknowledged, the focus on what we can control, what difference we make relative to the environmental setting, so that context the notified text is

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<sup>70</sup> 1002.234 (NZTA)

appropriate. As to the short term minor reduction in water quality being required (inference, acceptable), that is a position that the submitter and other forestry industry submitters have presented throughout the submissions on water quality, a view not shared by the writers and therefore not considered an appropriate reason to amend the text of the introduction.

909. The Forest and Bird submission (990.229) seeks the following relief “*amend to address submission*”, the submission says that the introduction should highlight the need to improve water quality in degraded and at risk rivers by better management of point source and diffuse sources of contamination. Better treatment of discharges, fencing of waterways, more riparian planting, smarter fertiliser application etc. The writers would be happy to assess amended text if the submitter provides it at the hearing.

### *Recommendations*

910. It is recommended that the Federated Farmers **submission point 425.272 is rejected** as the writers are not persuaded that any of the amendments sought would be preferable to the notified text.
911. It is recommended that the Nelson Forests Limited **submission point 425.272 is rejected** as the writers are not persuaded that any of the amendments sought would be preferable to the notified text.
912. It is recommended that the Forest and Bird **submission point 715.363 is rejected** as the submitter has not provided amended text for assessment, and the writers are comfortable with the introduction as notified.

### Other Submissions on General Rules

913. The NZTA submission (1002.144) seeks the addition of a new Permitted Activity and associated standard as follows –

***“Earthworks within the legal road and associated sediment discharge to water or to land where it may enter water.”***

Standard – ***“Earthworks shall not, after the zone of reasonable mixing, result in any of the following effects in receiving waters:***

- (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or***
- (ii) any conspicuous change in colour or visual clarity, or any emission of objectionable odour, or***
- (iii) the rendering of fresh water unsuitable for consumption by animals, or***
- (iv) any significant adverse effect on aquatic life.”***

The submitter suggests that the additional Permitted Activity rule could be located within the Transportation section of Chapter 2, or within a new section containing other regional rules applying to unzoned land. The submitter states that as roads are unzoned and there is no rule for earthworks in the legal road, earthworks are permitted on this unzoned land. NZTA are of a view that this is not inappropriate, as sediment discharge is already controlled elsewhere in the MEP (captured in the regional rules). However, a rule specifically permitting earthworks and associated runoff from the legal road would assist with clarity. Note that under the MEP, discretionary activity consent would be required under Rule 2.19.2 for the discharge of sediment to water or land where it may enter water (any discharge to water not provided for as a Permitted Activity or Controlled Activity, or limited as a Prohibited Activity). The writers note that the MEP manages sediment discharge as an effect of a land use activity not an activity that is controlled in isolation, therefore the discharge of sediment associated with earthworks in legal road would not require a resource consent under Rule 2.19.1 as suggested by the submitter. As NZTA has stated under the MEP earthworks are a permitted in road reserve, and therefore the associated discharge of sediment is also permitted as it is an effect of the land use activity. The writers are inclined to recommend the submission is accepted as it provides additional controls to protect water quality, although it does seem somewhat opportunistic as the submitters intention appears to be to resolve an issue that the writers are of a view does not exist. If the Panel is of a mind to accept the submission, the writers would recommend some adjustments to the wording so as to be consistent with other similar provisions in the MEP.

*Recommendations*

914. It is recommended that the NZTA **submission point 1002.144 is accepted** as provides additional protections against degradation of water quality within road reserve. It is recommended that a new rule with an associated standard is added to the Chapter 2 - General Rules (Section 2.31 and 2.32) of Volume 2 of the MEP to read as follows –

***“Excavation and filling within the legal road.”***

Standard – ***“Excavation and filling must not, after reasonable mixing, result in any of the following effects in receiving waters:***

- (i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or***
- (ii) any conspicuous change in colour or visual clarity, or***
- (iii) any emission of objectionable odour, or***
- (iv) the rendering of fresh water unsuitable for consumption by animals, or***
- (v) any significant adverse effect on aquatic life.”***

## Appendix 1: Recommended decisions on decisions requested

There are submission points that do not seek a specific decision, and for which one cannot be inferred. Due to their nature no recommendation can be made therefore they are labelled “not applicable” in the recommendation column of the table.

Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
1187.003	Rangitāne	1	8	8	Accept in part
425.272	Federated Farmers	1	15	Chapter 15 – Introduction	Reject
715.363	Forest and Bird	1	15	Chapter 15 – Introduction	Reject
990.229	Nelson Forests Limited	1	15	Chapter 15 – Introduction	Reject
401.173	AQNZ	1	15	Issue 15A	Accept
426.181	MFA	1	15	Issue 15A	Accept
496.037	Forest and Bird	1	15	Issue 15A	Accept
505.015	Ernslaw One Limited	1	15	Issue 15A	Accept
509.159	Fish and Game	1	15	Issue 15A	Accept
716.174	Friends	1	15	Issue 15A	Accept
1002.068	NZTA	1	15	Issue 15A	Accept
1192.013	Fertiliser Association	1	15	Issue 15A	Accept
1193.078	Environment Centre	1	15	Issue 15A (lodged against Issue 15C)	Reject
990.230	Nelson Forests Limited	1	15	Issue 15A	Reject
990.231	Nelson Forests Limited	1	15	Issue 15A	Reject
990.232	Nelson Forests Limited	1	15	Issue 15A	Reject
962.084	MFIA	1	15	Issue 15A	Reject
100.007	East Bay Conservation Society	1	15	Issue 15A	Reject
425.273	Federated Farmers	1	15	Issue 15A	Reject
1090.027	Ravensdown Limited	1	15	Issue 15A	Reject
962.085	MFIA	1	15	Issue 15A	Reject
1251.107	Fonterra	1	15	Issue 15A	Reject
496.078	Forest and Bird	1	15	Issue 15A	Reject
1004.015	Oil Companies	1	15	Issue 15A	Reject
1187.001	Rangitāne	1	15	Issue 15A	Accept in part

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
1187.008	Rangitāne	1	15	Issue 15A	Accept in part
496.038	Forest and Bird	1	15	Issue 15B	Accept
509.160	Fish and Game	1	15	Issue 15B	Accept
339.027	S Parkes	1	15	Issue 15B	Reject
425.274	Federated Farmers	1	15	Issue 15B	Reject
676.007	Dairy NZ	1	15	Issue 15B	Reject
1187.009	Rangitāne	1	15	Issue 15B	Accept in part
150.002	W & R Parsons	1	15	Issue 15B (Table 15.1)	Reject
509.161	Fish and Game	1	15	Issue 15B (Table 15.1)	Accept in part
698.090	EDS	1	15	Issue 15B (Table 15.1)	Accept in part
509.162	Fish and Game	1	15	Issue 15B (Table 15.2)	Accept
425.275	Federated Farmers	1	15	Issue 15B (Tables 15.1 and 15.2)	Reject
1251.034	Fonterra	1	15	Issue 15B (Tables 15.1 and 15.2)	Reject
509.163	Fish and Game	1	15	Issue 15C	Accept
425.276	Federated Farmers	1	15	Issue 15C	Reject
698.091	EDS	1	15	Issue 15C	Reject
1187.010	Rangitāne	1	15	Issue 15C	Accept in part
501.069	Ngāti Kuia	1	15	Issue 15C	Reject
424.121	M & K Gerard	1	15	15.1a	Accept in part
715.364	Forest and Bird	1	15	15.1a	Accept in part
1201.099	Trustpower Limited	1	15	15.1a	Accept in part
45.001	L Neame	1	15	15.1a	Reject
91.102	MDC	1	15	15.1a	Accept
425.277	Federated Farmers	1	15	15.1a	Reject
479.120	DOC	1	15	15.1a	Accept in part
676.072	Dairy NZ	1	15	15.1a	Reject
698.092	EDS	1	15	15.1a	Accept in part
509.164	Fish and Game	1	15	15.1a	Reject
769.060	Horticulture NZ	1	15	15.1a	Reject



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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
339.026	S Parkes	1	15	15.1a	Reject
990.233	Nelson Forests Limited	1	15	15.1a	Reject
1090.028	Ravensdown Limited	1	15	15.1a	Reject
1189.100	Ngāi Tahu	1	15	15.1a	Reject
1192.014	Fertiliser Association	1	15	15.1a	Reject
503.004	Yachting NZ	1	15	15.1a	Reject
1251.035	Fonterra	1	15	15.1a	Reject
594.020	C McBride	1	15	15.1a	Accept in part
662.020	D McBride	1	15	15.1a	Accept in part
1187.011	Rangitāne	1	15	15.1a	Accept in part
479.121	DOC	1	15	15.1b	Accept in part
715.365	Forest and Bird	1	15	15.1b	Accept in part
1039.097	Pernod Ricard	1	15	15.1b	Accept in part
676.008	Dairy NZ	1	15	15.1b	Reject
1090.029	Ravensdown Limited	1	15	15.1b	Reject
1189.101	Ngāi Tahu	1	15	15.1b	Reject
425.278	Federated Farmers	1	15	15.1b	Reject
509.165	Fish and Game	1	15	15.1b	Reject
698.094	EDS	1	15	15.1b	Reject
1251.036	Fonterra	1	15	15.1b	Reject
1192.015	Fertiliser Association	1	15	15.1b	Accept in part
1187.012	Rangitāne	1	15	15.1b	Accept in part
479.122	DOC	1	15	15.1c	Accept in part
715.366	Forest and Bird	1	15	15.1c	Accept in part
1039.098	Pernod Ricard	1	15	15.1c	Accept in part
509.169	Fish and Game	1	15	15.1c	Reject
425.279	Federated Farmers	1	15	15.1c	Reject
1189.102	Ngāi Tahu	1	15	15.1c	Reject
1090.030	Ravensdown Limited	1	15	15.1c	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
1192.017	Fertiliser Association	1	15	15.1c	Accept in part
1251.037	Fonterra	1	15	15.1c	Reject
676.009	Dairy NZ	1	15	15.1c	Reject
1187.013	Rangitāne	1	15	15.1c	Accept in part
479.123	DOC	1	15	15.1d	Accept in part
715.367	Forest and Bird	1	15	15.1d	Accept in part
676.010	Dairy NZ	1	15	15.1d	Reject
1090.031	Ravensdown Limited	1	15	15.1d	Reject
425.280	Federated Farmers	1	15	15.1d	Reject
509.170	Fish and Game	1	15	15.1d	Reject
1251.038	Fonterra	1	15	15.1d	Reject
1192.018	Fertiliser Association	1	15	15.1d	Accept in part
1187.014	Rangitāne	1	15	15.1d	Accept in part
479.124	DOC	1	15	15.1e	Accept in part
676.011	Dairy NZ	1	15	15.1e	Accept in part
715.368	Forest and Bird	1	15	15.1e	Accept in part
1201.100	Trustpower	1	15	15.1e	Accept in part
425.281	Federated Farmers	1	15	15.1e	Reject
1090.032	Ravensdown Limited	1	15	15.1e	Reject
509.171	Fish and Game	1	15	15.1e	Reject
1192.019	Fertiliser Association	1	15	15.1e	Accept in part
1251.039	Fonterra	1	15	15.1e	Reject
401.174	AQNZ	1	15	15.1e	Reject
1187.015	Rangitāne	1	15	15.1e	Accept in part
424.122	M and K Gerard	1	15	15.1.1	Accept in part
496.039	Forest and Bird	1	15	15.1.1	Accept in part
676.073	Dairy NZ	1	15	15.1.1	Accept in part
1124.049	S MacKenzie	1	15	15.1.1	Accept in part
1201.101	Trustpower Limited	1	15	15.1.1	Accept in part

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
1192.020	Fertiliser Association	1	15	15.1.1	Accept in part
425.282	Federated Farmers	1	15	15.1.1	Reject
769.062	Horticulture NZ	1	15	15.1.1	Reject
991.010	NZ Deer Farmers	1	15	15.1.1	Reject
710.047	Fishing Industry	1	15	15.1.1	Reject
433.083	Port Marlborough	1	15	15.1.1	Accept in part
455.056	J Hickman	1	15	15.1.1	Reject
456.056	G Mehlhopt	1	15	15.1.1	Reject
479.125	DOC	1	15	15.1.1	Reject
509.172	Fish and Game	1	15	15.1.1	Accept in part
698.095	EDS	1	15	15.1.1	Reject
990.234	Nelson Forests Limited	1	15	15.1.1	Reject
1189.103	Ngāi Tahu	1	15	15.1.1	Reject
1251.040	Fonterra	1	15	15.1.1	Reject
479.126	DOC	1	15	15.1.2	Accept
496.040	Forest and Bird	1	15	15.1.2	Accept
1201.102	Trustpower Limited	1	15	15.1.2	Accept
425.283	Federated Farmers	1	15	15.1.2	Reject
676.074	Dairy NZ	1	15	15.1.2	Reject
698.096	EDS	1	15	15.1.2	Reject
769.063	Horticulture NZ	1	15	15.1.2	Reject
1090.033	Ravensdown Limited	1	15	15.1.2	Reject
1192.021	Fertiliser Association	1	15	15.1.2	Reject
1189.104	Ngai Tahu	1	15	15.1.2	Reject
479.127	DOC	1	15	15.1.3	Accept
496.041	Forest and Bird	1	15	15.1.3	Accept
961.051	Chamber	1	15	15.1.3	Accept
1090.034	Ravensdown Limited	1	15	15.1.3	Accept
1192.022	Fertiliser Association	1	15	15.1.3	Accept

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
425.284	Federated Farmers	1	15	15.1.3	Reject
509.174	Fish and Game	1	15	15.1.3	Reject
676.075	Dairy NZ	1	15	15.1.3	Reject
698.097	EDS	1	15	15.1.3	Reject
769.064	Horticulture NZ	1	15	15.1.3	Reject
1189.105	Ngāi Tahu	1	15	15.1.3	Reject
990.235	Nelson Forests Limited	1	15	15.1.3	Reject
961.052	Chamber	1	15	15.1.4	Accept
496.042	Forest and Bird	1	15	15.1.4	Accept
425.287	Federated Farmers	1	15	15.1.4	Reject
479.128	DOC	1	15	15.1.4	Reject
1090.036	Ravensdown Limited	1	15	15.1.4	Reject
1251.041	Fonterra	1	15	15.1.4	Reject
509.175	Fish and Game	1	15	15.1.4	Reject
676.013	Dairy NZ	1	15	15.1.4	Reject
1192.026	Fertiliser Association	1	15	15.1.4	Reject
990.236	Nelson Forests Limited	1	15	15.1.5	Accept
496.043	Forest and Bird	1	15	15.1.5	Accept
425.288	Federated Farmers	1	15	15.1.5	Reject
479.129	DOC	1	15	15.1.5	Reject
1251.042	Fonterra	1	15	15.1.5	Reject
509.176	Fish and Game	1	15	15.1.5	Reject
676.014	Dairy NZ	1	15	15.1.5	Reject
1090.037	Ravensdown Limited	1	15	15.1.5	Reject
1192.027	Fertiliser Association	1	15	15.1.5	Reject
496.044	Forest and Bird	1	15	15.1.6	Accept
425.289	Federated Farmers	1	15	15.1.6	Reject
479.130	DOC	1	15	15.1.6	Reject
509.177	Fish and Game	1	15	15.1.6	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
676.015	Dairy NZ	1	15	15.1.6	Reject
1090.038	Ravensdown Limited	1	15	15.1.6	Reject
1192.028	Fertiliser Association	1	15	15.1.6	Reject
1251.043	Fonterra	1	15	15.1.6	Reject
1201.105	Trustpower Limited	1	15	15.1.6	Reject
496.045	Forest and Bird	1	15	15.1.7	Accept
425.290	Federated Farmers	1	15	15.1.7	Reject
479.131	DOC	1	15	15.1.7	Reject
509.178	Fish and Game	1	15	15.1.7	Reject
676.016	Dairy NZ	1	15	15.1.7	Reject
1090.039	Ravensdown Limited	1	15	15.1.7	Reject
1192.029	Fertiliser Association	1	15	15.1.7	Reject
1251.044	Fonterra	1	15	15.1.7	Reject
479.132	DOC	1	15	15.1.8	Accept
496.046	Forest and Bird	1	15	15.1.8	Accept
631.021	Constellation	1	15	15.1.8	Accept
676.076	Dairy NZ	1	15	15.1.8	Accept
1090.040	Ravensdown Limited	1	15	15.1.8	Accept
1189.108	Ngāi Tahu	1	15	15.1.8	Accept
425.293	Federated Farmers	1	15	15.1.8	Reject
698.098	EDS	1	15	15.1.8	Reject
992.015	NZDF	1	15	15.1.8	Reject
716.044	Friends	1	15	New Policy (lodged against Objective 5.1)	Reject
425.294	Federated Farmers	1	15	15.1.9	Accept
479.133	DOC	1	15	15.1.9	Accept
496.047	Forest and Bird	1	15	15.1.9	Accept
1004.016	Oil Companies	1	15	15.1.9	Accept
717.055	Fulton Hogan Limited	1	15	15.1.9	Accept
873.064	KiwiRail	1	15	15.1.9	Accept

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
509.179	Fish and Game	1	15	15.1.9	Reject
698.099	EDS	1	15	15.1.9	Reject
1189.106	Ngāi Tahu	1	15	15.1.9	Reject
501.070	Ngāti Kuia	1	15	15.1.9	Reject
1186.087	Te Ātiawa	1	15	15.1.9	Reject
424.123	M & K Gerard	1	15	15.1.10	Accept
479.134	DOC	1	15	15.1.10	Accept
496.048	Forest and Bird	1	15	15.1.10	Accept
1004.017	Oil Companies	1	15	15.1.10	Accept
509.180	Fish and Game	1	15	15.1.10	Reject
698.100	EDS	1	15	15.1.10	Reject
1189.107	Ngāi Tahu	1	15	15.1.10	Reject
496.049	Forest and Bird	1	15	15.1.11	Accept in part
479.135	DOC	1	15	15.1.11	Accept in part
1004.018	Oil Companies	1	15	15.1.11	Accept in part
269.002	Okiwi Bay Ratepayers	1	15	15.1.11	Reject
509.181	Fish and Game	1	15	15.1.11	Reject
698.101	EDS	1	15	15.1.11	Reject
710.048	Fishing Industry	1	15	15.1.11	Reject
873.065	KiwiRail	1	15	15.1.11	Accept
1198.032	Transpower	1	15	15.1.11	Reject
496.050	Forest and Bird	1	15	15.1.12	Accept
496.050	Forest and Bird	1	15	15.1.12	Accept
1004.019	Oil Companies	1	15	15.1.11	Accept
509.182	Fish and Game	1	15	15.1.12	Reject
698.102	EDS	1	15	15.1.12 (incorrectly coded to 15.1.2)	Reject
501.071	Ngāti Kuia	1	15	15.1.12	Reject
496.051	Forest and Bird	1	15	15.1.13	Accept
1189.101	Ngāi Tahu	1	15	15.1.13	Accept

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
496.052	Forest and Bird	1	15	15.1.14	Accept in part
509.183	Fish and Game	1	15	15.1.14	Accept in part
45.002	L Neame	1	15	15.1.14	Accept
496.053	Forest and Bird	1	15	15.1.15	Accept
1002.072	NZTA	1	15	15.1.15	Accept
1004.020	Oil Companies	1	15	15.1.15	Accept
501.072	Ngāti Kuia	1	15	15.1.15	Reject
509.184	Fish and Game	1	15	15.1.15	Reject
710.049	Fishing Industry	1	15	15.1.15	Reject
496.054	Forest and Bird	1	15	15.1.16	Accept
425.295	Federated Farmers	1	15	15.1.16	Reject
501.073	Ngāti Kuia	1	15	15.1.16	Reject
961.057	Chamber	1	15	15.1.16	Reject
1201.106	Trustpower Limited	1	15	15.1.16	Reject
717.056	Fulton Hogan Limited	1	15	15.1.16	Reject
509.185	Fish and Game	1	15	15.1.16 (incorrectly coded to 15.1.6)	Reject
1004.021	Oil Companies	1	15	15.1.16	Reject
479.136	DOC	1	15	15.1.17	Accept
496.055	Forest and Bird	1	15	15.1.17	Accept
509.186	Fish and Game	1	15	15.1.17	Reject
1201.107	Trustpower Limited	1	15	15.1.17	Reject
1251.108	Fonterra	1	15	15.1.17	Reject
424.124	M & K Gerard	1	15	15.1.18	Accept in part
479.137	DOC	1	15	15.1.18	Accept in part
496.056	Forest and Bird	1	15	15.1.18	Accept in part
509.187	Fish and Game	1	15	15.1.18	Accept in part
961.059	Chamber	1	15	15.1.18	Accept in part
501.074	Ngāti Kuia	1	15	15.1.18	Reject
332.002	R Culbert	1	15	15.1.18	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
503.005	Yachting NZ Incorporated	1	15	15.1.18	Accept
960.012	Marlborough Berth and Mooring Association	1	15	15.1.18	Accept
1233.007	Waikawa Boating Club	1	15	15.1.18	Accept
1246.007	Pelorus Boating Club	1	15	15.1.18	Accept
425.297	Federated Farmers	1	15	15.1.21	Accept
496.059	Forest and Bird	1	15	15.1.21	Accept
1002.069	NZTA	1	15	15.1.21	Accept
1002.073	NZTA	1	15	15.1.21	Accept
1004.022	Oil Companies	1	15	15.1.21	Accept
710.050	Fishing Industry	1	15	15.1.21	Reject
992.019	NZDF	1	15	15.1.21	Reject
509.188	Fish and Game	1	15	15.1.21	Reject
496.060	Forest and Bird	1	15	15.1.22	Accept
501.076	Ngāti Kuia	1	15	15.1.22	Reject
509.189	Fish and Game	1	15	15.1.22	Reject
1186.089	Te Ātiawa	1	15	15.1.22	Reject
496.062	Forest and Bird	1	15	15.1.24	Accept
548.086	AWUG	1	15	15.1.24	Accept
280.027	NMDHB	1	15	15.1.24	Reject
769.066	Horticulture NZ	1	15	15.1.25	Accept
496.063	Forest and Bird	1	15	15.1.25	Accept
425.299	Federated Farmers	1	15	15.1.25	Accept
998.034	NZ Pork	1	15	15.1.25	Accept
1002.075	NZTA	1	15	15.1.25	Accept
1090.041	Ravensdown Limited	1	15	15.1.25	Accept
1192.031	Fertiliser Association	1	15	15.1.25	Accept
1251.047	Fonterra	1	15	15.1.25	Accept
698.104	EDS	1	15	15.1.25	Reject
990.237	Nelson Forests Limited	1	15	15.1.25	Reject



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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
962.090	MFIA	1	15	15.1.25	Reject
769.067	Horticulture NZ	1	15	15.1.26	Accept
496.064	Forest and Bird	1	15	15.1.26	Accept
425.300	Federated Farmers	1	15	15.1.26	Accept
998.035	NZ Pork	1	15	15.1.26	Accept
1090.042	Ravensdown Limited	1	15	15.1.26	Accept
1192.032	Fertiliser Association	1	15	15.1.26	Accept
1251.048	Fonterra	1	15	15.1.26	Accept
698.105	EDS	1	15	15.1.26	Reject
479.140	DOC	1	15	15.1.27	Accept
509.191	Fish and Game	1	15	15.1.27	Accept
1090.043	Ravensdown Limited	1	15	15.1.27	Accept
1192.033	Fertiliser Association	1	15	15.1.27	Accept
1251.049	Fonterra	1	15	15.1.27	Accept
496.065	Forest and Bird	1	15	15.1.27	Accept
425.301	Federated Farmers	1	15	15.1.27	Reject
698.106	EDS	1	15	15.1.27	Reject
501.078	Ngāti Kuia	1	15	15.1.27	Reject
505.017	Ernslaw One Limited	1	15	15.1.27	Reject
505.055	Ernslaw One Limited	1	15	15.1.27	Reject
990.238	Nelson Forests Limited	1	15	15.1.27	Reject
640.011	D & C Collins	1	15	15.1.27	Reject
738.014	G Robb	1	15	15.1.27	Reject
935.011	M Robb	1	15	15.1.27	Reject
496.066	Forest and Bird	1	15	15.1.28	Accept
479.141	DOC	1	15	15.1.28	Reject
425.302	Federated Farmers	1	15	15.1.28	Reject
509.192	Fish and Game	1	15	15.1.28	Reject
1002.076	NZTA	1	15	15.1.29	Accept

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
496.067	Forest and Bird	1	15	15.1.29	Accept
698.107	EDS	1	15	15.1.29	Reject
990.239	Nelson Forest Limited	1	15	15.1.29	Reject
962.092	MFIA	1	15	15.1.29	Reject
769.068	Horticulture NZ	1	15	15.1.29	Reject
509.193	Fish and Game	1	15	15.1.29	Reject
425.303	Federated Farmers	1	15	15.1.29	Reject
479.142	DOC	1	15	15.1.29	Reject
995.021	NZ Forest Products	1	15	New Policy (lodged under 15.1.29)	Reject
992.017	NZDF	1	15	15.1.30	Accept
961.068	Chamber	1	15	15.1.30	Accept
496.068	Forest and Bird	1	15	15.1.30	Accept
509.194	Fish and Game	1	15	15.1.30	Reject
1035.001	P Wilhelmus and Ormond Aquaculture Limited	1	15	15.1.30	Reject
475.005	J Timms	1	15	15.1.30	Reject
479.143	DOC	1	15	15.1.31	Accept
496.069	Forest and Bird	1	15	15.1.31	Accept
509.195	Fish and Game	1	15	15.1.31	Accept
548.087	AWUG	1	15	15.1.31	Accept
962.093	MFIA	1	15	15.1.31	Reject
990.240	Nelson Forest Limited	1	15	15.1.31	Reject
479.144	DOC	1	15	15.1.32	Accept in part
496.070	Forest and Bird	1	15	15.1.32	Accept in part
992.020	NZDF	1	15	15.1.32	Accept in part
873.068	KiwiRail	1	15	15.1.32	Accept in part
509.196	Fish and Game	1	15	15.1.32	Reject
280.029	NMDHB	1	15	15.1.32	Reject
962.094	MFIA	1	15	15.1.32	Reject
990.241	Nelson Forest Limited	1	15	15.1.32	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
548.088	AWUG	1	15	15.1.32	Reject
778.086	Irrigation NZ	1	15	15.1.32	Reject
1039.099	Pernod Ricard	1	15	15.1.32	Reject
631.047	Constellation	1	15	15.1.32	Reject
1242.041	Yealands Estate Limited	1	15	15.1.32	Reject
431.076	Wine Marlborough	1	15	15.1.32	Reject
457.045	Accolade	1	15	15.1.32	Reject
776.027	Indevin Estates Limited	1	15	15.1.32	Reject
909.066	Longfield Farm Limited	1	15	15.1.32	Reject
1218.068	Villa Maria	1	15	15.1.32	Reject
970.013	Middlehurst Station Limited	1	15	15.1.32	Reject
777.004	Investavine Limited	1	15	15.1.32	Reject
462.031	BRIL	1	15	15.1.32	Reject
473.033	Delegat Limited	1	15	15.1.32	Reject
710.052	Fishing Industry	1	15	15.1.32	Accept in part
496.071	Forest and Bird	1	15	15.1.33	Accept
509.197	Fish and Game	1	15	15.1.33	Accept
479.145	DOC	1	15	15.1.33	Accept
1189.110	Ngāi Tahu	1	15	15.1.33	Accept
1201.104	Trustpower Limited	1	15	15.1.33	Accept
425.304	Federated Farmers	1	15	15.1.33	Reject
1090.044	Ravensdown Limited	1	15	15.1.33	Reject
1192.034	Fertiliser Association	1	15	15.1.33	Reject
479.146	DOC	1	15	15.1.34	Accept
496.072	Forest and Bird	1	15	15.1.34	Accept
1251.050	Fonterra	1	15	15.1.34	Accept
1189.111	Ngāi Tahu	1	15	15.1.34	Reject
425.305	Federated Farmers	1	15	15.1.34	Reject
1090.045	Ravensdown Limited	1	15	15.1.34	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
1192.035	Fertiliser Association	1	15	15.1.34	Reject
509.198	Fish and Game	1	15	15.1.34	Reject
698.108	EDS	1	15	15.1.34	Reject
1193.077	Environment Centre	1	15	15.1.34	Reject
1192.023	Fertiliser Association	1	15	15.M.1	Accept
769.065	Horticulture NZ	1	15	15.M.1	Reject
425.285	Federated Farmers	1	15	15.M.1	Reject
1192.024	Fertiliser Association	1	15	15.M.2	Accept in part
425.286	Federated Farmers	1	15	15.M.2	Accept in part
1090.035	Ravensdown Limited	1	15	15.M.3	Reject
1192.025	Fertiliser Association	1	15	15.M.3	Reject
961.055	Chamber	1	15	15.M.5	Accept
1251.045	Fonterra	1	15	15.M.5	Accept
1192.030	Fertiliser Association	1	15	15.M.5	Accept
962.089	MFIA	1	15	15.M.5 (lodged under 15.1.5)	Accept
425.291	Federated Farmers	1	15	15.M.5	Reject
676.012	Dairy NZ	1	15	15.M.5	Reject
397.006	H Collins	1	15	15.M.5	Reject
1002.070	NZTA	1	15	15.M.9	Accept
1002.074	NZTA	1	15	15.M.9	Accept
710.051	Fishing Industry	1	15	15.M.9	Reject
1186.090	Te Ātiawa	1	15	15.M.9	Reject
280.028	NMDHB	1	15	15.M.10	Accept
1189.109	Ngāi Tahu	1	15	15.M.13	Accept
1004.023	Oil Companies	1	15	15.M.14	Accept
992.018	NZDF	1	15	15.M.15	Accept
962.095	MFIA	1	15	15.M.16	Reject
990.242	NFL	1	15	15.M.16	Reject
1002.077	NZTA	1	15	15.M.17	Accept

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
1218.069	Villa Maria	1	15	15.M.18	Accept in part
457.077	Accolade	1	15	15.M.18	Accept in part
462.032	BRIL	1	15	15.M.18	Accept in part
548.089	AWUG	1	15	15.M.18	Accept in part
431.076	Wine Marlborough	1	15	15.M.18	Accept in part
1039.099	Pernod Ricard	1	15	15.M.18	Accept in part
1186.091	Te Ātiawa	1	15	15.M.18	Accept
1039.099	Pernod Ricard	1	15	15.M.18	Accept in part
425.307	Federated Farmers	1	15	15.M.18	Accept in part
715.369	Forest and Bird	1	15	15.M.18	Accept in part
961.071	Chamber	1	15	15.M.18	Accept in part
1090.046	Ravensdown Limited	1	15	15.M.18	Accept in part
1192.037	Fertiliser Association	1	15	15.M.18	Accept in part
397.003	H Collins	1	15	15.M.19	Accept
961.072	Chamber	1	15	15.M.19	Accept
961.073	Chamber	1	15	15.M.20	Accept
961.074	Chamber	1	15	15.M.21	Accept
1090.048	Ravensdown Limited	1	15	15.M.21	Reject
1192.038	Fertiliser Association	1	15	15.M.21	Reject
1090.047	Ravensdown Limited	1	15	15.M.23	Accept
1192.036	Fertiliser Association	1	15	15.M.23	Accept
425.308	Federated Farmers	1	15	15.M.25	Reject
1090.050	Ravensdown Limited	1	15	15.M.25	Reject
1192.040	Fertiliser Association	1	15	15.M.25	Reject
1218.070	Villa Maria	1	15	15.M.24	Reject
457.078	Accolade	1	15	15.M.24	Reject
462.033	BRIL	1	15	15.M.24	Reject
548.090	AWUG	1	15	15.M.24	Reject
431.076	Wine Marlborough	1	15	15.M.24	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
909.068	Longfield Farm Limited	1	15	15.M.24	Reject
1090.049	Ravensdown Limited	1	15	15.M.23	Reject
1192.039	Fertiliser Association	1	15	15.M.23	Reject
1002.077	NZTA	1	15	15.AER.1	Accept in part
91.070	MDC	1	15	15.AER.1	Accept
91.123	MDC	1	15	15.AER.1	Accept
91.159	MDC	1	15	15.AER.1	Accept
91.161	MDC	1	15	15.AER.1	Accept
716.175	Friends	1	15	15.AER.2	Accept in part
91.158	MDC	1	15	15.AER.2	Accept
710.053	Fishing Industry	1	15	15.AER.2	Reject
1089.009	Rarangi Residents	1	15	New AER (lodged against 15.AER.3)	Reject
307.017	T James	2	2	2.3.23.7	Reject
509.282	Fish and Game	2	2	2.8.1.4	Accept in part
318.002	Reade Family	2	2	2.8.1.4	Accept in part
640.018	D & C Robbins	2	2	2.8.1.4	Accept in part
935.018	M Robb	2	2	2.8.1.4	Accept in part
738.021	G Robb	2	2	2.8.1.4	Accept in part
1238.031	Windermere Forests Limited	2	2	2.8.1.4	Accept in part
505.020	Ernslaw One Limited	2	2	2.8.1.4	Accept in part
359.032	WilkesRM Limited	2	2	2.8.1.4	Accept
149.065	PF Olsen Limited	2	2	2.8.1.4	Accept
448.010	L Powell	2	2	2.8.1.4	Accept
425.450	Federated Farmers	2	2	2.8.1.4	Accept
962.136	MFIA	2	2	2.8.1.4	Accept
990.025	Nelson Forests Limited	2	2	2.8.1.4 (lodged against 2.8)	Accept
990.025	Nelson Forests Limited	2	2	2.8.1.4 (lodged against 3.3)	Accept
359.034	WilkesRM Limited	2	2	2.14.5.7	Accept
717.068	Fulton Hogan Limited	2	2	New rule (under heading 2.16)	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
990.033	Nelson Forests Limited	2	2	New rule (under heading 2.16)	Reject
1004.037	Oil Companies	2	2	New rules (under heading 2.16)	Reject
433.086	Port Marlborough	2	2	New rule under 2.16 (lodged against 2)	Reject
873.099	KiwiRail	2	2	2.16.1	Accept in part
993.020	FENZ	2	2	2.16.1	Accept in part
91.131	MDC	2	2	2.16.1	Accept
509.291	Fish and Game	2	2	2.16.1	Reject
873.100	KiwiRail	2	2	2.17.1	Accept
509.292	Fish and Game	2	2	2.17.1	Reject
359.033	WilkesRM Limited	2	2	2.17.1.5	Accept
962.140	MFIA	2	2	2.17.1.5 (lodged against 2.17.1)	Accept in part
1201.124	Trustpower Limited	2	2	2.16.2	Accept
509.293	Fish and Game	2	2	2.16.2	Reject
1201.125	Trustpower Limited	2	2	2.17.2	Accept
509.294	Fish and Game	2	2	2.17.2	Reject
1023.012	P Rene	2	2	2.17.2	Reject
769.084	Horticulture NZ	2	2	2.17.2	Reject
1004.057	Oil Companies	2	2	2.17.2.3	Reject
479.181	DOC	2	2	2.17.2.3 (lodged against 2.17.2)	Reject
91.213	MDC	2	2	2.17.2.4	Accept
873.101	KiwiRail	2	2	2.16.3	Accept in part
1004.032	Oil Companies	2	2	2.16.3	Accept in part
1090.059	Ravensdown Limited	2	2	2.16.3	Accept in part
91.132	MDC	2	2	2.16.3	Accept
425.478	Federated Farmers	2	2	2.16.3	Reject
509.295	Fish and Game	2	2	2.16.3	Reject
1002.139	NZTA	2	2	2.16.3	Reject
873.102	KiwiRail	2	2	2.17.3	Accept in part
1002.141	NZTA	2	2	2.17.3	Accept

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
290.008	D Wilson	2	2	2.17.3	Reject
425.488	Federated Farmers	2	2	2.17.3	Reject
509.296	Fish and Game	2	2	2.17.3	Reject
290.001	D Wilson	2	2	2.17.3 (lodged against 2.17.3.4)	Reject
996.020	Surveyors	2	2	2.17.3.1	Reject
290.002	D Wilson	2	2	2.17.3.1	Reject
290.003	D Wilson	2	2	2.17.3.2	Reject
290.004	D Wilson	2	2	2.17.3.3	Reject
992.049	NZDF	2	2	2.17.3.3 (lodged against 2.17.3)	Reject
992.104	NZDF	2	2	2.17.3.3 (lodged against 2.16.3)	Reject
1004.033	Oil Companies	2	2	2.17.3.4	Accept
1002.014	NZTA	2	2	2.17.3.5 (second 2.17.3.1 in notified MEP)	Reject
290.007	D Wilson	2	2	2.17.3.9 (2.17.3.5 in notified MEP)	Reject
1004.034	Oil Companies	2	2	2.17.3.9 (2.17.3.5 in notified MEP)	Accept in part
290.005	D Wilson	2	2	2.17.3.10 (2.17.3.6 in notified MEP)	Reject
1004.034	Oil Companies	2	2	2.17.3.10 (2.17.3.6 in notified MEP)	Reject
401.184	AQNZ	2	2	2.16.4	Accept
426.193	MFA	2	2	2.16.4	Accept
873.103	KiwiRail	2	2	2.16.4	Accept
433.084	Port Marlborough	2	2	2.16.4	Accept
1002.142	NZTA	2	2	New rule (lodged under 2.16.4)	Reject
401.186	AQNZ	2	2	2.17.4	Accept
426.195	MFA	2	2	2.17.4	Accept
873.104	KiwiRail	2	2	2.17.4	Accept
433.087	Port Marlborough	2	2	2.17.4	Accept
1002.143	NZTA	2	2	New rule (lodged under 2.17.4)	Reject
401.185	AQNZ	2	2	2.16.5	Accept
426.194	MFA	2	2	2.16.5	Accept
873.105	KiwiRail	2	2	2.16.5	Accept



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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
433.085	Port Marlborough	2	2	2.16.5	Accept
873.106	KiwiRail	2	2	2.17.5	Accept
433.088	Port Marlborough	2	2	2.17.5	Accept
509.297	Fish and Game	2	2	2.16.6	Reject
509.298	Fish and Game	2	2	2.17.6	Reject
509.299	Fish and Game	2	2	2.16.7	Reject
91.130	MDC	2	2	2.16.7	Accept
509.301	Fish and Game	2	2	2.16.8	Reject
509.302	Fish and Game	2	2	2.17.8.1	Reject
1201.126	Trustpower Limited	2	2	2.16.9	Accept
509.303	Fish and Game	2	2	2.16.9	Reject
509.304	Fish and Game	2	2	2.17.9.1	Reject
1201.127	Trustpower Limited	2	2	2.17.9.1	Accept in part
509.305	Fish and Game	2	2	2.17.11	Reject
509.306	Fish and Game	2	2	2.17.11	Reject
769.085	Horticulture NZ	2	2	2.17.11	Reject
509.300	Fish and Game	2	2	2.17.11.7	Reject
290.006	D Wilson	2	2	2.18.1 (lodged against 2.18)	Reject
1186.113	Te Ātiawa	2	2	2.18.1 (lodged against 2.18.1.6)	Reject
1004.039	Oil Companies	2	2	2.19	Accept
479.182	DOC	2	2	2.20	Accept
479.183	DOC	2	2	New rule (lodged under 2.20)	Accept
1002.144	NZTA	2	2	New rule under 2.31 (lodged against 2)	Accept
425.565	Federated Farmers	1	15	New rule (lodged under 15.1.27)	Reject
509.316	Fish and Game	2	3	3.1.27	Reject
359.030	WilkesRM Limited	2	3	3.3.9.11	Accept
307.015	T James	2	3	3.3.9.11	Reject
640.036	D & C Robbins	2	3	3.3.9.11	Accept
307.014	T James	2	3	3.3.12.11	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
359.029	WilkesRM Limited	2	3	3.3.12.11	Accept
935.066	M Robb	2	3	3.3.12.11	Accept
738.038	G Robb	2	3	3.3.12.11	Accept
990.103	Nelson Forests Limited	2	3	3.3.12.11	Reject
454.086	K Loe	2	3	3.3.13.6	Accept in part
307.013	T James	2	3	3.3.13.6	Reject
359.028	WilkesRM Limited	2	3	3.3.13.6	Accept
935.038	M Robb	2	3	3.3.13.6	Accept
738.039	G Robb	2	3	3.3.13.6	Accept
640.038	D & C Robbins	2	3	3.3.13.6	Accept
676.087	Dairy NZ	2	3	3.3.13.6	Accept
425.542	Federated Farmers	2	3	3.3.13.6	Accept in part
990.104	Nelson Forests Limited	2	3	3.3.13.6	Reject
454.093	K Loe	2	3	3.3.14.5	Accept
1000.002	Rarangi North WS	2	3	3.3.14.5	Accept
1035.003	P Wilhelmus and Ormond Aquaculture Limited	2	3	3.3.14.5	Reject
475.006	J Timms	2	3	3.3.14.5	Reject
425.547	Federated Farmers	2	3	3.3.14.5	Reject
454.100	K Loe	2	3	3.3.14.12	Accept in part
1193.119	Environment Centre	2	3	3.3.14.12	Accept in part
359.027	WilkesRM Limited	2	3	3.3.14.12	Accept
307.012	T James	2	3	3.3.14.12	Reject
425.551	Federated Farmers	2	3	3.3.14.12	Accept
469.017	I Bond	2	3	3.3.14.12	Reject
990.112	Nelson Forests Limited	2	3	3.3.14.12	Reject
359.026	WilkesRM Limited	2	3	3.3.16.11	Accept
307.011	T James	2	3	3.3.16.11	Reject
425.557	Federated Farmers	2	3	3.3.16.11	Accept
1000.004	Rarangi North WS	2	3	3.3.30.6	Accept

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1000.005	Rarangi North WS	2	3	3.3.31.3	Accept
1035.006	P Wilhelmus and Ormond Aquaculture Limited	2	3	3.3.31.3	Accept
676.113	Dairy NZ	2	3	3.3.31.3	Accept
1193.126	Environment Centre	2	3	New Rule (lodged under 3.7)	Reject
359.024	WilkesRM Limited	2	4	4.3.8.11	Accept
935.049	M Robb	2	4	4.3.8.11	Accept
738.049	G Robb	2	4	4.3.8.11	Accept
640.049	D & C Robbins	2	4	4.3.8.11	Accept
339.022	S Parkes	2	4	4.3.11.11	Accept
Accept	WilkesRM Limited	2	4	4.3.11.11	Accept
990.139	Nelson Forests Limited	2	4	4.3.11.11	Reject
359.022	WilkesRM Limited	2	4	4.3.12.6	Accept
935.051	M Robb	2	4	4.3.12.6	Accept
738.051	G Robb	2	4	4.3.12.6	Accept
640.051	D & C Robbins	2	4	4.3.12.6	Accept
425.795	Federated Farmers	2	4	4.3.12.6	Accept in part
339.019	S Parkes	2	4	4.3.12.6	Reject
359.021	WilkesRM Limited	2	4	4.3.13.10	Accept
425.660	Federated Farmers	2	4	4.3.13.10	Accept
648.044	D Hemphill	2	4	4.3.13.10	Reject
962.196	MFIA	2	4	4.3.13.10	Reject
990.147	Nelson Forests Limited	2	4	4.3.13.10	Reject
359.020	WilkesRM Limited	2	4	4.3.15.11	Accept
425.802	Federated Farmers	2	4	4.3.15.11	Accept
1193.127	Environment Centre	2	4	New Rule (lodged under 4.7)	Reject
91.242	MDC	2	5	5.3.10.6	Accept
1254.001	Aquanort Pools	2	5	5.3.10.6	Reject
1255.001	R Post	2	5	5.3.10.6	Reject
91.241	MDC	2	6	6.3.5.5	Accept

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
359.018	WilkesRM Limited	2	7	7.3.8.11	Accept
359.017	WilkesRM Limited	2	8	8.3.8.11	Accept
509.427	Fish and Game	2	19	19.3.4.6 (lodged against 19.3.4)	Accept in part
359.016	WilkesRM Limited	2	19	19.3.4.6	Accept
509.429	Fish and Game	2	19	19.3.5.15 (lodged against 19.3.5)	Accept in part
359.015	WilkesRM Limited	2	19	19.3.5.15	Accept
425.739	Federated Farmers	2	19	19.3.5.15	Accept
359.014	WilkesRM Limited	2	19	19.3.6.15	Accept
425.830	Federated Farmers	2	19	19.3.6.15	Accept
359.013	WilkesRM Limited	2	20	20.3.3.8	Accept
359.012	WilkesRM Limited	2	21	21.3.6.5	Accept
359.011	WilkesRM Limited	2	21	21.3.7.6	Accept
359.010	WilkesRM Limited	2	21	2.3.9.10	Accept
359.009	WilkesRM Limited	2	22	22.3.6.6	Accept
359.008	WilkesRM Limited	2	22	22.3.7.8	Accept
359.007	WilkesRM Limited	2	22	22.3.9.8	Accept
1002.234	NZTA	2	25	Definitions (Drainage Channel)	Accept
1002.247	NZTA	2	25	Definitions (Point source discharge)	Reject
1002.247	NZTA	2	25	Definitions (Non-point source discharge)	Reject
425.395	Federated Farmers	2	25	Definitions (Drainage Channel)	Reject
425.412	Federated Farmers	2	25	Definitions (Munsell scale)	Accept
425.414	Federated Farmers	2	25	Definitions (Natural clarity)	Reject
425.419	Federated Farmers	2	25	Definitions (Reasonable mixing)	Reject
459.064	Beef and Lamb NZ	2	25	Definitions (Reasonable mixing)	Reject
1002.248	NZTA	2	25	Definitions (Reasonable mixing)	Accept
1142.008	Save the Wairau	3	Appendix 5	All	Accept in part
401.249	AQNZ	3	Appendix 5	All with regards to coastal waters	Accept
426.244	MFA	3	Appendix 5	All with regards to coastal waters	Accept
479.271	DOC	3	Appendix 5	All	Accept in part

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
509.333	Fish and Game	3	Appendix 5	All with regards to use of classifications	Accept
509.334	Fish and Game	3	Appendix 5	All with trout values	Accept in part
1039.135	Pernod Ricard	3	Appendix 5	All	Accept in part
778.088	Irrigation NZ	3	Appendix 5	Schedule 1	Reject
339.023	S Parkes	3	Appendix 5	Schedule 1	Reject
769.135	Horticulture NZ	3	Appendix 5	Schedule 1	Reject
356.005	Coatbridge Limited	3	Appendix 5	Schedule 1	Reject
425.028	Federated Farmers	3	Appendix 5	Schedule 1	Reject
425.195	Federated Farmers	3	Appendix 5	Schedule 1	Reject
425.770	Federated Farmers	3	Appendix 5	Schedule 1	Reject
501.083	Ngāti Kuia	3	Appendix 5	Schedule 1	Reject
509.332	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.335	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.337	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.338	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.339	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.340	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.341	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.342	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.343	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.344	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.345	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.346	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.347	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.348	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.349	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.350	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.351	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.352	Fish and Game	3	Appendix 5	Schedule 1	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
509.353	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.354	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.355	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.356	Fish and Game	3	Appendix 5	Schedule 1	Accept in part
509.357	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.358	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.359	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.360	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.361	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.362	Fish and Game	3	Appendix 5	Schedule 1	Reject
509.363	Fish and Game	3	Appendix 5	Schedule 1	Reject
935.016	M Robb	3	Appendix 5	Schedule 1	Accept
738.019	G Robb	3	Appendix 5	Schedule 1	Accept
640.016	D & C Robbins	3	Appendix 5	Schedule 1	Accept
688.056	J and J Hellstrom	3	Appendix 5	Schedule 1	Reject
1186.221	Te Ātiawa	3	Appendix 5	Schedule 1	Reject
1186.222	Te Ātiawa	3	Appendix 5	Schedule 1	Accept in part
1201.153	Trustpower Limited	3	Appendix 5	Schedule 1	Reject
1201.154	Trustpower Limited	3	Appendix 5	Schedule 1	Reject
1201.155	Trustpower Limited	3	Appendix 5	Schedule 1	Reject
1201.156	Trustpower Limited	3	Appendix 5	Schedule 1	Accept
1201.157	Trustpower Limited	3	Appendix 5	Schedule 1	Accept
1201.158	Trustpower Limited	3	Appendix 5	Schedule 1	Accept
504.091	QSC Residents	3	Appendix 5	Schedule 1	Reject
1186.223	Te Ātiawa	3	Appendix 5	Schedule 2	Reject
401.244	AQNZ	3	Appendix 5	Schedule 2	Accept in part
509.364	Fish and Game	3	Appendix 5	Schedule 2	Accept in part
509.365	Fish and Game	3	Appendix 5	Schedule 2	Accept in part
425.772	Federated Farmers	3	Appendix 5	Schedule 2	Accept in part

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
509.366	Fish and Game	3	Appendix 5	Schedule 2	Accept
509.367	Fish and Game	3	Appendix 5	Schedule 2	Accept in part
509.368	Fish and Game	3	Appendix 5	Schedule 2	Reject
992.103	NZDF	4	Overlays	New GPA (lodged against Overlays)	Reject
1002.280	NZTA	4	Overlays	GPA Map 1	Accept
1002.281	NZTA	4	Overlays	GPA Map 2	Accept
1089.006	Rarangi Residents	4	Overlays	GPA Map 2	Reject
1002.282	NZTA	4	Overlays	GPA Map 3	Accept
1002.283	NZTA	4	Overlays	GPA Map 4	Accept
1002.284	NZTA	4	Overlays	GPA Map 5	Accept
1002.285	NZTA	4	Overlays	GPA Map 6	Accept
1002.286	NZTA	4	Overlays	GPA Map 7	Accept
1002.287	NZTA	4	Overlays	GPA Map 8	Accept
1000.006	Rarangi North WS	4	Overlays	GPA Map 8	Reject
962.082	MFIA	1	15	Chapter 15 – Introduction	<i>Not applicable as no assessment possible</i>
961.050	Chamber	1	15	Issue 15A	<i>Not applicable as no relief sought</i>
150.001	W & R Parsons	1	15	Issue 15A	<i>Not applicable as relief sought is outside the scope of the MEP</i>
962.083	MFIA	1	15	Issue 15A	<i>Not applicable as no assessment possible relative to the topic</i>
962.085	MFIA	1	15	Issue 15A	<i>Not applicable as no assessment possible</i>
397.001	H Collins	1	15	Issue 15B	<i>Not applicable as no relief sought</i>
962.086	MFIA	1	15	15.1a	<i>Not applicable as no assessment possible</i>
769.061	Horticulture NZ	1	15	15.1e	<i>Not applicable as only information sought</i>
962.087	MFIA	1	15	15.1.1	<i>Not applicable as no assessment possible</i>
509.173	Fish and Game	1	15	15.1.2	<i>Not applicable as no relief sought</i>
962.088	MFIA	1	15	15.1.3	<i>Not applicable as no relief sought</i>
961.053	Chamber	1	15	15.1.5	<i>Not applicable as no relief sought</i>
961.054	Chamber	1	15	15.1.6	<i>Not applicable as no relief sought</i>
472.017	ME Taylor Limited	1	15	15.1.7	<i>Not applicable as only information sought</i>

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
961.056	Chamber	1	15	15.1.8	<i>Not applicable as no relief sought</i>
961.058	Chamber	1	15	15.1.17	<i>Not applicable as no relief sought</i>
961.061	Chamber	1	15	15.1.21	<i>Not applicable as no relief sought</i>
961.062	Chamber	1	15	15.1.21	<i>Not applicable as no relief sought</i>
961.066	Chamber	1	15	15.1.25	<i>Not applicable as no relief sought</i>
961.067	Chamber	1	15	15.1.26	<i>Not applicable as no relief sought</i>
424.128	M & K Gerard	1	15	15.1.27	<i>Not applicable as only information sought</i>
962.091	MFIA	1	15	15.1.27	<i>Not applicable as no relief sought</i>
961.069	Chamber	1	15	15.1.33	<i>Not applicable as no relief sought</i>
961.070	Chamber	1	15	15.1.34	<i>Not applicable as no relief sought</i>
961.065	Chamber	1	15	15.M.9	<i>Not applicable as no relief sought</i>
397.004	H Collins	1	15	15.M.18	<i>Not applicable as no relief sought</i>
397.005	H Collins	1	15	15.M.25	<i>Not applicable as no relief sought</i>
548.123	AWUG	2	2	2.8.1.4	<i>Not applicable as no assessment possible</i>
1238.025	Windermere Forests Limited	2	2	2.17.1	<i>Not applicable as no relief sought</i>
469.007	I Bond	2	2	2.17.2.1	<i>Not applicable as no relief sought</i>
167.006	Killearnan Limited	2	3	3.3.14.12	<i>Not applicable as no relief sought</i>
1258.005	G Barnett	2	25	Definitions (Reasonable mixing)	<i>Not applicable as no relief sought</i>
1258.006	G Barnett	2	25	Definitions (Munsell scale)	<i>Not applicable as no relief sought</i>
509.336	Fish and Game	3	5	Schedule 1	<i>Not applicable as relief sought beyond scope of this hearing topic</i>
1142.009	Save the Wairau	3	5	Schedule 1	<i>Not applicable as relief sought beyond scope of this hearing topic</i>
1024.003	P Rene	4	Overlays	FMU Map 5	<i>Not applicable as no relief sought</i>