

Proposed Marlborough Environment Plan

**Section 42A Hearings Report for Hearing Commencing 2 July
2018**

Report dated 1 June 2018

**Report on submissions and further submissions
Topic 19: Soil Quality and Land Disturbance**

Report prepared by

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List of Abbreviations

MEP Proposed Marlborough Environment Plan

RMA Resource Management Act 1991

Submitter Abbreviations

Submitter Number	Submitter Abbreviation	Full Submitter Name
715	Forest & Bird	Royal Forest and Bird Protection Society
91	MDC	Marlborough District Council
425	Federated Farmers	Federated Farmers of New Zealand
433	Port Marlborough	Port Marlborough New Zealand Limited
479	DOC	Department of Conservation
509	Fish & Game	Nelson Marlborough Fish and Game
459	Beef & Lamb	Beef and Lamb New Zealand
484	CTWTC	Clintondale Trust, Whyte Trustee Company Limited
712	FSA	Flaxbourne Settlers Association
909	Longfield Farm	Longfield Farm Limited
970	Middlehurst Station	Middlehurst Station Limited
1242	Yealands Estate	Yealands Estate Limited
1039	PRW NZ	Pernod Ricard Winemakers New Zealand Limited
769	Hort NZ	Horticulture New Zealand
457	AWNZ	Accolade Wines New Zealand Limited
462	BRI	Blind River Irrigation Limited
473	Delegat	Delegate Limited
149	PF Olsen	PF Olsen Limited
631	CBNZ	Constellation Brands New Zealand Limited
484	CTWTC	Clintondale Trust, Whyte Trustee Company Ltd
1193	MECI	The Marlborough Environment Centre Incorporated
1004	The Oil Companies	Z Energy, Mobil Oil NZ Limited, BP Oil New Zealand Limited
712	FSA	Flaxbourne Settlers Association
1242	YSL	Yealands Estate Limited
873	KiwiRail	KiwiRail Holdings Limited
752	GOTS	Guardians of the Sounds
1146	SSNZ	Sea Shepherd New Zealand
225	Davidson Group	Davidson Group Limited
1190	BMCRRRA	The Bay of Many Coves Residents and Ratepayers Association
1044	Progressive Enterprises	Progressive Enterprises Limited
990	Nelson Forest	Nelson Forests Limited
237	MMBC	Marlborough Mountain Bike Club
280	NMDHB	Nelson Marlborough District Health Board
993	NZFSC	New Zealand Fire Service Commission
869	KCSRA	Kenepuru and Central Sounds Residents Association Incorporated
1002	NZTA	New Zealand Transport Agency
1090	Ravensdown	Ravensdown Limited
1192	FANZ	The Fertiliser Association of New Zealand
961	MCoC	Marlborough Chamber of Commerce
401	Aquaculture NZ	Aquaculture New Zealand
426	MFAI	Marine Farming Association Incorporated
464	Chorus NZ	Chorus New Zealand Limited
992	NZDF	New Zealand Defence Force
1159	Spark NZ	Spark New Zealand Trading Limited
1186	Te Atiawa	Te Atiawa o Te Waka-a-Maui
990	Reade Family	Reade Family Holdings
965	MRFA	Marlborough Recreational Fishers Association

Introduction

1. My name is Hannah Goslin, I am a Resource Management Consultant from Incite (Ch-ch), based in Christchurch. My qualifications and experience are as follows:
2. I hold a Bachelor of Science in Geography from Canterbury University. I have 4 years' planning experience working in both local government and the private sector. My experience includes both regional and district council resource consent processing which includes large scale land development, municipal infrastructure projects, coastal permits and discharges to land, water and air. I was involved in the development of a paper titled '*Erosion Control Treatment Trials on Loess Soils*'¹ which was based on an experimental field study to test the effectiveness of erosion control treatments on the highly erodible loess soil of Canterbury's Port Hills.
3. I was not involved with the preparation of the MEP. I was contracted by the Marlborough District Council (Council) in August 2017 (after the MEP submission period had closed) to evaluate the relief requested in submissions and to provide recommendations in the form of a Section 42A report.
4. I have read Council's Section 32 reports.

Code of Conduct

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

Scope of Hearings Report

8. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA).
9. In this report I assess and provide recommendations to the Hearing Panel on submissions made on Volume 1, Chapter 15 Resource Quality (Soil)² and the permitted activity rules and standards relating to land disturbance in Volume 2. This includes submissions on cultivation, non-indigenous vegetation clearance, excavation, filling and firebreak construction (as outlined in Table 1 below).
10. Each land disturbance rule includes several standards which form the permitted activity criteria. An activity must be able to comply with all relevant standards to be a permitted activity. Many of these standards have been, or are being assessed in other hearing topics and I have not assessed those submissions in this Section 42A Report. These include specific standards relating to Significant Wetlands³, surface water quality standards⁴, Outstanding Natural Landscapes⁵ and Pest Plants⁶.

¹ McMurtrie et al., 2017

² Issues 15f and 15G; Objectives 15.4 and 15.5; Policies 15.4.1; 15.4.2; 15.4.3; 15.4.4; 15.4.5; 15.4.6; 15.5.1; 15.5.2; 15.5.3; 15.5.4; 15.5.5 Methods 15.M.38; 15.M.39; 15.M.40; 15.M.41; 15.M.42; 15.M.43; 15.M.44; 15.M.45; 15.M.46; 15.M.47; 15.M.48; 15.M.49 and 15.M.50.

³ Standards 3.3.13.4; 3.3.14.3(b); 3.3.14.9; 3.3.16.8(b); 3.3.12.3; 3.3.12.5; 3.3.12.6; 3.3.12.7; 3.3.12.10(a); 3.3.12.10(b); 4.3.11.3; 4.3.11.5; 1.3.11.6; 4.3.11.7; 4.3.11.10(a); 4.3.11.10(b); 4.3.12.4; 4.3.13.3(b); 4.3.13.7; 4.3.15.9(b); 5.3.10.8; 7.3.8.5; 7.3.8.6; 7.3.8.7; 7.3.8.10(a); 7.3.9.7; 8.3.11.7; 10.3.4.8; 11.3.3.7; 12.3.18.8; 13.3.17.3; 13.3.17.5; 13.3.18.8; 13.3.19.4; 13.3.19.5; 13.3.19.6; 17.3.3.1; 17.3.3.2; 18.3.4.2; 19.3.4.5(a); 19.3.4.5(b); 19.3.5.3(b); 19.3.5.12; 19.3.6.4(b); 20.3.3.3; 20.3.3.5;

⁴ Standards 3.3.13.6; 3.3.14.12; 3.3.16.12; 3.3.12.11; 4.3.11.11; 4.3.12.6; 4.3.13.10; 4.3.15.11; 7.3.8.11; 13.3.19.10; 14.3.10.8; 19.3.4.6; 19.3.5.15; 19.3.6.15; 20.3.3.8; 22.3.6.6; 22.3.7.8; 22.3.9.8;

11. The relevant standards in Volume 2 of the MEP related to the Land Disturbance topic include:

Land disturbance method	Relevant standards in Volume 2 of the MEP
Cultivation	3.1.13, 3.3.13, 4.1.12, 4.3.12
Non-indigenous vegetation clearance	3.1.12, 3.3.12, 4.1.11, 4.3.11, 7.1.10, 7.3.8, 13.1.30, 13.3.19, 14.1.15, 14.3.10, 15.1.28, 15.3.18, 17.1.5, 17.3.3, 18.1.6, 18.3.4, 19.1.6, 19.3.4, 22.1.10, 22.3.9
Excavation and filling	5.1.5, 5.3.10, 6.1.8, 6.3.3, 7.1.11, 7.1.12, 7.3.9, 7.3.10, 8.1.12, 8.3.11, 9.1.9, 9.3.4, 10.1.7, 10.3.4, 11.1.3, 11.3.3, 12.1.29, 12.1.30, 12.3.18, 12.3.19, 20.1.5, 20.3.3, 20.4.1, 22.4.2, 23.1.3, 23.3.2
Excavation	3.1.14, 3.1.15, 3.5.1, 4.1.13, 4.1.14, 4.3.13, 4.3.14, 4.5.2, 13.1.28, 13.3.17, 13.4.6, 14.1.3, 14.3.8, 15.1.26, 15.3.16, 17.1.6, 17.3.4, 18.1.9, 18.3.5, 19.1.7, 19.3.5, 22.1.7, 22.3.6
Filling	3.1.16, 3.3.16, 4.1.15, 4.3.15, 13.1.29, 13.3.19, 14.1.14, 14.3.9, 15.1.27, 15.3.17, 17.1.7, 17.3.5, 18.1.10, 18.3.6, 19.1.8, 19.3.6, 22.1.8, 22.3.7
Firebreak construction	3.1.20, 3.3.20, 4.1.19, 4.3.19.

Table 1: Standards subject to this Section 42A Report

12. 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.

13. 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.

14. I note that there were a number of submissions made on this topic that opposed provisions, but did not specify the exact changes sought. I note that under the RMA, submissions on the MEP must be completed in the prescribed form.⁷ The prescribed form requires a submitter to give details of the specific provisions of the proposed plan that the submission relates to, and precise details of the decision sought from the local authority.⁸ My understanding is that any changes that I recommend must fairly and reasonably fall within the general scope of the submissions and any alterations to the MEP must not extend the MEP beyond what was reasonably and fairly understood from the content of submissions. It is my understanding that although a submission must state what decision is sought, this does not require a submitter to go so far as to require a track change version of the amendments they seek, and more general wording will suffice, as long as it is clear from the submissions the type of amendments sought. Where this applies to a submission, I have identified this in my report, and to the extent that it has been set out in the submission, I have provided an analysis of the underlying issue within the submission, rather than focussing on the absence of specific wording changes. In my view, any specific changes made in response to such submissions will still need to clearly relate to the matter raised in the submission.

⁵ Standards 3.3.14.8; 3.3.16.10; 4.3.13.6; 4.3.15.5; 13.3.17.4; 13.3.18.3; 19.3.5.7; 19.3.5.8; 19.3.5.9; 19.3.5.10; 19.3.6.11; 19.3.6.12; 19.3.6.13; 19.3.6.14

⁶ Standards 7.3.8.3; 17.3.3.3; 18.3.4.3; 19.3.4.3

⁷ RMA, Clause 6, Schedule 1.

⁸ Form 5, Schedule 1, Resource Management (Forms, Fees and Procedures) Regulations 2003.

15. Where no relief has been specified (generally or specifically), including some submitters who have said they will bring relief to the hearing, my view is that these submitters will need to demonstrate how any relief sought fits within the scope of relief sought by another submitter in order for the Hearing Panel to have jurisdiction to make the changes sought.

Overview of Provisions

16. Soil quality has been identified as a regionally significant issue and fundamental to the environmental and economic wellbeing of the Marlborough Region. The region wide provisions managing soil quality and land disturbance are spread throughout the MEP. This Section 42A Report provides an analysis of the submissions made in relation to the soil quality provisions. The provisions vary between RPS level and Regional level objectives and policies. There are no objectives or policies identified as being District level in this chapter.

17. The resource management issue relating to the management of Marlborough's soil quality is set out in Volume 1, Chapter 15, Issue 15F which recognises:

'Some land use activities or practices have the potential to adversely affect soil quality.'

18. This issue recognises the importance of soil quality for Marlborough's environmental and economic wellbeing. The issue also identifies some of the land use practices and activities which have the potential to affect soil quality. These include; soil compaction; cultivation; application of fertilisers and liquid wastes and contouring of land. The MEP includes two objectives to address Issue 15F:

a. *'Objective 15.4 – Maintain and enhance the quality of Marlborough's soil resource.'*

b. *'Objective 15.5 – Existing or foreseeable uses of the soil resource are not reduced as a result of soil contamination.'*

19. These objectives are implemented through a number of specific policies and methods. Policies 15.4.1 to 15.4.6 assist in achieving Objective 15.4, while policies 15.5.1 to 15.5.5 assist in achieving Objective 15.5.

20. Volume 2 of the MEP sets out the standards intended to achieve the region wide objectives, and implement the policies and methods. Standards relevant to land disturbance are spread throughout the zone chapters in Volume 2 and are a combination of zone-based and district wide provisions and in some cases, are subject to various mapping overlays. The standards provide the permitted activity criteria which must be met for an activity to be classified as permitted. In most cases, if any permitted activity standards are unable to be met, the land disturbance activity is classified as a discretionary activity and resource consent is required.

21. There are some specific standards which provide a direct controlled or restricted discretionary activity status for some land disturbance activities. These include:

a. Standard 3.5.1 provides a direct restricted discretionary activity status for excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period including excavation as part of Commercial Forestry Harvesting and Woodlot Forestry Harvesting activities;

b. Standard 4.5.2 provides a direct restricted discretionary activity status for excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period including excavation as part of Woodlot Forestry Harvesting;

c. Standard 13.4.6 and 20.4.1 provides a direct restricted discretionary activity status for excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period; and

d. Standard 22.4.2 provides a controlled activity status for the excavation of land exceeding 500mm in depth.

22. There are also a range of definitions which apply to the soil quality and land disturbance standards which are addressed in this report.

Statutory Documents

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

Resource Management Act 1991

24. The RMA sets out a number of obligations which the Council must address when preparing the MEP. Section 5(2)(b) requires safeguarding of the life-supporting capacity of air, water, soil and ecosystems.
25. Section 6(e) requires Council, as a matter of national importance, to recognise and provide for *'the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga'*.
26. Section 7(b) requires Council to have particular regard to *'the efficient use and development of natural and physical resources'* while section 7(f) requires the Council to have particular regard to *'the maintenance and enhancement of the quality of the environment.'*

Hazardous Substances and New Organisms Act 1996 (HSNO Act)

27. The HSNO Act was enacted in 1996, with the hazardous substances related provisions of HSNO coming into force on 2 July 2001. The purpose of HSNO is to *'protect the environment, and the health and safety of people and communities by preventing or managing the adverse effects of hazardous substances and new organisms'*.⁹
28. The HSNO Act states the minimum controls for the use, storage, transportation and disposal of all hazardous substances throughout New Zealand. Council is required to consider the role of HSNO when examining how hazards relating to land use and hazardous substances are to be dealt with in their plans and may impose additional, or more stringent requirements, if it is considered 'necessary' to achieve the purpose of the RMA. Where the HSNO requirements are sufficient to meet the purpose of the RMA, the test will not be met and the Council is unable to impose more stringent requirements.
29. The HSNO Act is relevant to Objective 15.5 and policies 15.5.1 and 15.5.5.

Biosecurity Act 1993

30. The Biosecurity Act sets out the powers of regional councils and territorial authorities. Under the Biosecurity Act, Council have prepared the Regional Pest Management Strategy which sets out programs for 33 plant and 4 animal species, officially declaring them as pests due to their potential to cause significant adverse effects on Marlborough's economy or environment.
31. The Biosecurity Act is relevant to Policy 15.4.5.

National Environmental Standards

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

32. The NESCS came into effect on 1 January 2012. The NESCS seeks to ensure land affected by contaminants in soil is appropriately identified and assessed when soil disturbance and/or land development activities take place and, if necessary, remediation of the contaminants contained to make the land safe for human use. The NESCS sets regulations for five specified land disturbance activities

⁹ Part 2, Section 4, HSNO Act.

where contaminants in soil may be mobilised and cause effects to human health. These include; removing or replacing all, or part of, a fuel storage system; sampling or disturbing the soil; subdividing land or changing the use of land.

33. Implementation of the NESCS is a function of the district council, however the investigation of land for the purpose of identifying and monitoring contaminated land (via a contaminated land database) is a function of the regional council. Objective 15.5, Policy 15.4.3 and policies 15.5.1 to 15.5.4 have been designed to complement the NESCS and focus on the provision of information to allow the NESCS to operate efficiently and effectively.

National Environmental Standards for Plantation Forestry 2017 (NESPF)

34. The NESPF came into effect on 1 May 2018, after the notification of the MEP. The objectives of the NESPF are to:
- a. Maintain or improve environmental outcomes associated with plantation forestry activities nationally;
 - b. Increase certainty and efficiency in the management of plantation forestry activities.
35. The regulations apply to any forest larger than one hectare that has been planted specifically for harvesting. Eight core plantation forestry activities are covered by the standards, these include; afforestation; pruning and thinning to waste; earthworks; river crossings; forestry quarrying; harvesting mechanical land preparation and replanting. The regulations generally prevail over regional and district plans that apply to plantation forestry. Plan rules cannot be more lenient than the regulations and can only be more stringent than the regulations where they relate to managing the unique and sensitive environments defined in the NESPF.
36. The NESPF is not directly relevant to the soil quality and land disturbance topic, but is raised in the submissions made by Nelson Forests, MFIA and PF Olsen. Submissions made on the land disturbance rules applicable to commercial forestry will be assessed in the Section 42A report for Topic 22 (Commercial and non-permanent sequestration forestry).

National Environmental Standard for Sources of Human Drinking Water 2007 (NESHDW)

37. The NESHDW came into effect on 20 June 2008 and sets requirements for protecting sources of human drinking water from becoming contaminated. The NESHDW requires regional councils to ensure that effects of activities on drinking water sources are considered in decisions on resource consents and regional plans. Specifically, regional councils are required to:
- a. decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment;
 - b. be satisfied that permitted activities in regional plans will not result in community drinking water supplies being unsafe for human consumption following existing treatment; and
 - c. place conditions on relevant resource consents that require notification of drinking water suppliers if significant unintended events occur (eg, spills) that may adversely affect sources of human drinking water.
38. The NESHDW is not directly relevant to soil quality or land disturbance, but is relevant to submissions made by MDC.

Land Disturbance

Analysis of submissions

39. Approximately 76 submission points were received on the issues, objectives, policies and methods related to soil quality in Chapter 15, Volume 1 of the MEP. There were approximately 373 submissions points received on provisions relevant to the land disturbance topic in Volume 2 of the MEP.

Key issues

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

Matter 1: Issue 15F

Matter 2: Issue 15G

Matter 3: Submissions across all standards

Matter 4: Cultivation

Matter 5: Non-indigenous vegetation clearance

Matter 6: Excavation and filling

Matter 7: Firebreak construction

Pre-hearing meetings

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

Matter 1: Issue 15F

Issue 15F

42. In the MEP as notified, RPS direction for Soil Quality is provided by Objective 15.4 and Policy 15.4.1. Issue 15F and its explanation provides detail on the existing problem which must be resolved to promote the purpose of the RMA and reads as follows:

'Some land use activities or practices have the potential to adversely affect soil quality.'

43. NZTA (1002.80) support the issue statement.

44. KCSRA (869.17) support the issue statement but question why agriculture and forestry are not specifically discussed in the explanation to the issue in terms of their contribution to soil erosion. I note that the issue is broad in nature, in terms of talking about effects of various land use activities on soil quality. I accept that the explanation does not expand as to the particular adverse effects of any particular activity. However, there is a risk that if the issue statement did specify what land use activities or practices could have an adverse effect on soil quality that some may be missed. In my view, the explanation to the issue statement provides plan users with an indication of the land use activities which may adversely affect soil quality and more importantly the adverse effects on soil quality which are targeted by the issue.

45. Part of the explanation to the issue discusses how excessive fertiliser use creates the potential for nutrients to runoff into waterbodies and reads as follows:

'Although fertiliser use has decreased over time in Marlborough, many primary producers still apply it to maintain the nutrient status of the soil and therefore soil productivity. Excessive fertiliser application creates the potential for nutrients such as nitrogen and phosphate to runoff into adjoining rivers and wetlands or leach into underlying groundwater.'

46. Ravensdown (1090.51) raises concerns that this does not recognise that the potential for runoff can be reduced through adherence to the Code of Practice for Nutrient Management and the adoption of Good Management Practice. They seek an addition to the explanation to state that the Council will encourage fertiliser application. While I acknowledge the relevance of the response to the issue raised by Ravensdown, in my view the addition is not appropriate to add to the issue explanation. This is because the intention of the issue statement is to outline what the resource management issue is, not to outline the response, this is the role of the objectives, policies and standards.

47. FANZ (1192.41) also raise concerns with the same part of the explanation, stating that it only refers to water quality effects resulting from runoff from fertiliser, and not to soil quality. They consider that the issue of maintaining soil quality is broader than the use of fertilisers and seek that this part of the explanation be deleted and replaced with the following:

'Healthy productive soils are a finite natural resource and essential for the social, cultural and economic well-being of people and communities. It is important to manage the potential for adverse effects of land uses on soil health and function and practices including vegetation clearance, earthworks and forestry harvesting where they adversely affect soil quality or induce or exacerbate soil erosion. In addition, accelerated erosion from land use resulting in additional deposition of sediment in rivers and lakes can have a major impact on aquatic ecosystems and instream values.'

48. In my view, the explanation as notified discusses the importance of maintaining productive qualities of soils, including through the use of fertiliser to add nutrients, while noting that this can have consequential effects on water quality. The amendment sought by FANZ focuses on land disturbance activities which can adversely affect soil quality, but fails to acknowledge the use of fertiliser and the resulting effects on soil and water quality. As discussed above, I consider the issue statement is broad in nature and does not discuss specific land disturbance activities and their risk on soil quality. Instead, the issue statement provides plan users with the adverse effects on soil quality targeted by the issue, which is the intent of the issue statement. I agree with the connection between excessive fertiliser use, potential for runoff and resulting effects on surface water made by the submitter in the amendment above. However, potential adverse effects on water quality are not addressed by Issue 15F and are instead addressed earlier in Chapter 15. To clarify for plan users that this is the case, I recommend the following wording be adopted.

'Although fertiliser use has decreased over time in Marlborough, many primary producers still apply it to maintain the nutrient status of the soil and therefore soil productivity. Excessive fertiliser application creates the potential for nutrients such as nitrogen and phosphate to runoff into adjoining rivers and wetlands or leach into underlying groundwater. The water quality effects of excessive fertiliser application are addressed through the water quality provisions earlier in this chapter.¹⁰

49. I consider the amended wording above may go some way to provide the relief sought by the FANZ.

Objective 15.4

50. Objective 15.4 is both an RPS-level objective and a Regional plan objective. It reads:

'Maintain and enhance the quality of Marlborough's soil resource'

51. Hort NZ (769.71) seek that the objective is amended so that it relates to safeguarding the life supporting capacity of Marlborough's soil resource, rather than reference to maintaining and enhancing its quality. They consider that it is unclear how the aim of enhancement may be implemented and state that it is the life supporting capacity which is the critical component of soil which needs to be provided for. FANZ

¹⁰ 1192.41 FANZ

(1192.42) seek that *'Maintain and enhance'* is amended to read *'maintain the health and function of...'* This is based on concerns regarding how and to what extent the quality of the soil throughout the district can be enhanced. I note that the phrase *'Safeguarding the life supporting capacity of soil'* is derived from Section 5(2)(b) of the RMA. In my view, it is best practice for a plan to demonstrate how the RMA is to be applied in managing matters at a district and regional level and not repeat the RMA itself. The Council seeks to safeguard the life supporting capacity of soil by maintaining and enhancing the soil resource as stated in Objective 15.4. Further, the intent of an objective is to state what is to be achieved through the resolution of a particular issue. The objective should not provide the action required for implementation as this is the role of the policy. As such, I do not recommend the amendment sought by Hort NZ. Section 7(f) of the RMA requires Council to have particular regard to the *'maintenance and enhancement of the quality of the environment'*. Council intends on achieving this, and the purpose of the RMA, by maintaining and enhancing the quality of Marlborough's soil resource. The actions to achieve the objective are provided by policies 15.4.1 to 15.4.6. A significant focus of Policy 15.4.1 is to improve the understanding of the effects of land use on soil quality, the findings of this will be used by Council to determine whether land management practices should be continued or altered to maintain or enhance soil quality. Further, Policy 15.4.6 introduces the management and control of the erosion risk presented by loess soils identified in the Soil Sensitive Area map. Overall, the implementation of the policies should result in the maintenance and enhancement of Marlborough's soil resource, therefore I do not recommend the amendment sought by FANZ be adopted.

52. KCSRA (869.18) support the objective but seek that its explanation is extended to refer to limiting soil erosion as well as maintaining and enhancing soil quality. The term 'soil quality' is defined in the introduction to 'soil' in Chapter 15 and means the *'biological, chemical and physical state of soil and the maintenance of soil ecosystems.'* The explanation to Issue 15F identifies topsoil as being *'the most productive part of the soil profile and any erosion adversely effecting soil quality'*. Land disturbance activities have the potential to expose bare soil, which in turn creates conditions conducive to soil erosion, this results in the degradation of the soil resource. As limiting soil erosion is a key aspect in the maintenance and enhancement of soil health, I consider the relief sought by KCSRA is already provided in the explanation and do not recommend the amended wording sought.

53. Overall, I do not recommend any amendments to Objective 15.4.

Policies

54. Policy 15.4.1 is a RPS-level and Regional-level policy which relates to improving the understanding of the effect of land use on soil quality. This is supported by three submitters and none have sought changes.¹¹

55. Policy 15.4.2 is a Regional-level policy which states:

'Encourage land management practices that:

- (a) *maintain soil structure by:*
 - (i) *avoiding or remedying soil compaction;*
 - (ii) *avoiding the loss of soil organic matter; and*
 - (iii) *avoiding or remedying the effects of increased sodium levels;*
- (b) *maintain nutrients at appropriate levels; and*
- (c) *retain topsoil in situ.'*

56. KCSRA (869.20), Ravensdown (1090.52), McoC (961.81) and Federated Farmers (425.317) support the policy or its intent and do not seek changes.

57. FANZ (1192.43) support the policy intent but seek that rather than reference to encouraging "*land management practices*" it refers to "*the use of industry agreed good management practices*", on the basis that the matters listed in the policy are generally related to good management practises. Hort NZ (769.72) similarly seek reference to "*good management practises*". I have some concerns with reference to '*good management practices*' which in my experience are often related to farming activities and also note that in some cases there may not be agreed good management practices for some land

¹¹ 425.316 Federated Farmers; 869.19 KCSRA; 961.80 McoC.

management activities. I therefore prefer the retention of broader reference to land management practices.

58. MFIA (962.100) and Nelson Forests (990.244) consider that soil compaction is necessary and desirable when building infrastructure. NZTA, in a further submission supports this, on the basis that it recognises that in some cases, such as the construction of the road network, soil compaction is necessary. They seek changes to the policy to not require avoidance when related to built infrastructure.
59. In my view, the focus of Policy 15.4.2 is to ‘*encourage*’ as oppose to ‘*require*’ certain land management practices to be undertaken. With this in mind, I consider land management practices where soil compaction is necessary (e.g: when constructing roads or building foundations) would still be considered consistent with this policy.
60. To aid in clarity, I consider some additional wording in the explanation to the policy would be useful for plan users. I recommend the explanation to Policy 15.4.2 be amended as follows:

“This policy recognises that while soil structural degradation, nutrient depletion/enrichment and accelerated soil erosion are not of widespread concern in Marlborough, there is a long term risk that irreversible degradation in soil quality may occur if appropriate land management practices are not used. Soil compaction may be necessary in some circumstances, such as providing a stable foundation for a road or building.¹² The Council will work with rural industry ...”

61. Policy 15.4.3 is a Regional-policy which reads:

‘Control land disturbance activities to retain topsoil and minimise the potential for eroded soil to degrade water quality in lakes, rivers, significant wetlands and coastal waters.’

62. Aquaculture NZ (401.176), Marine Farming (426.184), DOC (479.148), Hort NZ (769.73) KCSRA (869.21) and NZTA (1002.81) support the policy.
63. Federated Farmers (425.318) seek that the policy and rule framework enables small scale earthworks (as a permitted activity), for example, those associated with remedying natural hazard events and maintaining farm tracks. The change sought to the policy is:

~~Control~~ Enable land disturbance activities ~~where to retain topsoil and minimise the potential for eroded soil to degrade water quality in lakes, rivers, significant wetlands and coastal waters is avoided, remedied or mitigated.~~

64. The change sought by Federated Farmers alters the focus of the policy from the action being ‘control’ to ‘enable’. In my view, achieving Objective 15.4 requires the control of land disturbance activities and not the enabling of land disturbance activities while managing the adverse effects. I consider small scale earthworks are adequately provided for, subject to the permitted activity standards relevant to land disturbance activities. Further, the submitter did not provide rational for omitting the requirement to retain topsoil in the policy. Federated Farmers may wish to present further information to the hearing to provide reason for this aspect of the change sought.

65. MFIA (962.101) oppose the policy, stating that:

‘There is no uncertainty in knowing the effects of ground disturbance activities and there is no justification to not have a controlled activity status - eg on land 20-35 degrees. Silent on wind effects.’

66. They seek a controlled activity rule and the promotion of the use of shelterbelts or minimisation of their removal. My understanding of their submission is that they do not seek changes to the policy, but rather consider that a controlled activity status should be used to achieve its implementation. MFIA have not provided a clear indication of the specific rules they are seeking to be amended to a controlled activity status and what the matters of control would be. Nelson Forests (990.245) consider the policy should have a wider application beyond land disturbance and apply to any activity that relates to sedimentation or contamination including winter feeding pads, intensive grazing and so on. They seek that the policy is

¹² 962.100 MFIA; 990.244 Nelson Forests

redrafted to “fairly address the issues and ensure equity of application for all land uses”. They seek that any rules associated with the policy should be a permitted or controlled activity, ‘on the basis that the policy explanation states the reasons for the rules, and the effects are known and therefore the matters of control can be established’. In my view, understanding the reasons for the standards and potential adverse effects of an activity does not mean that a controlled activity status is appropriate, as consents cannot be declined and the Council’s assessment is bound by the matters of control which may not be appropriate for all land disturbance activities. Because of this, and also as the submissions made by MFIA and Nelson Forests do not specify the standards which they consider require a controlled activity status or the matters of control, I am unable to support the submissions made. Accordingly, I do not recommend the relief sought by MFIA or Nelson Forests is adopted.

67. Overall, I do not recommend any changes to Policy 15.4.3.

68. Policy 15.4.4 is a Regional-level policy and states:

‘In considering any land use consent application to undertake land disturbance, regard shall be had to:

- (a) the physical characteristics of the site, including soil type, slope and climate;*
- (b) any best practice industry standards that are relevant to the activity;*
- (c) sediment and erosion control measures required to reasonably minimise adverse effects caused by rainfall events, including the use of setbacks from waterbodies;*
- (d) the proximity of the land disturbance to any fresh water body or coastal waters;*
- (e) where it is possible for eroded soil to reach any fresh waterbody or coastal water:*
 - (i) the objectives and policies of this chapter under Issues 15A to 15C; and*
 - (ii) the likely degree of compliance with water quality standards set for that waterbody;*
- (f) any potential adverse effects on community water supplies; and*
- (g) whether the land disturbance is necessary for the operation or maintenance of regionally significant infrastructure.’*

69. Nine submissions were received supporting the policy as notified and seek no changes.¹³

70. NZTA (1002.82) supports Policy 15.4.4 subject to the changes they have requested to the state highway network being defined as regionally significant infrastructure being accepted. As submissions regarding regionally significant infrastructure are dealt with in the Section 42A report for Topic 3, I have not assessed this submission point further.

71. MFIA (962.102) oppose the policy, stating that “full discretionary activity this policy does not give any comfort”. Similarly, Nelson Forests (990.246) consider the policy slashes the matters for assessment and any rules from the policy should result in either a permitted or controlled activity status. Nelson Forests also consider the policy is not clear and requires interpretation, with clauses (c) and (d) of the policy identified by the submitter as being particularly ambiguous.

72. In my view, this policy provides the matters that the Council should have regard to when considering any land use consent application to undertake land disturbance. Matters such as setbacks to freshwater bodies and erosion and sediment control measures are set out in the permitted activity standards for land disturbance activities, and as these are varied across zones, I do not consider it is necessary to include them in the policy. With regards to the submission made by MFIA, it is correct that a fully discretionary activity means that any effects can be considered. However, the intent of the policy is to guide decision makers on the matters that Council must have regard to during the resource consent process. In doing so, it provides more comfort around what an applicant could anticipate during a resource consent application process. In terms of the submission made by Nelson Forests, it is my view that understanding the reasons for the standards and potential adverse effects of an activity does not mean that a controlled activity status is appropriate, as consents cannot be declined and the Council’s assessment is bound by the matters of control which may not be appropriate for all land disturbance activities. As such, I am unable to support the submissions made and do not recommend the relief sought by Nelson Forests and MFIA is adopted.

73. Overall, I do not recommend any changes to Policy 15.4.4.

¹³ 401.177 Aquaculture NZ; 426.185 MFAI; 454.45 K Loe; 464.29 Chorus NZ; 712.88 FSA; 869.22 KCSRA; 873.69 KiwiRail; 992.24 NZDF; 1198.33 Transpower NZ; 1158.27 Spark NZ

74. Policy 15.4.5 is a Regional-level policy identifying the management of animal pests as a significant focus in achieving Objective 15.4, particularly in the hill and high country of the Wairau, Waihopai, Taylor, Awatere, Ure/Waima and Clarence River catchments.

75. I Mitchell (364.166) and Federated Farmers (425.319) support the policy as notified.

76. KCSRA (869.23) support the policy, however seek the '*list of named areas in Policy 15.4.5 is extended to cover all hill and high country in the Marlborough Sounds.*' I interpret the policy to apply to the entire Marlborough region. The policy explanation references the Marlborough Regional Pest Management Strategy and Operational Plan 2012 which applies to the entire Marlborough region and has been prepared under the Biosecurity Act 1993. The areas identified in the policy are areas where the management or limiting the spread of animal pests is a particular issue and council are prioritising these areas. As such, I consider the relief sought by KCSRA is already provided for by the policy, and I do not recommend the amendments sought are adopted.

77. Policy 15.4.6 is a Regional-level policy which states:

'Manage the erosion risk associated with loess soil by:

- (a) continuing to maintain the Wither Hills Soil Conservation Reserve;*
- (b) controlling the discharge of liquid waste onto or into loess soils; and*
- (c) controlling the excavation of loess soil on slopes.'*

78. I Mitchell (364.167) supports the policy as notified.

79. Federated Farmers (425.320) support the policy but seek the policy is amended to:

'reflect a non-regulatory approach as the best approach for managing soils and working with land owners to archive the best outcomes for soil health.'

80. There are no further details or specific wording changes identified in the submission for assessment. In my view, a non-regulatory approach is valuable in particular circumstances. In this case, I do not consider a non-regulatory approach, on its own, would be sufficient to achieve Objective 15.4. A non-regulatory approach is heavily reliant on education and information. A regulatory approach sets out standards which must be met and a resource consent process to be undertaken which will enable Council to assess activities on a case by case basis and determine appropriate mitigation measures in the form of consent conditions if required. Accordingly, I do not recommend the relief sought by Federated Farmers.

81. MFIA (962.103) and Nelson Forests (990.247) oppose Policy 15.4.6. MFIA seeks that use of machinery in erosion control is enabled as a "*controlled or limited discretionary activity*". Similarly, MFIA (962.104) also submit opposing method 15.M.38 seeking similar relief. I accept that Policy 15.4.6 is outcome-based and does not expand into the particular mitigation measures which should be utilised to provide for policies 15.4.6(b) and (c). However, there is a risk that if the policy did specify particular mitigation measures there are some that could be missed or new and emerging mitigation measures which would not be enabled by the policy. Nelson Forests seek the policy is reworded to provide clear guidance and significant focus/regulation on the eroding country around Blenheim and Weld Pass. In terms of guidance, I note that there are several permitted activity standards which restrict land disturbance activities occurring on loess soils, this provides for both Policy 15.4.6 and Objective 15.4. The Wither Hills Soil Conservation Reserve has been identified as a priority area to manage land disturbance given the potential for eroded loess soil to fill stream channels at the base of Wither Hills and create a flood risk for the Blenheim urban area. According to the Soil Sensitive Mapping overlay, some areas of loess soil have been identified in Weld Pass. As such, I consider Policy 15.4.6(c) would be relevant to any land disturbance activities being undertaken in the Weld Pass area and the relief sought by Nelson Forests is already provided by the policy. As discussed above, I do not consider a controlled activity status would achieve Objective 15.4. I consider a restricted discretionary activity status is appropriate where it is clear what matters the Council is seeking to control. In absence of such matters being identified, I am unable to make such a recommendation. As such, I am unable to support the submissions made and do not recommend the relief sought by the MFIA and Nelson Forests is adopted.

Methods

82. Methods 15.M.38 to 15.M.44 sets out the methods Council propose to undertake to implement policies 15.4.1 to 15.4.6 and achieve Objective 15.4.
83. Method 15.M.38 relates to the use of the regional rule framework and received two submissions. NZTA (1002.83) support the method, but note that there is no standard authorising earthworks in the road reserve and the associated discharge of sediment laden water to surface water. NZTA's submission refers to the addition of a new permitted activity rule authorising earthworks and associated discharges in Volume 2, Chapter 2 of the MEP. As the wording of this standard is being assessed in the Section 42A report for Volume 2, Chapter 2, I have not assessed this submission further.
84. Four submissions were received on method 15.M.39 'liaison'. This method requires council to liaise with rural industry groups and DOC to develop and implement sustainable land management. McoC (961.82) support the method as notified. Nelson Forests (990.248) MFIA (962.105) and Ravensdown (1090.53) oppose the method. MFIA submit that *'forest land should not be penalised for low fertiliser use should there be a land use change.'* No specific details were provided in the submission as to the specific wording changes sought. MFIA may wish to present additional information on this submission at the hearing. Nelson Forests consider liaison is heavily weighted towards the farming community and seeks that farm management plans should be replaced with sustainable land management plans. The following amended wording is proposed by Nelson Forests:

'To 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 beef farming), arable farming and forestry, and ~~may will~~ extend to other rural activities if ~~the need arises.~~'

Farm Sustainable land management plans may assist rural property owners to identify appropriate responses to soil erosion issues on their land. The Council will help to develop such plans if requested.'

85. Ravensdown suggest a minor clarification around nutrient budgeting:

'To 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 beef farming), arable farming and forestry, but may extend to other rural activities if the need arises.

Encouraging group members to ~~practice~~ use nutrient budgetsing (with the exception of the forestry industry) as a way of understanding the nutrient cycling, inputs and losses from their activities will be a priority.

Farm management plans may assist rural property owners to identify appropriate responses to soil erosion issues on their land. The Council may help to develop such plans if requested. Liaise with the Department of Conservation regarding any soil erosion issues on Crown land managed for conservation purposes.'

86. With regards to the changes sought by Nelson Forests, I agree deleting the term 'established' would enable council to work with all rural industry groups regardless of whether they are established. I do not agree with the proposed change *'and ~~may will~~ extend to other rural activities if ~~the need arises.~~'* I consider there may be rural activities small in scale and effects which may not require liaison with the Council. Nelson Forests have also sought replacement of 'Farm management plan' with 'sustainable land management plan'. As the method refers to 'rural industry groups' and are to be focused initially on 'viticulture, pastoral farming (especially dairy and beef farming), arable farming and forestry', I consider amending the reference to 'sustainable land management plan' does not better align and provide for the objectives and policies, however, I consider a hybrid approach maybe suitable here, in which both "farm management plans and other sustainable land management plans" are referenced. This would also provide for other rural industry groups whose practices may not be commonly considered as 'farms'. Accordingly, I recommend adopting, in part, the relief sought by Nelson Forests.

87. I accept the amended wording sought by Ravensdown and consider the amended wording is in consistent with Objective 15.4 and policies 15.4.1 and 15.4.2(b) and clarifies the intend of nutrient budgeting for plan users. Accordingly, I recommend this wording is adopted.
88. MCoC (961.83) support method 15.M.40, there were no other submissions received on this method.
89. FANZ (1192.44) oppose method 15.M.41 'Advocate'. FANZ consider method 15.M.41 is a repetition of method 15.M.23 and seeks the method is deleted or the following alternative wording is used:
- 'to encourage the adoption of appropriate land management practices to minimise any adverse effects of land use activities on soil quality, health and function (including soil erosion). This includes promoting industry Codes of Practice and industry guidelines and encouraging the adoption of Industry Agreed Good Management Practices. (Industry Agreed Good Management Practices, Sept 2015 have been developed and documented by the Primary industry sector groups in conjunction with Canterbury Regional Council.)'*
90. Federated Farmers support the submission made with regards to referencing 'good management practices', but oppose the references made to the Industry Agreed Good Management Practices booklet as *'good management practices vary by region, climate and topography and need to be worked through by industry in collaboration with council, not simply transplanted from another region into the plan without consultation.'*
91. As mentioned above, I have some concerns with reference to 'good management practices' which in my experience are often related to farming activities and vary between regions. I support with the comments made by Federated Farmers with regards to the application of good management practice from other regions, and do not consider this is an appropriate approach. Accordingly, I do not recommend the relief sought by FANZ.
92. Ravensdown (1090.54) support method 15.M.42, there were no other submissions received on this method.
93. MCoC (961.84) support in part method 15.M.43 'Reserve Management Plans'. MCoC submit that the *'rules and policies should be the same for all land owners and resource users'* but do not provide any specific wording changes that are sought to address this concern. The submitter may choose to provide further details or relief sought within the scope of the existing submission. However at this stage, I am unable to support the submission made by MCoC.
94. MFIA (962.106) and Nelson Forests (990.249) oppose method 15.M.45 'monitoring'. MFIA consider specific industry monitoring is not warranted and seek that all land users are monitored to obtain information. Nelson Forests consider there is *"no justification for the monitoring of the effects of forest harvest activities in the coastal environment of the Marlborough Sounds as a priority."* Nelson Forests request the deletion of the *"reference to monitoring the effects of forest harvest activities in the coastal environment of the Marlborough Sounds"* and amend the section to *"focus on monitoring the effects of land use in the highly erodible loess soils in the Wither Hills and Weld Pass area"*.
95. In my view, the method as notified gives effect to both Policy 15.4.1 and Objective 15.4. Council has prioritised monitoring of the effects of forestry harvesting activities on the coastal environment in the Marlborough District given the potential adverse effects on soil and water quality as a result of the activity. Accordingly, I do not recommend the relief sought by MFIA or Nelson Forests.

Recommendation

96. I recommend the explanation of Issue 15F is amended as follows:

'Although fertiliser use has decreased over time in Marlborough, many primary producers still apply it to maintain the nutrient status of the soil and therefore soil productivity. Excessive fertiliser application creates the potential for nutrients such as nitrogen and phosphate to runoff into adjoining

*rivers and wetlands or leach into underlying groundwater. The water quality effects of excessive fertiliser application are addressed through the water quality provisions earlier in this chapter.*¹⁴

97. I recommend the explanation to Policy 15.4.2 is amended as follows:

“This policy recognises that while soil structural degradation, nutrient depletion/enrichment and accelerated soil erosion are not of widespread concern in Marlborough, there is a long term risk that irreversible degradation in soil quality may occur if appropriate land management practices are not used. Soil compaction may be necessary in some circumstances, such as providing a stable foundation for a road or building.”¹⁵ The Council will work with rural industry ...”

98. I recommend method 15.M.39 is amended as follows:

‘To work with ~~established~~¹⁶ rural industry groups to develop and implement sustainable land management programmes. The initial focus will be on viticulture, pastoral farming (especially dairy and beef farming), arable farming and forestry, but may extend to other rural activities if the need arises.

Encouraging group members to ~~practice~~ use nutrient budgeting (with the exception of the forestry industry) as a way of understanding the nutrient cycling, inputs and losses from their activities¹⁷ will be a priority.

Farm management plans and other sustainable land management plans¹⁸ may assist rural property owners to identify appropriate responses to soil erosion issues on their land. The Council may help to develop such plans if requested.

Liaise with the Department of Conservation regarding any soil erosion issues on Crown land managed for conservation purposes.’

Matter 2: Issue 15G

Issue 15G

99. Issue 15G and its explanation provides detail on a second problem which must be resolved to achieve the purpose of the RMA and reads as follows:

‘The use, storage, transportation and disposal of hazardous substances creates the potential for the contamination of soil if the hazardous substances are released into the environment’

100. There were no submissions received on Issue 15G, accordingly I have not assessed this issue further.

Objective 15.5

101. Objective 15.5 is both an RPS and Regional-level objective. Objective 15.5 states:

‘Existing and foreseeable uses of the soil resource are not reduced as a result of soil contamination.’

102. FANZ (1192.45) supports Objective 15.5, there were no other submissions received on this objective.

Policies

¹⁴ 1192.41 FANZ

¹⁵ 962.100 MFIA; 990.244 Nelson Forests

¹⁶ 990.248 Nelson Forests

¹⁷ 1090.53 Ravensdown

¹⁸ 990.248 Nelson Forests

103. Policy 15.5.1 is both an RPS-level and Regional-level policy which states:

'Primarily rely on regulations promulgated under the Hazardous Substances and New Organism Act 1996 to ensure hazardous substances are used and stored and transported in an appropriate manner.'

104. Six submissions were received in support of Policy 15.5.1.¹⁹ Nelson Forests (990.250) oppose Policy 15.5.1 as they do not consider it is "appropriate to apply more stringent controls than are already provided for under the HSNO Regulations". The policy explanation provides exceptions where Council may apply more stringent controls than the HSNO regulations, Nelson Forests seek these exceptions are deleted. The exceptions include:

*(a) the use and storage of hazardous substances in groundwater protection areas and on river beds, due to the vulnerability of aquifers and rivers to contamination; and
(b) the discharge of hazardous waste to land or water.'*

105. The HSNO Act sets out the minimum controls for the use, storage, transportation and disposal of all hazardous substances throughout New Zealand. Council is able to set more stringent requirements than the HSNO Act if it is considered necessary for achieving the purpose of the RMA. In this case, the use or storage of a hazardous substance in a groundwater protection zone or a river bed is not covered by the HSNO Act, nor is the discharge of hazardous waste to land or water. Therefore, I consider it is appropriate for Council to set more stringent requirements than the HSNO Act in the MEP to achieve the purpose of the RMA. Accordingly, I do not recommend adopting the relief sought by Nelson Forests.

106. Policy 15.5.2 is both an RPS and Regional-level policy which requires record keeping of sites with known contamination or those that may be contaminated due to past land use management practices, and for this information to be publicly available. FANZ (1192.47) supports Policy 15.5.2 as notified, there were no other submissions received on this policy. Accordingly, I have not assessed this policy further.

107. Policy 15.5.3 is both an RPS and Regional level policy which states the following:

'Screen all sites on the Listed Land Use Register for the risk they pose to human health and/ or the surrounding environment.'

108. FANZ (1192.48) supports the policy as notified. Nelson Forests (990.251) support the policy in part and note in their submission that "landowner and stakeholder involvement in this process is critical." Nelson Forests seek the following wording be included in the policy explanation:

'A majority of the sites on the Register are identified as potentially contaminated and are included on the basis of HAIL. However, the risk of human health effects or adverse effects on the environment is unclear. For this reason, the Council will engage and work with affected parties to progressively screen those sites on the Register to determine the likely risk that the contaminants pose to human health and/or the surrounding environment. The degree of risk and the reasons will be recorded on the Register and shared with the affected parties.'

109. It is not clear from Nelson Forests submission what they mean by 'affected parties' as this term has a specific meaning under Section 95 of the RMA that would not appear to apply in relation to this policy. I note that method 15.M.47 requires property specific information to be available to the public, which may provide some relief to the submitter. On the basis of the information provided I do not support the amendments proposed by Nelson Forests.

110. Policy 15.5.4 is both an RPS and Regional-level policy which states:

'Investigate sites assessed through Policy 15.5.3 as being of high risk to community health and/or the surrounding environment and, depending on the outcome of those investigations, consider the need for site management.'

¹⁹ 425.321 Federated Farmers; 479.149 DOC; 769.74 Hort NZ; 1039.102 PRWNZ; 1090.55 Ravensdown; 1192.46 FANZ

111. FANZ (1192.49) supports the policy as notified. MFIA (962.107) supports the policy in part but requests clarification on what is considered as significant. The policy explanation sets out the factors which will determine the level of site management appropriate. These factors include:

- (a) *the type of contaminants;*
- (b) *the degree of contamination;*
- (c) *the availability and practicality of appropriate technology for management, including recognition of technical and financial constraints;*
- (d) *existing and likely future uses of the site;*
- (e) *surrounding land uses;*
- (f) *national standards, guidelines or both; and*
- (g) *the potential for adverse environmental and public health effects, including the potential for off-site or downstream effects.'*

112. Dependant on the severity of the factors listed, the appropriate level of management will be undertaken by Council. In addition, method 15.M.48 requires detailed investigations for contaminated land to be undertaken by a qualified and experienced practitioner, in accordance with the Contaminated Land Management Guidelines No. 5 published by the Ministry for the Environment.

113. Policy 15.5.5 is both an RPS-level and Regional-level policy that states:

'Establish a response capability to deal with spills of hazardous substances.'

114. NZTA (1002.84) support the policy in part, due to the large volumes of goods transported around Marlborough on the State Highway would prefer to be involved in the notification and response to spills of hazardous substances. It is inferred that the following amendment to the explanation is sought by NZTA:

'Several agencies are potentially involved in any spill event, including the Council, Fire Service, Police, the New Zealand Transport Agency road controlling authorities and (in the coastal marine area) Maritime Safety. An ad hoc response from each agency creates the potential for ineffective containment and for soil contamination to occur over a wider area than if the spill was effectively contained.

It is important therefore that the actions of each agency in responding to a spill are co-ordinated. This is especially the case considering the risks posed by the volume of goods transported to and through Marlborough on the State Highway-4 network.'

115. I agree with the amendment sought by NZTA, I consider this is consistent with Object 15.5 and Issue 15G. I consider the amendment should also be reflected in method 15.M.50 to ensure all relevant agencies are involved in the development of such a plan. I recommend method 15.M.50 is amended as follows:

'A spill response contingency plan will be developed collaboratively by the Council, Fire Service, Police ~~and~~, Marlborough Roads and the New Zealand Transport Agency road controlling authority. The Plan will identify the methods to be used to contain and clean up any spill of hazardous substances, the role of each agency in implementing these methods and communication between the agencies. In this way, the Plan will ensure that response actions are effective and the potential for soil contamination caused by spills is minimised.'

Anticipated Environmental Result

116. Anticipated Environmental Result 15.AER.9 seeks an 'increase in knowledge of Marlborough's soil resource.' It is proposed that this is monitored through a number of indicators. MDC (91.66) oppose the monitoring effectiveness measure as stated below:

'The state of Marlborough's soil resource is reported on an annual basis.'

117. MDC seeks this monitoring effectiveness measure is deleted as annual reporting is not an indicator. I agree with MDC and consider reporting on the state of Marlborough's soil resource on an annual basis is not a measure of effectiveness towards the Anticipated Environmental Result. The other monitoring effectiveness measures are specific and provide other measures to show progress towards the anticipated environmental result. Accordingly, I recommend the amendment proposed by MDC is adopted.

118. Te Atiawa (1186.93) support the Anticipated Environmental Results in part, although seeks they are amended to include specific goals and monitoring criteria for cultural values. I accept that there is currently no Anticipated Environmental Result related to cultural values in Chapter 15, however I question whether such an Anticipated Environmental Result would occur from achieving the relevant objectives and policies related to soil quality. Volume 1, Chapter 3, Method 3.M.5 is an RPS, regional and district level method relating to Cultural Indicators. This method requires Council to work with Marlborough's tangata whenua iwi to develop cultural indicators to assist in monitoring the state of Marlborough's natural and physical environment. In my view, part of the relief sought by Te Atiawa is provided by method 3.M.5. Te Atiawa have not provided any specific detail on what such an Anticipated Environmental Result would look like in Chapter 15, in addition I do not consider an Anticipated Environmental Result relative to cultural values is within the scope of the objective and policy framework subject of this Section 42A Report and consider the relief sought is provided for in part by Volume 1, Chapter 3, Method 3.M.5. On this basis, I do not recommend adopting the relief submitted by Te Atiawa.

Recommendation

119. I recommend the explanation of Policy 15.5.5 be amended as follows:

'Several agencies are potentially involved in any spill event, including the Council, Fire Service, Police, the New Zealand Transport Agency road controlling authorities²⁰ and (in the coastal marine area) Maritime Safety. An ad hoc response from each agency creates the potential for ineffective containment and for soil contamination to occur over a wider area than if the spill was effectively contained.

It is important therefore that the actions of each agency in responding to a spill are co-ordinated. This is especially the case considering the risks posed by the volume of goods transported to and through Marlborough on the State Highway-4²¹ network.'

120. I recommend method 15.M.50 is amended as follows:

'A spill response contingency plan will be developed collaboratively by the Council, Fire Service, Police ~~and~~,²² Marlborough Roads and the New Zealand Transport Agency road controlling authority²³. The Plan will identify the methods to be used to contain and clean up any spill of hazardous substances, the role of each agency in implementing these methods and communication between the agencies. In this way, the Plan will ensure that response actions are effective and the potential for soil contamination caused by spills is minimised.'

121. I recommend the monitoring effectiveness measures in 15.AER.9 are amended as follows:

'A soil intactness report is produced every seven years or when new aerial photography is available across the district.'

²⁰ 1002.84 NZTA

²¹ 1002.84 NZTA

²² Clause 16(2) RMA

²³ 1002.84 NZTA consequential amendment

The state of Marlborough's soil resource is reported on an annual basis.²⁴

The number of soil monitoring sites and land uses covered by the soil quality monitoring sites and land uses covered by the soil quality monitoring programme increases.

A targeted monitoring program to assess the adverse effects of forest harvest activities is completed.

More is known about the risk of soil contamination across Marlborough.'

Matter 3: Submissions across all standards

122. Te Atiawa²⁵ made a submission in opposition to most land disturbance standards in the MEP²⁶. Te Atiawa consider land disturbance activities should not be permitted over urupa, wahi tapu or other sacred sites. To require this, they seek that the standards be amended to protect cultural sites. I agree that there is the potential for sites of archaeological sites or sites of cultural significance to be impacted by land disturbance activities. However, Te Atiawa did not identify the specific issues they have with the proposed wording of the standards, nor any changes that would remedy their concerns. In absence of specific detail, I am not in a position to determine whether there are specific elements of the land disturbance standards that may be appropriate to amend.
123. I note that the issue of land disturbance and places of significance to Marlborough's Tangata Whenua Iwi have been discussed in Section 42A Reports for Topics 2²⁷ and 8²⁸. The Section 42A Report for Topic 8 recommends the adoption of a new schedule which sets out the sites and places of significance to Marlborough's Tangata Whenua Iwi.²⁹ In my view, the adoption of such a schedule would go some way to provide relief for Te Atiawa and I do not recommend any amendments to the standards subject to this Section 42A Report.

Matter 4: Cultivation

124. Chapter 3 (Rural Environment Zone) and Chapter 4 (Coastal Environment Zone) contains permitted activity rules that enable cultivation and permitted activity standards to manage potential adverse effects. Cultivation is defined in the MEP as *"the breaking up and turning of soil such that the land contour is not altered"*. Cultivation is typically achieved through mechanical or physical processes and is undertaken to encourage soil aeration and water infiltration prior to establishing crops or pasture. Rules 3.1.13 and 4.1.13 provide a permitted activity status for cultivation, which is subject to the permitted activity standards set out in Standards 3.3.13 and 4.1.12 for each of these zones. The permitted activity standards are the same across both zones, if one or more of the standards are unable to be met, cultivation is assessed as a discretionary activity under Rules 3.3.12 and 4.3.12.
125. A number of similar submissions were received on the permitted activity standards in both the Rural Environment and Coastal Environment Zones. Submissions covered topics such as slope and setback distances and receiving surface water quality standards. These common submissions and recommendations for each are outlined in the following section and are not repeated for each of the rules.

²⁴ 91.66 MDC

²⁵ Te Atiawa 1186.118; 1186.126; 1186.125; 1186.139; 1186.164; 1186.172; 1186.178; 1186.191; 1186.196; 1186.202; 1186.133; 1186.134; 1186.140; 1186.147; 1186.148; 1186.150; 1186.153; 1186.153; 1186.153; 1186.156; 1186.208; 1186.210; 1186.213; 1186.119; 1186.127; 1186.163; 1186.170; 1186.171; 1186.177; 1186.192; 1186.197; 1186.203.

²⁶ Standards 3.3.13; 4.3.12; 4.3.11; 7.3.8; 13.3.19; 14.3.10; 15.3.18; 17.3.3; 18.3.4; 19.3.4; 5.3.10; 6.3.3; 7.3.9; 8.3.11; 9.3.4; 10.3.4; 11.3.3; 12.3.18; 20.3.3; 20.4.1; 23.3.2; 3.3.14; 4.3.13; 13.3.17; 13.4.6; 14.3.8; 15.3.16; 17.3.4; 18.3.5; 19.3.5

²⁷ Topic 2, Marlborough's Tangata Whenua Iwi

²⁸ Topic 8, Heritage Resources and Notable Trees

²⁹ Schedule 3

126. A number of submitters seek to retain Rules 3.1.13 and 4.1.12 as notified.³⁰

Definition

127. Two submissions were received on the definition of 'cultivation' in the MEP. K Loe (454.88) supports the definition and seeks it is retained as notified. Federated Farmers (425.392) support the definition in part and seek that direct drilling, strip tilling, no-till practices and harvesting of forage and crops are excluded from the definition. Federated Farmers did not provide a reason for the proposed amendment in their submission.

128. In my view the cultivation methods proposed to be excluded by Federated Farmers have the potential to result in adverse effects on soil quality. As I understand it, some methods, such as direct drilling, are lower impact than other methods of cultivation. However, there may be periods of time prior to or following cultivation taking place where topsoil could be lost and sediment eroded to surface water, and excluding the management of this does not accord with the policy direction of the MEP. Accordingly, I do not recommend the relief sought by the submitter is adopted, and recommend the definition of cultivation remains as notified.

Slope and setback

129. Standards in 3.3.13 and 4.3.12³¹ utilise slope angle to determine the required setback of cultivation from specified water bodies. The standards state the following:

x.3.xx Cultivation

x.3.x.1 *On all slopes greater than 20° cultivation must be parallel to the contour of the land; except that up to 15% of the cultivated area may be cultivated at angle to the contour.*

x.3.x1 *On all slopes greater than 10° cultivation must not be within 8m of a river (except an ephemeral river or intermittently flowing river when not flowing), lake or coastal marine area;*

x.3.x.3 *On all slopes less than or equal to 10° cultivation must not be within 3m of a river (except ephemeral river or intermittently flowing river when not flowing), lake or coastal marine area.*

130. An additional separate standard also requires that cultivation is set back a distance of 8 metres from Significant Wetlands³². It is my view that the key adverse effect being managed through the standards is the loss of productive topsoil resulting in a decline in soil health and accelerated erosion of sediment to waterbodies and subsequent effects on surface water quality. These effects are influenced by the slope gradient, soil types, cultivation methodology and other mechanisms. Issue 15F of the MEP identifies that some land use activities or practices have the potential to adversely affect soil quality. Objective 15.4 seeks that Marlborough's soil resource is maintained and enhanced, this is provided for by policies 15.4.2 and 15.4.3 which both seek that topsoil is retained when undertaking land management practices and land disturbance activities. Policy 15.4.3 also requires land disturbance activities to be controlled to minimise the potential for eroded soil to degrade water quality. In minimising the amount of sediment lost, topsoil is retained, safeguarding the potential of Marlborough's rural resources for primary production. This contributes to achieving the outcomes sought by Volume 1, Chapter 14 'Use of the Rural Environment' of the MEP.

³⁰ 431.56 Wine Marlborough; 454.80 K Lowe; 455.43 J Hickman; 456.43 G Mehlopt; 479.199, 479.201, 479.230 DOC; 484.59 CTWTC; 509.307 Fish & Game; 712.95 FSA; 909.47 Longfield Farm; 970.16 Middlehurst Station; 1124.58 S MacKenzie; 1218.47 Villa Maria; 1242.26 Yealands Estate 1039.119 PRWNZ & 631.28 CBNZ

³¹ Standards 3.3.13.1; 3.3.13.2; 3.3.13.3; 4.3.12.1; 4.3.12.2 and 4.3.12.3.

³² Standards 3.3.13.4 and 4.3.12.4 are addressed in the Section 42A Report for Topic 6 Indigenous Biodiversity

131. K Loe (454.81; 454.83; 454.84; 454.89) and BMCRRRA (1190.23) support standards x.3.x.1 to x.3.x.3, and seek that they are retained as notified. Forest & Bird (715.433) submit that the setbacks are inadequate and will fail to protect water quality from the adverse effects of sedimentation and nutrient discharges. PF Olsen (149.36, 149.53) seek that the standards are readdressed to ensure effects and mitigation apply equally between land uses. PF Olsen considers the cultivation standards as currently worded would only provide for the most basic sediment barriers on slopes greater than 20° and should be aligned with the high risk sediment generation rules to meet or exceed those applied to other land uses. While Forest & Bird and PF Olsen consider that the proposed setbacks and standards are inadequate, they have not provided setbacks or additional standards which they consider are adequate, making it difficult to recommend an alternative which remedies their concerns. In addition, I note that slope and setback standards proposed in the MEP are the same slope and setback standards included in the WARMP. In the absence any evidence that the existing rules are not achieving the outcomes sought, or technical justification for larger setbacks or the use of erosion and sediment controls for cultivation, I do not recommend adopting the relief sought by Forest & Bird or PF Olsen.

132. Federated Farmers (425.537; 425.655; 425.799; 425.798), Dairy NZ (676.83; 676.128; 676.129; 679.130), Land Vision (904.19) and Beef & Lamb (459.56, 459.57) support the inclusion of a permitted activity standard for cultivation in the MEP however oppose the level of detail in the standards. Federated Farmers question the extent to which the rule prescribes the specific approach that must be undertaken. To remedy this, Federated Farmers request that the standards be amended to focus on practical application so that they are proportionate with the potential adverse effects of the activity. Federated Farmers seeks standards x.3.x.2 and x.3.x.3 are deleted and the following alternative wording of Rule x.3.x.1:

x.3.x.1 *“Cultivation should be undertaken parallel to the contour of the land, where reasonably practical.”*

133. Similarly, Land Vision seek that 3.3.13.3 is amended to state:

3.3.13.1 *“on slopes greater than 20° cultivation is a permitted activity provided a suitable riparian zone with adequate vegetation cover to prevent sediment runoff into waterways is in place”.*

134. This omits the current exception in the rule that up to 15% of the cultivated area may be cultivated at an angle to the contour. Land Vision considers it would be difficult to *“accurately measure a 20-degree slope angle in the field leaving a huge amount of discrepancy over the ‘average’ slope angle of large blocks of country with variable topography”.*

135. Dairy NZ (676.82) submit that the 8 metre setback required by standards x.3.x.2 and x.3.x.3 is not consistent with scientific literature or industry recognised good management practice. Dairy NZ propose the following alternative for standard 3.3.13.2:

3.3.13.2 *On all slopes greater than 10°, cultivation must not be within a minimum of 3 metres of a river or intermittently flowing river. Critical source areas, swales or gullies must either not be cultivated or have an appropriate mitigation in place to minimise the amount of soil run off in a rain event.”*

136. Dairy NZ also propose a separate alternative wording for the standard 4.3.12. The standard proposed introduces the term ‘critical source area’ which is defined by Dairy NZ as *“a small, low-lying part of a farm such as a gully and swale where runoff accumulates in high concentrations.”* Dairy NZ propose the following wording for standard 4.3.12:

4.3.12 *in cultivated areas:*

4.3.12.1 *A minimum of 3 metres from the outer edge of the bed on land with a slope of less than 16 degrees; and*

- 4.3.12.2 *Critical source areas are to be retained with a grass filter strip or a sediment retention system is installed, and maintained to prevent sediment discharge before the critical source area enters a natural waterway, drain or leaves the property, and*
- 4.3.12.3 *On slopes greater than 16 degrees vegetated strips should be a minimum of 5 metres; and*
- 4.3.12.4 *Critical source areas are to be retained with grass filter strips to minimise sediment discharge before the CSA enters a natural waterway, drain or leaves the property.*

137. I agree with the intent of the relief sought by Federated Farmers and Land Vision in terms of setting back cultivation from water bodies and how it would go some way to address the key effect of sediment being lost to surface waterbodies, Objective 15.4 and policies 15.4.2 and 15.4.3 of the MEP. However, I do not consider the alternative wording proposed is certain enough to be used as a permitted activity standard as there is an element of subjectivity and issues establishing compliance when using terms such as 'reasonably practical' and 'suitable'. Accordingly, I do not recommend adopting the relief sought by Federated Farmers or Land Vision.
138. It is my understanding that runoff from critical source areas convey sediment and nutrients into water bodies. Careful management of these areas has the potential to minimise sediment lost from exposed surfaces and encourage the retention of topsoil. It is my view that the management of critical source areas and use of erosion and sediment control measures are widely utilised methods of achieving the outcomes set by the policy and rule framework and mitigating key effects. There is currently no definition of critical source areas in the MEP, so to include the management of critical source areas in Rules 3.3.13 and 4.3.12 would also require a definition for this. The definition provided by Dairy NZ would provide a suitable basis for a definition, but in my view, is too subjective and not be certain enough to ensure every person who interprets it would conclude the same thing when determining if an area is a critical source area. Accordingly, this would result in interpretation issues and difficulties when determining compliance. As such, overall my view is that on balance the linear setback buffer and slope approach is the most appropriate and certain option to include as a permitted activity standard.
139. Land Vision (904.19), S and S Leov (326.8) and Dairy NZ (679.82) raise concerns on the health and safety aspects of undertaking mechanical cultivation parallel to contours on slopes greater than 20°. I acknowledge the health and safety risk of undertaking this activity, but consider mechanical cultivation on steep slopes has the potential to result in high levels of erosion that justify the imposition of the standard. I do not recommend any amendments to address these submissions.
140. Wine Marlborough (431.56, 431.81; 431.82), Awnz (457.56, 457.79, 457.82; 457.83), BRI (462.17; 462.38; 462.35), Delegat (473.41; 473.63; 473.61; 473.62), Villa Maria (1218.47; 1218.74; 1218.75; 1218.76; 1218.77) Middlehurst Station (970.28; 970.25), Longfield Farm Limited (909.73) and S & R Adams (321.3) request that the existing standards are amended or a new standard is introduced requiring a setback of 1 metre to a waterbody or wetland, where the land slopes away from the river or wetland, as they consider this setback sufficient in these cases. I note that the relevant standards require setbacks for cultivation from "*rivers (except an ephemeral river or intermittently flowing river when not flowing) lake or coastal marine area.*" The MEP defines 'river' as "the same meaning in Section 2 of the RMA which is "*a continually or intermittently flowing body of freshwater; and includes any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal.*" Rules 3.3.13 and 4.1.12 as currently worded only require setbacks to be maintained where the river is not artificial or ephemeral. In my view, it would commonly be artificial waterbodies where the land slopes away from the river and therefore these would not be captured by the rule in any case. Therefore, I do not consider the new standard proposed is necessary.

Stabilisation following cultivation

141. Standard x.3.x.5 states the following:

- x.3.x.5 *"On completion of cultivation, a suitable vegetative cover that will mitigate soil loss, must be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to cultivation taking place."*

142. K Loe (454.87) supports Standard 3.3.13.5. Federated Farmers (425.541; 425.796) and Dairy NZ (676.86; 679.132) oppose standards 3.3.13.5 and 4.3.12.5 due to complexities in establishing compliance. These submitters seek deletion of the standard or clarification on what the standard is trying to control. Land Vision (904.21) seeks that the wording of standard 3.3.13.5 be amended to require vegetative cover to be equal to, if not greater than, the cover level prior to cultivation, for sediment control purposes. MRFA (965.7) submit that 24 months is too long and the timeframe should be amended to 12 months.
143. In my view the standard seeks to retain productive top soil from erosion and loss of sediment to water bodies over the long term, following the conclusion of cultivation. Re-establishing vegetative cover is the mechanism required by the standard to achieve this and gives effect to policies 15.4.2(c) and 15.4.3 of the MEP which require land to be managed in a way that retains topsoil in situ and undertaking land disturbance activities in a manner which minimises the potential for topsoil to be eroded to surface water. I agree with the intent of the proposed amendment made by Land Vision however, I consider requiring vegetative cover to be equal to or greater than the area cultivated within 24 months may be challenging for plan users to comply with as there are aspects of reinstating vegetative cover which are unable to be controlled, including metrological influences. I accept that 24 months is a long period of time as raised by MRFA, in my view, taking into account other factors that influence revegetation times such as metrological conditions, I consider it to be an appropriate period. On this basis, I recommend these standards are retained as notified.
144. Hort NZ (769.100) support in part the distinction for cultivation based on slope, but note that there are a range of mechanisms available to manage the potential effects from cultivation, not just setbacks and vegetative cover. Hort NZ consider that it would be difficult for vegetable growers to meet standard 3.3.13.5 as ground is cultivated in a rotation. Hort NZ seek an alternative condition for vegetable cropping as follows:
- ‘3.3.13.7 *For cultivation that is undertaken for rotation cropping the activity will use mechanisms in Erosion and Sediment Control Guidelines for vegetable growing (Horticulture NZ 2014) to minimise sediment run-off to water.*’
145. As stated above, standard 3.3.13.5 seeks to retain productive topsoil from erosion and loss of sediment to surface water bodies over the long term. If resource consent is required, Policy 15.4.4 sets out the matters which Council will have regard to during a resource consent process. Clauses (b) and (c) of this policy require regard to be had to ‘any industry standards relevant to the activity’ and ‘sediment and erosion control measure required to reasonably minimise adverse effects caused by rainfall events, including the use of setbacks from waterbodies.’ In my view, the relief requested by Hort NZ is already provided by Policy 15.4.4 as Council must have regard to industry standards relevant to the activity and, in the case of rotation cropping, the Hort NZ Erosion and Sediment Control Guidance may be the relevant guidance for Council to have regard to. Further, it may be likely an updated version of the Hort NZ Erosion and Sediment Control Guidance will be released during the life of the MEP. If this was to occur, the additional standard requested by Hort NZ would be redundant. On this basis, I consider the relief requested by Hort NZ is already provided by the policy direction of the plan, accordingly I do not recommend the requested relief is adopted.

General Submissions

146. Beef and Lamb (459.19; 459.20) oppose both cultivation standards in the Rural Environment and Coastal Environment Zones. Beef and Lamb seek that activity focused rules are re-written to allow Farm Environment Planning as an alternative pathway so the MEP is better able to provide for Policy 4.1.1. Beef and Lamb did not provide any specific details for the wording of such a standard aside from requesting the amendment of the standard. I understand that such a change would require several consequential amendments to be made to other standards not assessed in this Section 42A Report. As this is the case, I am unable to support the submissions made and do not recommend the relief sought by Beef and Lamb is adopted.

Recommendation

147. I recommend standards 3.3.13 and 4.3.12 are retained as notified.

Matter 5: Non-indigenous vegetation clearance

148. Volume 2 of the MEP contains permitted activity rules and standards authorising the clearance of indigenous and non-indigenous vegetation. Submissions on the standards relevant to the clearance of indigenous vegetation have been addressed in the Indigenous Biodiversity Topic (Topic 6) Section 42A Report. This Section 42A Report addresses the standards relevant to non-indigenous vegetation clearance. The following table sets out the chapters and standards which manage the clearance of non-indigenous vegetation, which are addressed in this section of the report:

Chapter	Permitted activity rules and standards
Chapter 3 – Rural Environment Zone	3.1.12, 3.3.12
Chapter 4 – Coastal Environment Zone	4.1.11, 4.3.11
Chapter 7 – Coastal Living Zone	7.1.10, 7.3.8
Chapter 13 – Port Zone	13.1.30, 13.3.19
Chapter 14 – Port Landing Area Zone	14.1.15, 14.3.10
Chapter 15 – Marina Zone	15.1.28, 15.3.18
Chapter 17 - Open Space 1 Zone	17.1.5, 17.3.3
Chapter 18 – Open Space 2 Zone	18.1.6, 18.3.4
Chapter 19 – Open Space 3 Zone	19.1.6, 19.3.4
Chapter 22 – Lake Grassmere Saltworks Zone	22.1.10, 22.3.9

Table 2: Non-indigenous vegetation clearance standards

149. Submissions received on some of the permitted activity standards listed above have been addressed in other Section 42A Report Topics. These include standards 3.3.12.3; 3.3.12.5; 3.3.12.6; 3.3.12.7; 3.3.12.10; 3.3.12.11; 4.3.11.3; 4.3.11.5; 4.3.11.6; 4.3.11.7; 4.3.11.10; 4.3.11.11; 7.3.8.3; 7.3.8.5; 7.3.8.6; 13.3.19.3; 13.3.19.4; 13.3.19.5; 17.3.3.1; 17.3.3.2; 17.3.3; 17.3.3.4; 18.3.4.2; 18.3.4.3; 18.3.4.4; 19.3.4.3; 19.3.4.5. As submissions related to these standards have already been assessed, I have not assessed them further.

150. The permitted activity standards are similar across zones. However, there are some minor variations in the wording of similar standards or the omission of entire standards where environmental aspects of a zone mean that it is not required. For example, standard 17.3.3 does not include a limit on non-indigenous vegetation clearance being undertaken on slopes greater than 20°. Given the Open Space Zone 1 generally applies to small areas of open space that provide for the amenity of residential areas, it is unlikely these areas are located on slopes greater than 20°, accordingly there is no need to include such a standard. Where standards are consistent across zones I consider any amendments made to a standard should be consistent across all standards (unless there is a good reason to depart from this in a particular zone).

151. If non-indigenous vegetation clearance is unable to comply with one or more of the permitted activity standards, resource consent is required and the activity is to be assessed as a discretionary activity. The

permitted activity standards in each chapter include a range of provisions which seek to control erosion of sediment to surface water bodies and retain topsoil. Permitted activity standards include setbacks of non-indigenous vegetation clearance from the following:

- a. 8 metres from rivers (except an ephemeral river or intermittently flowing river when not flowing), lake or the coastal marine area;³³
- b. 30 metres from Water Resource Units with a Natural State Classification;³⁴ and
- c. Community drinking water supplies registered under Section 69J of the Health Act 1956.³⁵

152. Some standards³⁶ also seek to limit the clearance of non-indigenous vegetation on slopes greater than 20° by mechanical means including blading or root-raking by a bulldozer. Other standards³⁷ limit the maximum depth of topsoil able to be removed as a result of non-indigenous vegetation clearance to 20 millimetres over more than 15% of the vegetation clearance site.

153. DOC (479.200; 479.229), G Mehlhopt (456.41; 456.42) and J Hickman (455.41; 455.42) submitted in support of the standards relating to non-indigenous vegetation clearance across one or more zones.³⁸ CTWTC (484.75)³⁹, PMNZ (433.183) and Fish & Game (509.426)⁴⁰ submitted in support of the standards relating to non-indigenous vegetation clearance in a specific zone.

Definitions

154. The MEP does not separately define ‘*indigenous*’ and ‘*non-indigenous vegetation clearance*’. Vegetation clearance in the MEP is defined as:

“the cutting, destruction or the removal of all forms of vegetation including indigenous or exotic plant vegetation by cutting, burning, cultivation, crushing, spraying or chemical treatment.”

155. Hort NZ (769.99; 769.132) and Federated Farmers (425.654, 425.727) oppose the definition of ‘*vegetation clearance*’ as the definition includes ‘*cultivation*’ which is defined and provided for in the MEP separately. Beef & Lamb (459.65) oppose the inclusion of ‘*spraying or chemical treatment*’ in the definition due to the potential for lower risk activities being unintentionally restricted. NZTA (1002.265) oppose the definition and consider there is potential for the definition to capture the mowing of grass and domestic gardening activities. MDC (91.206) support the definition but seek it is amended to clarify that vegetation clearance excludes commercial forestry harvesting, carbon sequestration (non-permanent) forestry harvesting and woodlot forestry harvesting. J Hickman (455.69) and G Mehlhopt (456.69) support the definition in part, but seeks it is amended to provide for routine farm operations to occur without resource consent.

156. While cultivation is broadly defined as ‘*vegetation clearance*’ there are specific standards included in the MEP which provide for cultivation.⁴¹ Accordingly, when undertaking a rule assessment to assess cultivation, the most specific rules would be subject of assessment (i.e: the cultivation standards would be assessed over the standards providing for vegetation clearance). Further, the definition of ‘*vegetation clearance*’ applies to ‘*indigenous vegetation clearance*’ as well as ‘*non-indigenous vegetation clearance*’. As such, any amendment made to the definition may unintentionally impact the activities captured by the indigenous vegetation clearance standards. On this basis, I do not support the submissions made by Hort NZ and Federated Farmers and do not recommend their relief sought.

157. I do not support the submission made by Beef & Lamb due to the application of the ‘*vegetation clearance*’ definition to both ‘*indigenous*’ and ‘*non-indigenous*’ vegetation clearance. As such, any amendments made to the definition in this Section 42A Report may unintentionally impact the activities captured by the indigenous vegetation clearance standards. I consider non-indigenous vegetation

³³ Standards 3.3.12.2; 4.3.11.2; 7.3.8.2; 15.3.18.1; 13.3.19.2; 14.3.10.1; 18.3.4.1; 19.3.4.1 and 22.3.9.2.

³⁴ Standards 3.3.12.3 and 19.3.4.2

³⁵ Standards 3.3.12.4; 4.3.11.4; 7.3.8.4; 19.3.4.4

³⁶ Standards 3.3.12.1; 4.3.11.1; 7.3.8.1; 13.3.19.1 and 22.3.9.1.

³⁷ Standards 3.3.12.9; 4.3.11.9; 14.3.10.6; 15.3.18.6 and 22.3.9.6.

³⁸ Rural Environment Zone (3.3.12) and Open Space 3 Zone (19.3.4).

³⁹ Coastal Environment Zone (7.3.8)

⁴⁰ Open Space 3 Zone (19.3.4)

⁴¹ Standards 3.3.13 and 4.3.12.

clearance undertaken via spraying or chemical treatment has the potential to result in effects similar to those arising from other methods of vegetation clearance, therefore I consider management of potential adverse effects through the standards is required to give effect to Objective 15.4 and policies 15.4.2 and 15.4.3.

158. NZTA did not provide specific detail for an amended definition in their submission. I agree that there may be potential for some activities to be unintentionally captured by the definition of 'vegetation clearance'. However, as noted above, the definition of 'vegetation clearance' applies to the standards related to both 'non-indigenous' and 'indigenous' vegetation clearance. As such, any amendments made to the definition in this Section 42A Report, may unintentionally impact the activities captured by the indigenous vegetation clearance standards. Accordingly, I do not support the submission made by NZTA and do not recommend the relief sought.
159. MDC consider their proposed amendment would be particularly useful in zones where forestry is not permitted. I agree with the additional wording sought by MDC and consider it would assist plan users in determining whether vegetation clearance or woodlot forestry harvesting standards apply to a particular activity. Accordingly, I recommend the relief sought by MDC is adopted.
160. With regards to the submission made by J Hickman and G Mehlhopt I consider routine farm operations are already provided for in the permitted activity standards. I consider including words such "reasonably necessary" in a definition are uncertain and could be interpreted differently from person to person. As such, I consider the relief requested by the submitters is already provided and recommend the definition of 'vegetation clearance' is retained as notified.

Slope and setback

161. Several standards authorising non-indigenous vegetation clearance in the MEP set limits on setbacks to surface water and slope.⁴² Tempello Partnership (429.3), D & C Robbins (640.37; 640.50), G Robb (738.37; 738.50), M Robb (935.37; 935.50), Nelson Forests (990.97; 990.133) and S & T Wadworth (1121.4) oppose standards 3.3.12 and 4.3.11, which requires non-indigenous vegetation clearance undertaken by fire or mechanical means to be setback at least 8 metres from a river, lake or the coastal marine area. These submitters consider the 8 metre setback to be too restrictive, but do not offer alternative setback distances.
162. Six submissions⁴³ were received on standard 3.3.12.1 which sets 20° as the maximum slope gradient to allow non-indigenous vegetation clearance when undertaken by mechanical means including blading or root raking undertaken by a bulldozer. Earnslaw One seeks that the slope gradient be increased to 25° and the wording "*unless tethered by a traction winch system*" is included. The submitter did not provide reasoning for the amended wording, and I am unsure if the intent of the amendment sought is to better align with the policy direction of the MEP or for the purpose of health and safety (which the MEP does not manage). I am unable to support the submission made by Earnslaw One and do not recommend the amendment sought is adopted. However, the submitter may wish to bring additional information to the hearing to support their submission. The other submitters who opposed this standard did not provide any specific details on the relief sought, aside from noting their view that the current standards are unnecessarily restrictive and should be increased.
163. The standards limiting slope and setbacks to surface water seek to minimise the loss of productive topsoil and eroded sediment to surface water. Policy 15.4.3 requires land disturbance activities to be controlled to retain topsoil and minimise the potential for eroded soil to degrade surface water quality. In my view, a key measure to minimise the loss of topsoil and erosion of sediment to surface water is by setting back vegetation clearance to surface water and setting an upper limit for slope gradient. To provide for Policy 15.4.3, I consider limits requiring setbacks to surface water and slope are key. If the standards are unable to be complied with, the mitigation measures proposed can be assessed on a case by case basis through the resource consent process. On this basis, and in the absence of any specific alternative setback distances sought by the submitters, I consider Standards 3.3.12.1 and 3.3.12.2

⁴² Standards 3.3.12.2; 4.3.11.2; 4.3.11.3; 7.3.8.2; 7.3.8.3; 13.3.19.2; 13.3.9.2; 13.3.9.3; 14.3.10.1; 15.3.18.1; 17.3.3.1; 17.3.3.3; 18.3.4.1; 18.3.4.3; 19.3.4.2; 19.3.4.3 and 22.3.9.2.

⁴³ 348.28 M Chapman; 429.5 Tempello Partnership; 505.33 Earnslaw One and 1121.3 S & T Wadworth; 464.53 Chorus; and 1158.46 Spark.

limiting setback distances and slope for non-indigenous vegetation clearance should be retained as notified.

164. Nelson Forests (990.99; 990.135) seek standards 3.3.12.4 and 4.3.11.4⁴⁴ are deleted as there is no evidence of contamination of community drinking water supplies resulting from vegetation clearance. Regulation 10 of the NESHDW requires a regional council to not include a rule in its regional plan to allow a permitted activity, upstream of an abstraction point where the drinking water concerned meets the health quality criteria, unless specific matters are satisfied. In this case, the standards seek to protect the quality of water used for community drinking water supplies from sediment or other contaminants which may enter water as a result of vegetation clearance. Further, Policy 15.4.4(f) requires any land use consent application for land disturbance to have regard to the potential adverse effects on community drinking water supplies. To provide for policy 15.4.3, 15.4.4, and Regulation 10 of the NESHDW, I consider a standard requiring setbacks from abstraction points are required. Accordingly, I consider standards 3.3.12.4; 4.3.11.4 and other standards⁴⁵ requiring setbacks to community drinking water supplies should be retained as notified.

General submissions

165. Beef & Lamb (459.55, 459.18) oppose standard 3.3.12 and consider the standard is unworkable for plan users and will likely result in limited environmental gain. They propose the following alternative provision for Standard 3.3.12:

- (1) *Except as provided by Rule 3.3.12, non-indigenous vegetation clearance is a permitted activity, as long as the activity complies with the following conditions:*
 - (a) *Any earthworks, the formation of any new track and any planting or replanting of forestry trees must not occur on land that is in, or within 8m of:*
 - (i) *the bed of a river that is permanently flowing; or*
 - (ii) *the bed of a lake; or*
 - (iii) *within 30m of a river within a Water Resource Unit with a Natural State classification; or*
 - (iv) *within 200m of the coastal marine area; unless the new track or earthworks in (a)(i) to (iv) is:*
 - (A) *necessary to connect to and from a formed river crossing point that is a consented or permitted activity; and/or*
 - (B) *for the purpose of the maintenance or upgrade of an existing track or earthwork;*
 - (b) *harvesting, or the maintenance of, or the establishment of new tracks must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply*
 - (c) *Any new planting of forestry trees and associated formation of any new track or earthworks must not occur on land that is in, or within 10m of wetlands (including lakes), unless the new track or earthworks is:*
 - (A) *necessary to connect to and from a formed river crossing point that is a consented or permitted activity; and/or*
 - (B) *for the purpose of the maintenance or upgrade of an existing track or earthwork.*
 - (d) *Any area of forestry that is harvested (other than firebreaks, tracks, landing sites or areas in (a) and (b)) must be planted or replanted to protect from erosion as soon as*

⁴⁴ Standards 3.3.12.4 and 4.3.11.4 state: "Vegetation clearance must not be within such proximity to any abstraction point for a community drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply."

⁴⁵ Standards 7.3.8.4 and 19.3.4.4.

practicable and no later than 18 months from the date of the harvesting, unless the area is left to re vegetate naturally.

- (e) *Water run-off controls must be installed and maintained for tracks and landing sites.*
 - (f) *Batters, cuts and side castings must be established by methods that prevent slumping.*
 - (g) *Vegetation must be felled away from and not be dragged through any water body other than where this is necessary to avoid endangering the health and safety of workers, or where it is unavoidable and is the best harvest method such as, but not limited to, hauling through corridors or butt extraction, and (i) any discharge resulting from the activity must not, after reasonable mixing, cause a >20% change in visual water clarity*
 - (h) *Harvesting must be planned and carried out so as to minimise the amount of slash discharging into any area listed in (a)(i) and (ii).*
 - (i) *Slash must be removed from within areas listed in (a)(i) where it is blocking river flow, or is diverting river flow and causing bank erosion.*
 - (j) *Slash associated with landing sites and processing sites must be placed on stable ground and contained to prevent accumulated slash from causing erosion or land instability.*
 - (k) *Any discharge resulting from the activity must not, after reasonable mixing, cause a greater than 20% change in visual clarity for that waterbody, or/and shall not cause > 20% deposition of sediment on the bed of the waterbody*
- (2) *If the farm/ farming enterprise is operating under a council approved Farm Environment Plan, then the Farm Environment Plan takes precedence over conditions 1 (A)- (N)*

166. The alternative wording sought by Beef & Lamb extends into excavation, filling, woodlot forestry planting and harvesting which are all covered by other standards in the MEP. The adoption of the standard proposed by Beef & Lamb would require several consequential amendments to be made to other standards in the MEP not analysed in this Section 42A Report. Given the amended standard sought by Beef & Lamb includes the setback limits already included in the standard, I consider this shows that Beef & Lamb are supportive of the setback distances proposed. On this basis, I do not recommend the relief sought by the submitter is adopted.

167. Standard 4.3.11.8 states the following:

4.3.11.8 *“On completion of a vegetation clearance, a suitable vegetative cover that will mitigate soil loss, is to be restored on the site so that, within 24 months the amount of bare ground is to be no more than 20% greater than prior to vegetation clearance taking place.”*

168. MRFA (965.5; 965.6) submit that 24 months is too long and the timeframe should be amended to 12 months. Re-establishing vegetative cover is the mechanism required by the standard which gives effect to policies 15.4.2(c) and 15.4.3 of the MEP which require land to be managed in a way that retains topsoil in situ and undertaking land disturbance activities in a manner which minimises the potential for topsoil to be eroded to surface water. While I accept that 24 months is a long period of time, in my view, taking into account other factors that influence revegetation times such as metrological conditions, I consider it to be an appropriate period. Accordingly, I recommend the standard is retained as notified.

Recommendation

169. I recommend the definition of ‘*vegetation clearance*’ is amended as follows:

*'the cutting, destruction or the removal of all forms of vegetation including indigenous or exotic plant vegetation by cutting, burning, cultivation, crushing, spraying or chemical treatment. For clarity, it does not mean commercial forestry harvesting, carbon sequestration (non-permanent) forestry harvesting and woodlot forestry harvesting'*⁴⁶

170. I recommend the standards authorising non-indigenous vegetation clearance assessed in this Section 42A Report are retained as notified.

Matter 6: Excavation and filling

171. The MEP contains standards controlling excavation and filling activities. In some zones, the relevant standards cover both excavation and filling (jointly under one standard) and in other zones, there are standards controlling excavation and filling separately. Due to the similarity in the standards and submission points made, I have assessed all submission points on excavation and filling together. The following chapters of Volume 2 of the MEP contain standards authorising excavation and filling:

Chapter	Permitted activity rules and standards		
	Excavation and Filling	Excavation	Filling
Chapter 3 – Rural Environment Zone		3.1.14; 3.3.14; 3.5.1	3.1.16; 3.3.16
Chapter 4 – Coastal Environment Zone		4.1.13; 4.3.13; 4.5.2	4.1.15; 4.3.15
Chapter 5 – Urban Residential 1 and 2 Zones	5.1.15; 5.3.10		
Chapter 6 – Urban Residential 3 Zone	6.1.8; 6.3.3		
Chapter 7 – Coastal Living Zone	7.1.11; 7.3.9		
Chapter 8 – Rural Living Zone	8.1.12; 8.3.11		
Chapter 9 – Business 1 Zone	9.1.9; 9.3.4		
Chapter 10 – Business 2 Zone	10.1.7; 10.3.4		
Chapter 11 – Business 3 Zone	11.1.3; 11.3.3		
Chapter 12 – Industrial 1 and 2 Zones	12.1.29; 12.3.18		
Chapter 13 – Port Zone		13.1.28; 13.3.17; 13.4.6	13.1.29; 13.3.18
Chapter 14 – Port Landing Area Zone		14.1.13; 14.3.8	14.1.14; 14.3.9
Chapter 15 – Marina Zone		15.1.26; 15.3.16	15.1.27; 15.3.17

⁴⁶ 91.206 MDC

Chapter 17 – Open Space 1 Zone		17.1.6; 17.3.4	17.1.7; 17.3.5
Chapter 18 – Opens Space 2 Zone		18.1.9; 18.3.5	18.1.10; 18.3.6
Chapter 19 – Open Space 3 Zone		19.1.7; 19.3.5	19.1.8; 19.3.6
Chapter 20 – Open Space 4 Zone	20.1.5; 20.3.3; 20.4.1		
Chapter 22 – Lake Grassmere Saltworks Zone		22.1.7; 22.3.6; 22.4.2	22.1.8; 22.3.7
Chapter 23 – Airport Zone	23.1.3; 23.3.2		

Table 3: Excavation and filling standards

172. In each of the chapters listed above, excavation and filling are specified as a permitted activity, subject to the subsequent permitted activity standards being met. If the activity is unable to comply with the permitted activity standards, resource consent is required as a discretionary activity.

173. There are some additional rules providing specific activity based rules for particular activities. These include:

- a. Standard 22.4.2 specifies the excavation of land exceeding 500mm in depth in the Lake Grassmere Saltworks Zone as a controlled activity (Chapter 22);
- b. Standard 13.4.6 and 20.4.1 specify excavation in excess of 100m³ on land with a slope greater than 20° within any 24 month period in the Port Zone (Chapter 13) and Open Space 4 Zone (Chapter 20) as a restricted discretionary activity;
- c. Standard 4.5.2 specifies excavation in excess of 1000m³ on any land with a slope greater than 20° within any 24 month period including excavation as part of Woodlot Forestry Harvesting in the Coastal Environment Zone (Chapter 4) as a restricted discretionary activity.

174. A number of submitters⁴⁷ support the current wording of the excavation and filling standards relating to one or more zones and seek the standards are retained as notified.

175. Wine Marlborough (431.57), AWNZ (547.57), BRI (462.18), Delegat (473.42), CTWTC (484.60), Longfield Farm (909.48), Middlehurst Station (970.17) and Villa Maria (1218.48) submitted in support of Standard 3.1.14 subject to amendments set out in the submission. However, I was unable to find an amendment to Standard 3.1.14 in their submission. As such, I was unable to assess the suitability of such an amendment. QCWP Community (146.2) submit in opposition to Rule 4.3.13 and state in their submission that further information will be provided at the hearing. In absence of this information, and noting that the lack of detail in their submission about what they seek may limit the scope for the Hearing Panel to make changes, I am not able to recommend any changes in response to this submission.

Definitions

176. The Oil Companies (1004.52) support the definitions of excavation, fill, filling and fill material as notified in the MEP. K Loe (454.101) supports the definition of excavation as notified.

⁴⁷ The Oil Companies (1004.76; 1004.77; 1004.82; 1004.87; 1004.90; 1004.91; 1004.62; 1004.70) support standards 9.1.9; 9.3.4; 10.1.7; 10.3.4; 11.1.3; 11.3.3; 12.1.29; 12.1.30; 12.3.18; 12.3.19. DOC (479.203); K Loe (454.82); CBNZ (631.29); FSA (712.96); YSL (1242.27), J Hickman (455.46), G Mehlhopt (456.46), Pinder Family Trust (578.48), GOTS (752.48); SSNZ (1146.47) and MECI (1193.36) support standard 3.1.14. KiwiRail (873.117) and S MacKenzie (1124.59) support standard 3.3.16. PF Olsen (149.37) support standard 3.3.20.1. The Pinder Family Trust (578.48); GOTS (752.48) and SSNZ (1146.48) support standard 4.3.13. PMNZ (433.185) support standard 19.1.8. Federated Farmers (425.821) support standard 19.3.6.3. Te Runanga o Kaikoura and Te Runanga o Ngai Tahu (1189.124) support 22.4.6.2. PMNZ (433.184); J Hickman (455.47); G Mehlhopt (456.47) and Fish & Game (509.428) support standard 19.1.7.

177. Fish & Game (509.2; 509.3; 509.431; 509.430; 509.309) MFIA (962.124) and Nelson Forests (990.14; 990.105, 990.140) oppose the definitions of 'excavation' and 'filling' in the MEP. Fish & Game consider the definitions should be combined to provide one term which covers all aspects of cut and fill activities, to avoid duplication in the plan. However, they have not provided an alternative definition. Similarly, Nelson Forests consider 'excavation' and 'infilling' are two intrinsically linked activities and should be defined as one term. The following alternative has been proposed by Nelson Forests:

'Means to dig out and infill soil or natural material from the ground such that the surface contour of the land is permanently altered.'

178. MFIA consider excavation is already explicitly provided for as a Commercial Forestry Harvesting activity and "interpretation should not have to be relied on and the definition needs to exclude excavation provided for in other definitions". MFIA seek the following wording is added to the existing definition of 'excavation' in the MEP.

'This definition does not pertain to Commercial Forestry Harvesting.'

179. Federated Farmers (425.397), J Hickman (455.67), G Mehlhopt (456.67) and B Pattie (380.9) support the definition in part, but seek that normal rural production activities that involve earthmoving are excluded from the definition of 'excavation'. Such activities referred to by Federated Farmers and B Pattie include; fencepost holes, harvesting of crops, forming and maintaining farm tracks and filling around troughs and gates. Federated Farmers have suggested the following alternative definition for 'excavation':

'means to dig out soil or natural material from the ground such that the surface contour of the land is permanently altered, excludes normal production earthmoving activities including the formation and maintenance of farm tracks, fence post holes, filling around troughs and gates, cultivation and harvesting of crops, planting trees, removal of trees and horticultural root ripping, drilling bores, digging of pits, and burials of dead stock and plant waste and installation of services.'

180. The MEP contains separate definitions for 'excavation'⁴⁸ and 'filling'⁴⁹. As 'filling' is already defined in the MEP, I consider amending the definition of excavation to include 'infilling' as requested by Nelson Forests would cause confusion for plan users as it would not be clear whether the excavation or filling standards would apply to an earthworks activity and could result in some activities being subject to multiple controls. I accept that two separate definitions for each results in duplication, however there are standards providing for 'excavation' and 'filling' as separate activities and 'excavation and filling' as one activity. Accordingly, I recommend the definitions are retained as notified.

181. With regards to the submission made by Federated Farmers, J Hickman, G Mehlhopt and B Pattie, I consider the term 'normal production earthmoving activities' is subjective and could be interpreted differently from person to person. Accordingly, this would result in interpretation issues and difficulties when determining compliance. In my view, the permitted activity standard sets out the criteria for what is considered to be 'normal production earthmoving activities'. As such, I consider the relief requested by the submitters is already provided and recommend the definition of 'excavation' is retained as notified.

182. Since the notification of the MEP, the NESPF has come into effect. It is my understanding that the regulations apply to any forest larger than one hectare that has been planted specifically for commercial harvesting. Eight core plantation forestry activities are covered by the standards, these include; afforestation; pruning and thinning to waste; earthworks; river crossings; forestry quarrying; harvesting mechanical land preparation and replanting. The regulations generally prevail over regional and district plans that apply to plantation forestry and can only be more stringent than the regulations to manage unique and sensitive environments as defined in the NESPF. On this basis, any excavation required as part of a commercial forestry harvesting operation would be subject to the regulations in the NESPF. In my view, it is clear that either the regulations in the NESPF or specific commercial forestry harvesting provisions would apply to excavation undertaken for the purpose of commercial forestry harvesting. Accordingly, I do not recommend the additional wording sought by MFIA be adopted.

⁴⁸ Excavation "means to dig out soil or natural material from the ground such that the surface contour of the land is permanently altered."

⁴⁹ Fill, filling and fill material "means material placed to raise the existing ground level".

Slope and volume limits

183. A number of permitted activity standards⁵⁰ in the MEP set limits for the maximum volumes of earth and slope gradients that can be excavated or where filling can occur. Several submissions oppose the standards and seek amendments to increase the maximum allowable volumes and gradient of slopes where excavation and filling can occur as a permitted activity.
184. Forest & Bird (715.392) oppose the excavation standards in the Rural Environment Zone⁵¹ and consider they should be linked to limits and targets set to give effect to the NPSFM. S Parkes (339.18) opposes the excavation and filling standards in the Coastal Environment Zone⁵² and states that the volume limits are very restrictive. Forest & Bird and S Parks do not provide any specific detail on what alternative standards they seek, or the technical justification for any specific alternative, therefore I am unable to assess whether alternatives are more suitable. I do note, that the volumes and setbacks included in the excavation standards are from the WARMP.
185. Federated Farmers (425.612; 425.656; 425.694; 425.728; 425.729; 425.730) partially support the standards limiting excavation in the Rural Environment⁵³, Coastal Environment⁵⁴ and Open Space 3 Zones⁵⁵. However, they consider the limits set out in Standards 3.3.14.1, 4.3.13.1 and 19.3.5.1 are too low to enable regular farming activities (including the excavation of silage pits, effluent ponds and the forming/maintenance of farm tracks) to be undertaken as permitted activities. J Rudd (251.1), I Bond (469.14) and G Cooper (743.4) also oppose the maximum excavation and filling volume and slope limits in the Rural Environment Chapter⁵⁶. PF Olsen (149.54) oppose these standards in the Coastal Environment Zone. Similarly, Rainbow Sports Club (228.9) oppose standard 20.3.3.1, seeking an exception for any earthworks related to the maintenance and repair of the ski field access road from having to comply with the maximum volume standards. G Mehlhopt (456.60) J Hickman (455.60) and I Bond (469.15) oppose standard 3.3.14.2 which restricts the excavation of land with a slope of greater than 35°. Federated Farmers proposed three relief options. These include:
- a. Increase the limit of excavation allowed under Standard 3.3.14.1 and 19.3.5.1 to enable excavation in excess of 2000m³ on any hectare of land with a slope greater than 20 degrees within any 12 month period;
 - b. Exclude farm tracking from having to comply with the maximum volume standards; or
 - c. Delete the standards restricting maximum volumes.
186. My interpretation of the standards limiting maximum volumes of excavation, is that they only apply on land where the slope is greater than 20°. There is no volume limit for excavation occurring on slopes up to 20°. As mentioned earlier in this Section 42A report, slope gradient is a key factor in retaining topsoil and minimising eroded material. With this in mind, options B and C would allow for unlimited volumes of excavation on slopes without the need for resource consent. This is inconsistent with the direction of Objective 15.4 which seek that Marlborough's soil resource is maintained and enhanced and Policy 15.4.3 which requires that land disturbance activities are controlled in a manner that retains topsoil and minimises the potential for soil to be eroded. I consider elements of option (a) would provide suitable relief for Federated Farmers and would allow a slightly larger volume of earthworks be undertaken as a permitted activity, provided all other standards are able to be met. However, I do not consider increasing the permitted volumes of excavation provide for the direction of Objective 15.4 seeking to *"maintain and enhance the quality of Marlborough's soil"* and Policy 15.4.3 seeking to *"control land disturbance activities"*. As such, I recommend the maximum volumes of excavation should be retained as notified.

⁵⁰ Standards 3.3.14.1; 3.3.14.2; 3.3.14.4; 3.14.5; 3.3.16.2; 3.3.16.3; 4.3.13.1; 4.3.13.2; 4.3.15.2; 4.3.15.3; 5.3.10.3; 5.3.10.3; 5.3.10.5; 5.3.10.12; 6.3.3.2; 6.3.3.3; 6.3.3.4; 6.3.3.5; 7.3.9.3; 7.3.9.4; 7.3.9.5; 7.3.9.11; 8.3.11.3; 8.3.11.4; 8.3.11.5; 8.3.11.11; 9.3.4.1; 9.3.4.2; 9.3.4.4; 10.3.4.3; 10.3.4.4; 10.3.4.5; 10.3.4.6; 11.3.3.2; 11.3.3.3; 11.3.3.4; 11.3.3.5; 12.3.18.3; 12.3.18.4; 12.3.18.5; 12.3.18.6; 12.3.18.12; 13.3.17.1; 13.3.17.2; 13.3.18.2; 13.3.18.4; 14.3.9.2; 15.3.17.2; 17.3.4.2; 19.3.5.1; 19.3.5.2; 19.3.6.2; 19.3.6.3; 20.3.3.1; 20.3.3.2; 20.4.1; 22.3.6.1; 22.3.7.2 and 22.3.7.3.

⁵¹ Standard 3.3.14

⁵² Standard 4.3.13.1

⁵³ Standard 3.3.14 – Excavation

⁵⁴ Standard 7.3.9. – Excavation or filling

⁵⁵ Standard 19.3.5 - Excavation

⁵⁶ Standards 3.3.14; 3.3.15

187. In terms of the relief sought by Rainbow Sports Club, I do not consider excluding particular activities from having to comply with the volume limits is consistent with Objective 15.4 and policies 15.4.2 and 15.4.3 of the MEP. The land disturbance works required to maintain and repair ski access roads could potentially be of a scale and significance that requires additional mitigation measures beyond what is required by the standards. As such, I do not recommend the relief sought by the submitter is adopted.
188. J Rudd considers 1000m³ is excessively limiting when constructing a farm track and seeks that the standards are amended to provide for 1.5km of formed farm track on a slope less than 35° over a 12 month period to be a permitted activity. Similarly, PF Olsen seek that earthworks required for the maintenance and safety of existing tracks is a permitted activity. In my view, providing for such activities as a permitted activity does not achieve the policy direction of the MEP, specifically Policy 15.4.2(a)(ii) and (c) which encourages land management practices to be undertaken in a manner that avoids the loss of soil organic matter and retains topsoil in situ. G Cooper considers the timeframe of 24 months is too long and seeks that the timeframe in the standard is amended to 12 months. I note that the timeframe of 24 months is an existing standard in the WARMP, amending the timeframe from 24 to 12 months, would essentially allow double the volume of earthworks to occur within a 24 month timeframe than what is currently permitted. Given the policy direction of the MEP to “*maintain and enhance the quality of Marlborough’s soil*”, I do not consider amending the timeframe from 24 to 12 months is in accordance with the Policy 15.4.2(a)(ii) and (c) of the MEP. As such, I do not recommend the relief sought by the submitters is adopted.
189. I Bond seeks standard 3.3.14.2 is amended as the standard in its current form is overly prescriptive and unnecessarily restrictive. I Bond did not provide an amended standard or specific details on how the standard should change. Objective 15.4 of the MEP seeks that Marlborough’s soil resource is maintained and enhanced and Policy 15.4.3 which requires that land disturbance activities are controlled in a manner that retains topsoil and minimises the potential for soil to be eroded. As mentioned above, slope gradient is a key factor in retaining topsoil and minimising erosion, therefore I consider a slope gradient limit is necessary. As such, I do not support the submission point or relief sought by I Bond.
190. G Mehlhopt and J Hickman consider it is unclear whether test pits and other investigatory works prior to construction would be captured by 3.3.14.2. The submitters seek that amendments are made to ensure investigatory works (including bore holes) are able to be undertaken without a resource consent. As I understand it, there are a range of standards⁵⁷ in the MEP with authorise the construction of geotechnical bores for the purpose of investigating sub-surface conditions. As such, these works would be required to meet the most relevant permitted standards to be a permitted activity. In terms of excavation, I consider any construction earthwork that is reflective of the definition of ‘*excavation*’ would be defined as such, and must comply with the relevant zone-based standards to be a permitted activity and not require a resource consent. As the submitters’ concerns are already provided for by other permitted activity rules and standards in the MEP, I do not recommend the relief sought is adopted.
191. The BMCRRRA (1190.26; 1190.24), Pinder Family Trust (578.48), MEC (1193.37) and SSNZ (1146.26; 1146.48) oppose the excavation standards in the Coastal Environment Zone⁵⁸ and Rural Environment Zone.⁵⁹ The submitters have suggested an upper limit of permitted excavation of 20,000m³ to prevent any largescale changes in landscape. In my view, the relevant objectives and policies in the MEP (Objective 15.4, policies 15.4.2 and 15.4.3) seeks to ensure soil quality is maintained and enhanced and land disturbance activities are controlled for the purpose of minimising the loss of eroded sediment to surface water. There are specific standards limiting excavation⁶⁰ and filling⁶¹ volumes in some Outstanding Natural Features and Landscapes to manage landscape effects. Submissions on these standards have been assessed in the Section 42A Report for Topic 5 Landscape. As such, I do not consider landscape change is a matter addressed by the policies in Chapter 15 of the MEP and do not recommend the relief sought by the submitters.

⁵⁷ Standards 3.1.17; 3.1.18; 3.3.17; 3.3.18; 4.1.16; 4.1.17; 4.3.16; 4.3.17; 5.1.16; 5.3.11; 9.1.10; 9.3.5; 10.1.89; 10.3.5; 11.1.4; 11.3.4; 12.3.31; 12.3.20; 13.1.23; 13.3.12; 15.1.22; 15.3.12; 18.3.11; 19.1.9; 19.3.7; 23.1.14; 23.3.3;

⁵⁸ Standard 4.3.13

⁵⁹ Standard 3.3.14

⁶⁰ Standards 3.3.14.8; 4.3.13.6; 19.3.5.7; 19.3.5.9 and 19.3.5.10.

⁶¹ Standards 3.3.16.10; 4.3.15.5; 19.3.6.11; 19.3.6.12; 19.3.6.13 and 19.3.6.14.

192. P Muir (1021.14; 1021.15) opposes standards limiting maximum volumes and slope for excavation and filling in the Urban Residential 1 and 2 Zones⁶². P Muir considers the current standards will unduly restrict activities and are onerous given the potential for adverse effects. Similarly, MDC (91.187; 91.186) oppose Standards 5.3.10.6 and 6.3.5.5 which require no excavation within a Groundwater Protection Area to be in excess of 10m³. MDC consider the provision will unnecessarily constrain residential development and seek a minor amendment to standards to allow excavation within a Groundwater Protection Zone, if the excavation is to establish a foundation for a building permitted in the Urban Residential 1, 2 or 3 Zones. Based on advice from Mr Peter Davidson, Groundwater Scientist at Council, I understand that small scale excavations for the purpose of establishing a building foundation permitted in the zone is unlikely to have an adverse effect on groundwater quality. On this basis, I support the submission made by MDC and recommend that the relief sought is adopted. I recommend standards 5.3.10.6 and 6.3.5.5 are amended as follows:

“x.x.x.x There must be no excavation in excess of 10m³ within a groundwater protection area, unless the excavation is to establish a foundation for a building permitted in this zone.”⁶³

193. P Muir seeks that the standard limiting excavation occurring on slopes greater than 10° is deleted⁶⁴ and the activity status (if the permitted activity criteria is not met) is amended from discretionary to restricted discretionary. In my view, the standards limiting volumes and slope are intended to implement policies 15.4.2 and 15.4.3. Therefore, removing the standard limiting slope gradient entirely, would not achieve the intent of these policies. As such, I do not recommend standard 5.3.10.5 is deleted as sought by the submitter. With regards to the amendment of activity statuses, the submitter did not specify any matters which the Council would restrict their discretion to when assessing resource consent applications. Therefore, I am not in a position to recommend the relief sought by the submitter. I do note that policy 15.4.4 provides the matters which council should have regard to when considering a land use consent application to undertake land disturbance.

194. Davidson Group (225.2; 225.3, 225.4) oppose the excavation and filling standards in the Coastal Living Zone⁶⁵ as they consider the permitted activity standards limiting the volume and slope for excavation and filling in this zone are too low and will likely capture small scale activities that would not otherwise require a resource consent. Standard 7.3.9.3 limits the permitted volume of excavation to 50m³ per Computer Register, unless the excavation is required to establish the foundation of a building permitted in the Coastal Living Zone. Davidson Group do not provide specific details on how they would like the standards reworded to provide the relief sought. The standards are intended to manage effects to the extent necessary to achieve the Plan's aims. In absence of specific alternatives, I am not in a position to assess whether an alternate is more appropriate. Accordingly, I do not recommend the relief sought by the Davidson Group.

195. Progressive Enterprises (1044.13; 1044.14) oppose Standard 9.3.4 in the Business 1 Zone and considers the limits are *“too low and should be raised to a level that more accurately reflects the level of earthworks required to create building platforms and parking areas in the urban environment.”* Progressive Enterprises seeks that the volume limits in 9.3.4.1 and 9.3.4.2 are increased to allow 500m³ of excavation or filling as a permitted activity and the criteria listed in 9.3.4.3(a) to (c) is expanded to exclude earthworks required for carparking and vehicle manoeuvring areas. In my view, the exemptions listed in 9.3.4.3(a) to (c) have been identified as land disturbance activities where the level of effects is low and therefore does not require management by the MEP. In my view, the areas required for carparking and vehicle manoeuvring are typically larger than that required for the establishment of a building foundation or the construction of a fence. Accordingly, I consider the level of potential effect is higher and should require management by the plan to ensure the Plan's aims are being achieved. As such, I do not recommend the relief sought by Progressive Enterprises is adopted and consider the standards should be retained as notified.

196. Fish & Game (509.308) submit in partial support of standard 3.1.14, but seek an additional standard to allow for the excavation of up to 1000m³ of material at the Ormond Aquaculture Site at Keith Coleman Lane. They do not provide any reason for this request or consideration of the effects that this change

⁶² Standards 5.3.10.4 and 5.3.10.5.

⁶³ 91.187; 91.186 MDC

⁶⁴ Standard 5.3.10.5

⁶⁵ Standard 7.3.9.9 – Excavation or filling

might allow; therefore, I am unable to assess the appropriateness of the change. Accordingly, I do not recommend any amendments as a result of this submission.

197. Dominion Salt (355.16) oppose standard 22.4.2 which provides a controlled activity status for the excavation of land exceeding 500mm in depth. The submitter seeks that the standard is reinstated as a permitted activity as is the case in the WARMP. I have reviewed the rule structure in the WARMP and agree that the excavation of land within 100m of the zone boundary, not exceeding 500mm in depth, is able to be adequately managed through the permitted activity standards without the need to proceed through a resource consent process to impose further conditions. In reviewing the permitted activity standards, I recommend an additional permitted activity standard be included which restricts the excavation of land within the Lake Grassmere Ecologically Significant Marine Site, so as to achieve the outcomes of the MEP that relate to such significant sites. As stated above, my understanding is that any changes I recommend must fairly and reasonably fall within the general scope of the submissions made and any alterations made to the MEP, must not extend the MEP beyond what was fairly and reasonably understood from the content of submissions. In my view, the recommendation made is reasonably within the scope of the submission made by Dominion Salt. This is because the notified provision provided for a controlled activity, whereas the submission sought a permitted status. In my view, the scope provided by the change sought allows for changes anywhere within the spectrum between permitted and controlled, and therefore allows for a permitted status, subject to appropriate permitted activity standards being included. However, I acknowledge that the Hearing Panel may wish to consider the scope of this submission carefully before making any decision.

198. Following discussion with Mr Pere Hawes, I am of the understanding that there are two further errors in the drafting of these standards which are able to be addressed within the scope of the submission received. Matter of control 22.4.2.1 requires any excavation to not exceed 1.5m in depth. The current WARMP standard framework requires any excavation greater than 1.5m in depth in the Lake Grassmere Zone to require resource consent as a discretionary activity. I recommend an additional standard limiting the maximum excavation depth in the zone to 1.5m is included in standard 22.3.6. Any excavation within the zone deeper than 1.5 metres below ground level will require assessment via a resource consent process to impose further conditions if necessary. Further, standard 22.3.6.2 limits excavation to not occur within 8m of a lake. As the entire area has been identified as a 'lake'⁶⁶ this standard would limit any excavation from occurring within the zone without resource consent. Accordingly, I recommend 'lake' is omitted from standard 22.3.6.2.

199. In summary, I agree that the rule cascade should be amended to provide relief for Dominion Salt. In addition, I also recommend the following amendments to Rule 22.3.6 and 22.4.2 to remedy errors made when drafting the MEP. This ensures that the permitted activity status sought by the submitter is supported by appropriate permitted activity standards.

200. I recommend Rule 22.4.2 is amended as follows:

22.4.2 Excavation of land exceeding 500mm in depth and within 100 metres of the zone boundary.⁶⁷

22.4.2.1 The excavation must not exceed a depth of 1.5m.

22.4.2.1 ~~The excavation must not occur further than 100 metres from the zone boundary~~

201. I recommend the following standards are added to Rule 22.3.6:

22.3.6 Excavation

...

22.3.6.2 Excavation must not be within 8m of a river (except an ephemeral river when not flowing), ~~lake (except during salt harvest operations)~~ or the coastal marine area.

...

22.3.6.x Excavation within 100m of the zone boundary shall not exceed 500mm in depth:

22.3.6.x Excavation must not occur within an Ecologically Significant Marine Site:

22.3.6.x Excavation anywhere within the zone must not exceed 1.5m in depth.⁶⁸

⁶⁶ Planning Maps 187; 188 and 203

⁶⁷ 355.16 Dominion Salt

⁶⁸ 355.16 Dominion Salt

Flood Hazard Areas

202. Some excavation and filling standards require excavation and filling to not be undertaken within areas identified in the Flood Hazard Area overlay maps.⁶⁹ The Flood Hazard Areas specifically excluded by the excavation and filling standards include Level 2 or 3 Flood Hazard Areas and the Level 4 Flood Hazard Areas in the location of in the vicinity of Conders Overflow.
203. Federated Farmers (425.658; 425.554; 425.733; 425.548) oppose a number of standards limiting excavation and filling being undertaken within Level 2 or 3 Flood Hazard Areas.⁷⁰ Federated Farmers have identified that large areas of the Marlborough Region are within a Level 2 or 3 Flood Hazard Area and many farmers would require resource consent to undertake earthworks as a result of this standard. In addition, Federated Farmers consider fill material may be utilised to increase the height of land, reducing flooding susceptibility. Similarly, S & S White (93.10) and the Timms Family (475.4) oppose standard 3.3.14.7 as a large portion of the region is within a Flood Hazard Area, resulting in resource consents being necessary to undertake many small scale land disturbance activities. S Parkes (339.17) opposes standard 4.3.13.5 which requires excavation to not be undertaken in a Flood Hazard area, S Parkes considers excavation should be required in Flood Hazard Areas to “prevent further flooding and keep floodbanks in a good condition.” P Brown (277.6; 277.3) opposes standard 19.3.5.6 and seeks that certain types of excavation are allowed in Flood Hazard Areas.
204. In my view, the standard limiting land disturbance activities within Flood Hazard Areas provides for Policy 15.4.3 which seeks to control land disturbance activities to retain topsoil and minimise the potential for eroded soil to degrade water quality. Policy 15.4.4 identifies the matters which Council must have regard to when considering a resource consent to undertake land disturbance. Clauses (d), (c) and (e) of this policy require Council to have regard to the proximity of land disturbance to surface water bodies, erosion and sediment control measures proposed and, where eroded soil has potential to reach surface water, the objectives and policies under Issues 15A to 15C of the MEP and the likely compliance with the water quality standards set for that water body. The excavation of land and deposition of fill material can change drainage patterns across the land surface, resulting in additional erosion or flooding in areas which were not flood prone previously. As such, I do not consider removing the standards limiting land disturbance activities within Flood Hazard Areas would provide for policies 15.4.3 or 15.4.4 of the MEP. Accordingly, I do not recommend adopting the relief requested by S Parkes. Based on advice from Mr Gavin Cooper, Rivers Manager at Council, I understand that small scale excavation and filling, is unlikely to cause significant adverse effects. Accordingly, I consider a standard allowing a small volume of land disturbance within a Flood Hazard area in the Rural Environment Zone to be appropriate. While this does not provide the exact relief requested by Federated Farmers, S & S White or the Timms Family, I do consider the amendment would go some way to address their concerns. A maximum volume of 100m³ of excavation or filling was considered by Mr Cooper to be a sufficient volume to capture minor excavation and filling activities in the Rural Environment Zone. I agree that this volume is appropriate and recommend the following alternative wording for standards 3.3.14.7 and 3.3.16.4:

3.3.14.7 *~~There must be no excavation in excess of 100m³ within any 12 month period~~⁷¹ ~~must not be~~ within a Level 2 or 3 Flood Hazard Area, or in the Level 4 Flood Hazard Area in the vicinity of Conders Overflow.*

3.3.16.4 *~~There must be no fill in excess of 100m³ within any 12 month period~~⁷² ~~must not be~~ within a Level 2 or 3 Flood Hazard Area, or in the Level 4 Flood Hazard Area in the vicinity of Conders Overflow.*

205. P Brown did not provide specific detail as to what would be defined as ‘certain types of excavation’. Without specific detail, I am unable to recommend the relief sought by the P Brown.
206. R Light (129.3; 129.4) opposes the Flood Hazard Area overlay in general and does not provide any specific detail or seek relief in their submission regarding the excavation and filling standards. The

⁶⁹ Standards 3.3.14.7; 3.3.16.4; 4.3.13.5; 4.3.15.4; 7.3.9.2; 8.3.11.2; 9.3.4.5; 13.3.17.8; 13.3.18.9; 19.3.5.6; 19.3.6.10.

⁷⁰ Standard 4.3.15.4.

⁷¹ 425.548 Federated Farmers; 93.10 S & S White; 475.4 Timms Family

⁷² 425.554 Federated Farmers

submissions on the Floor Hazard Area overlay have been analysed in the Section 42A report for Topic 9 (Natural Hazards). Accordingly, I have not assessed this submission relating to the accuracy of the Flood Hazard Area overlay further.

Soil Sensitive Areas

207. Some excavation and filling standards require excavation and filling to not be undertaken in soil sensitive areas identified as loess soils⁷³ and others allow the excavation and filling of land on soil sensitive areas identified as loess soils up to a slope gradient of 7.5°.⁷⁴
208. K Loe (454.91) is supportive of standard 3.3.14.4 as notified.
209. Federated Farmers (425.732; 425.823; 425.558; 425.546), Davidson Group (225.1; 172.1), E & A Ryan (347.2; 347.3), MMBC (237.1), W Lissaman (255.4), R Evans (1082.4; 1082.5; 1082.6), Nelson Forests (990.108) and K Wilson (210.6) oppose the standards restricting excavation and filling in areas with loess soils. R Evans, Federated Farmers, E & A Ryan and Davidson Group question the accuracy of the soil sensitive mapping and seek the standards restricting excavation and filling on loess soils are deleted from the MEP. Nelson Forests consider *“excavation which is well planned/designed and well-constructed will have minimal impact of loess soils.”* MMBC and K Wilson seek the standard is amended as follows:
- ‘Excavation within a soil sensitive area identified as loess soils is permitted on slopes up to 20 degrees provided the new track or trail is built to New Zealand recognised standards.’*
210. Federated Farmers do not consider there would be any adverse effects as a result of depositing cleanfill within a Soil Sensitive Area identified as loess soils, particularly if the deposition activity has adequate water and sediment control measures.
211. Loess soils are described as being high risk because of their potential for erosion.⁷⁵ Policy 15.4.6 of the MEP specifically seeks to:
- ‘manage the erosion risk associated with loess soils by:*
- (a) continuing to maintain the Wither Hills Soil Conservation Reserve;*
 - (b) controlling the discharge of liquid waste onto or into loess soils; and*
 - (c) controlling the excavation of loess soil on slopes.’*
212. The policy signals the risk associated with undertaking activities on loess soils, with the subsequent standards restricting excavation and filling in soil sensitive areas intended to implement this policy. On this basis, I consider a standard restricting excavation and filling within a Soil Sensitive Area identified as loess soils to be necessary. I do not consider the alternative standard sought by MMBC and K Wilson or the deletion of the standard gives effect to Policy 15.4.6, nor do I consider the amended standard has the certainty required to be a permitted activity standard.
213. As mentioned above, some excavation and filling standards allow excavation and filling of land to be undertaken on soil sensitive areas identified as loess soils up to a slope gradient of 7.5°.⁷⁶ Based on advice from Mr Matt Oliver, Environmental Scientist - Land Management at Council, I understand that a control on either the volume of fill, slope or water controls are would be an effective way to manage potential adverse effects as oppose to the current standards requiring there to be no filling of land within a Soil Sensitive Area identified as loess soils. On the basis of advice from Mr Oliver, I consider an amended filling standard which allows filling to occur within a Soil Sensitive Area identified as loess soils may provide some relief to the submitters who opposed this standard. Accordingly, I recommend standards 3.3.16.12, 19.3.6.5 are amended as follows:

⁷³ Standards 3.3.16.12; 19.3.5.4 and 19.3.6.5.

⁷⁴ Standards 7.3.9.11 and 8.3.11.11.

⁷⁵ MEP, *S32 Chapter 15: Resource Quality – Soil*, 9 June 2016

⁷⁶ Standards 7.3.9.11 and 8.3.11.11.

x.x.x.x *'The filling must not occur on a slope greater than 7.5° if the filling is within*⁷⁷ ~~in~~ a Soil Sensitive Area identified as loess soils.'

Water and sediment control measures

214. A common standard included in the excavation and filling standards in the MEP states the following:

*'Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation or filling, such that the area is stable and the measures remain effective after completion of the excavation or filling. The diameter of any culvert used to drain an excavation must not be less than 300mm.'*⁷⁸

215. Nelson Forests (990.111) and Killearnan (167.7) oppose the standard, considering it is open to interpretation. Nelson Forests seek the standard is deleted, while Killearnan seeks the standard is clarified. MMBC (237.2) and K Wilson (210.29; 210.25; 210.28; 210.27; 210.26; 210.31) oppose the part of the standard requiring any culvert to not be less than 300mm and consider this is excessive for the construction of new walking or biking trails and tracks. K Wilson seeks the wording is amended to:

'Water control measures and sediment control measures must be designed, constructed and maintained in an area disturbed by excavation or filling, such that the area is stable and the measures remain effective after completion of the excavation or filling. The diameter of any culvert used to drain an excavation must ~~not be less than 300mm~~ appropriate having regard to the expected volume of water to be drained.'

216. I consider the alternative wording proposed by K Wilson is subjective and uncertain as the perception of "appropriate having regard to the expected volume of water to be drained" would likely differ from person to person. A similar standard limiting culvert size to be no less than 300mm for the drainage of an excavation is included in the WARMP. In my view, the inclusion of such a standard gives effect to policy 15.4.2(c)⁷⁹ and policy 15.4.3⁸⁰. In my view, the standard seeks to prevent erosion or washout in circumstances where culverts are too small. To minimise the potential for this to occur, the minimum culvert size is limited to 300mm. Accordingly, I recommend the provisions requiring water and sediment control measures are retained as notified.

Stabilisation

217. Some excavation standards in the MEP require the batters of an excavation to be designed and constructed to ensure they are stable and remain effective after the completion of the excavation.⁸¹ Killearnan (167.8), Nelson Forests (990.110), MECI (1193.32) and GOTS (752.26) oppose the standard and consider it is unclear and open to interpretation. Killearnan seeks that the standard is clarified, while Nelson Forests propose the following relief:

'Batters must be designed and constructed to ~~ensure they are stable and remain effective after completion of the excavation~~ be at low risk of instability.'

218. GOTS and MECI seeks that additional standards are included in standard 4.3.13 which requires:

'all road design, construction and maintenance undertaken to be certified by a Chartered Professional Engineer (CPEng) for land stability and effective erosion and water control.'

⁷⁷ 172.1 Davidson Group; 347.3 E & A Ryan; 425.558; 425.823 Federated Farmers;

⁷⁸ Standards 3.3.14.11; 3.3.16.6; 4.3.13.9; 4.3.15.7; 5.3.10.11; 6.3.5.10; 7.3.9.10; 8.3.11.10; 10.3.4.11; 11.3.3.10; 12.3.18.11; 13.3.17.7; 13.3.18.6; 14.3.8.4; 14.3.9.4; 15.3.16.4; 15.3.17.4; 17.3.4.4; 17.3.5.4; 18.3.5.4; 18.3.6.4; 19.3.5.14; 22.3.6.5; 22.3.7.5 and 23.3.2.6.

⁷⁹ Policy 15.4.2(c) states: "Encourage land management practices that...(c) retain topsoil in situ"

⁸⁰ Policy 15.4.3 states: "Control land disturbance activities to retain topsoil and minimise the potential for eroded soil to degrade water quality in lakes, rivers, significant wetland and coastal waters."

⁸¹ Standards: 4.3.13.8; 3.3.14.10; 5.3.10.9; 6.3.5.8; 7.3.9.8; 8.3.11.8; 10.3.4.9; 11.3.3.8; 12.3.18.9; 13.3.17.6; 14.3.8.3; 15.3.16.3; 17.3.4.3; 19.3.5.13; 20.3.3.6; 18.3.5.3; 22.3.6.4; 23.3.2.4;

219. In my view, the standard seeks to ensure batters are stable and do not exacerbate the erosion of soils. This is signalled by Policy 15.4.3 which seeks that land disturbance activities are controlled to retain topsoil and minimise eroded soil. I consider the alternative wording proposed by Nelson Forests is subjective as the perception of what is “low risk of instability” could vary from person to person. The amended wording provided by GOTS requires the certification of works by a CPEng for land stability and effective erosion and water control. In accordance with the other standards of 4.3.13, a large-scale excavation would require authorisation via resource consent. Policy 15.4.4 sets out the matters which Council must have regard to when considering a land use application for land disturbance activities, Policy 15.4.4(a) and (c) require regard to be had to the physical characteristics of a site and sediment and erosion control measures. In my experience, if the scale and significance of a proposal requires aspects of an activity to be certified by a CPEng, this occurs on a case by case basis. I do not consider it is necessary for all land disturbance activities to be certified by a CPEng as this would be an inefficient and overly onerous way to achieve the relevant MEP objectives. On this basis, I consider the standard as notified to be the most appropriate to give effect to Policy 15.4.3.

220. Davidson Group (225.5) supports standard 7.3.9.13, but notes that it is not possible to vegetate near the vertical cuts of rock faces. Standard 7.3.9.13 currently states the following:

‘Where excavation or filling results in areas of exposed soil, those areas must be re-vegetated within 12 months of the completion of excavation or filling.’

221. GOTS also seek an additional standard is included in standard 4.3.13 which states the following:

‘all areas of loose fill to have a grass cover established within 12 months of being created unless covered by natural vegetation.’

222. In my view the standard requires areas to be revegetated where the excavation or filling results in areas of exposed soil. If there are areas of exposed rock as a result of excavation, I do not consider re-vegetation would be required under the standard as currently worded. I support the intent of GOTS submission, however consider there is an alternative standard which has been used in other standards which would provide consistency. I recommend the following standard is included in standard 4.3.13:

4.3.13.x *Where the excavation results in areas of exposed soil, those areas must be revegetated within 12 months of the completion of the excavation.*⁸²

Standards 3.5.1 and 4.5.2

223. The MEP includes two standards⁸³ specifically providing a restricted discretionary activity status for excavation in excess of 1000m³ on land within a slope greater than 20° within any 24 month period including excavation as part of Woodlot Forestry Harvesting. Standard 3.5.1 also covers excavation as part of Commercial Forestry Harvesting. It is my understanding that this aspect of the standard will be dealt with as part of Topic 22 (Commercial and non-permanent sequestration forestry) and I have not assessed this aspect of the standard further.

224. Reade Family (318.20), Forest & Bird (715.405) and Nelson Forests (990.118, 990.153) oppose one or both of the standards. Reade Family and Nelson Forests seek the activity status is changed from restricted discretionary to controlled. Reade Family consider this would provide foresters with “some degree of confidence that their investment will not be wiped by a plan interpretation and judgement alone”. Nelson Forests consider harvesting should be considered under the general land disturbance rules and not separate forestry harvesting rules. Neither submitter have provided specific details on the matters of control that would be required for a controlled activity status. In my view, a restricted discretionary activity status is the most appropriate for the activity and managing potential adverse effects. Amending the activity status to ‘controlled’ would remove Council’s ability to decline resource consents, if the effects were likely to be significant. As such, I do not recommend the relief sought by the submitter.

⁸² 752.26 GOTS

⁸³ Standards 3.5.1 and 4.5.2

225. Forest & Bird seek that “*sediment lost from felling operations is managed in such a way to reduce the area cleared in any 12 month period in any single river catchment over 100ha in size with permanent water flows, restricted to 33% of the land area*”. Forest & Bird do not provide specific detail in their submission regarding how the standard should be amended to provide relief. I do note that the matter that the council has restricted its discretion to is “*the effects on water quality and soil conservation from the excavation.*”⁸⁴ When resource consent is applied for, council’s assessment will be limited to this matter and regard shall be had to Objective 15.4 and policies 15.4.2 and 15.4.3 and 15.4.4. While not directly addressing the submitters concerns, this may provide some relief to the submitter.
226. Federated Farmers (425.612; 452.694) support in part the standards and the restricted discretionary activity status. However, Federated Farmers consider the 1000m³ volume limit is too low and will easily capture many farming activities. Federated Farmers seek that the maximum volume is increased to 2000m³ and the timeframe is decreased from 24 to 12 months. As stated above, I do not consider increasing the permitted volumes of excavation would provide for the direction of Objective 15.4 seeking to “*maintain and enhance the quality of Marlborough’s soil*” and Policy 15.4.3 seeking to “*control land disturbance activities*”. As such, I recommend the maximum volumes of excavation should be retained as notified.
227. DOC (479.233; 479.211) support standards 3.5.1 and 4.5.2 in part and seek that the matters of restricted discretion are expanded to include:
- x.5.x.1 The effects on water quality, aquatic ecosystems and soil conservation from the excavation’*
228. Policy 15.5.3 of the MEP refers to ‘*water quality*’. My view is that potential effects on water quality could also have consequential effects on aquatic ecosystems. Therefore, an assessment of the effects on water quality would also include an assessment of effects on aquatic ecosystems. However, to avoid doubt, I recommend the relief sought by DOC be adopted.
229. PF Olsen (149.59) oppose standard 4.5.2, and seeks the standard is aligned with the NESPF. Since the notification of the MEP, the NESPF has come into effect. It is my understanding that the regulations apply to any forest larger than one hectare that has been planted specifically for commercial harvesting. Standard 4.5.2 includes reference to ‘commercial forestry harvesting’ which I understand is being dealt with in Topic 22 (Commercial and non-permanent sequestration forestry). In my view, the submission made by PF Olsen seeks alignment between the NESPF and commercial forestry harvesting aspects of the standard. On this basis, I have not assessed this submission point further.

Cleanfill

230. A number of filling standards in the MEP specifically apply to the filling of land with cleanfill material.⁸⁵ KiwiRail (873.116, 873.117) are supportive of the filling of land with cleanfill standards. NMDHB (280.48, 280.45, 280.46, 280.44, 280.43, 280.40) support the current cleanfill standards and seek an additional permitted activity standard is included which specifies acceptable cleanfill material in accordance with the Ministry for the Environment’s ‘*A Guide to the Management of Cleanfills*’ (2002). Fulton Hogan (717.72, 717.75, 717.79) S MacKenzie (1124.24, 1124.25) Port Marlborough (433.152; 433.170, 433.194) and Federated Farmers (425.559, 425.740) oppose the notified definition of ‘*cleanfill*’ and the standards as there is no definition of ‘*commercial cleanfill*’ in the MEP. Similarly, MDC (91.150; 91.151) oppose the definition of ‘*cleanfill*’ as there is no definition of ‘*commercial cleanfill*’.
231. The Ministry for the Environment’s Cleanfill Guidelines⁸⁶ provide a national definition of ‘*cleanfill*’, appropriate waste acceptance criteria and advises best practice methods for managing cleanfills. The guidelines states the following:

‘For practical administrative purposes Councils need to allow for small scale cleanfilling to occur as a permitted activity. Such cleanfills should be subject to the principals in this Guide, particularly for waste acceptance and the control of erosion and sediment discharges. Councils should establish

⁸⁴ Matter of restricted discretion 4.5.2.1

⁸⁵ Standards 3.3.16; 4.3.15; 13.3.18; 14.3.9; 15.3.17; 17.3.5; 18.3.6; 19.3.6; 22.3.7;

⁸⁶ ‘*A Guide to the Management of Cleanfills*’ (2002)

appropriate criteria to define small-scale cleanfill, and these would typically relate to the volume of filling, area of exposed earth surfaces, and/or the sensitivity of the fill site or adjacent environment.'

232. In my view, the standards authorising the 'filling of land with cleanfill' in the MEP, are consistent with the recommendations made in the guideline above. There are criteria which enable small scale cleanfilling to occur and standards requiring water and erosion control measures to be in place. Other standards restrict filling where this occurs within close proximity to an abstraction point for a drinking water supply and Soil Sensitive Area identified as loess soils. In addition, I consider it is likely an updated version of the MfE Cleanfill Guidelines will be released during the life of the MEP. If this was to occur, the additional standard requested by NMDHB would be redundant. Policy 15.4.4(b) requires regard to be had to any industry standards relevant to the activity when considering an application for a land disturbance activity. If a consent is required, I consider Policy 15.4.4(b) would signal that the Council would be required to have regard to the most recent Cleanfill Guidelines as part of the resource consent assessment process. As such, I do not consider an additional standard requiring cleanfilling to be in accordance with the guidelines sought by NMDHB to be required.
233. Standards specifically providing for the filling of land with cleanfill include a permitted activity standard requiring the fill to not be commercial cleanfill. The MEP does not include a definition of 'commercial cleanfill', instead the term 'non-commercial cleanfill' is defined. With respect to the potential adverse effects which may arise from the filling of land with cleanfill, I struggle to see the difference in potential adverse effects with using non-commercial cleanfill instead of cleanfill. Further, I do not consider the relevant objectives and policies are better provided for with the restriction on using commercial cleanfill for filling and question the resource management purpose of such a standard. Fulton Hogan, S MacKenzie, Federated Farmers and Port Marlborough all seek the standard restricting the use of commercial cleanfill for the filling of land is deleted from the plan. I support these submission points and recommend all standards requiring the filling to "not use commercial cleanfill" be deleted from the MEP. As I support the submissions made to remove the standard limiting the use of commercial cleanfill, I do not consider a definition for non-commercial cleanfill as requested by MDC is required.
234. In addition to the deletion of the commercial cleanfill standard, Federated Farmers also seek that cleanfill material used on farms should be exempt from having to comply with the cleanfilling standards in the Rural Environment Zone and the Open Space 3 Zone. To achieve this Federated Farmers seek the standards are deleted and the definition of 'cleanfill' is amended to read:

'means material that does not have the potential to contaminate the environment. This material includes clay, soil, rock, concrete, Brick or demolition products that are free of combustible, organic materials and contaminants and are, therefore, not subject to biological or chemical breakdown. This will involve bulk filling operations where material is required to be carted to the filling site or specifically placed there. rather than This definition excludes cut to fill operations such as normally occurs with construction of tracks, roads and landings and cleanfill required for normal farming activities.'

235. I consider the proposed amendment to the definition is uncertain and subjective, as a 'normal farming activity' is likely to be different from person to person. Given the direction of Policy 15.4.2 to encourage land management practices that do not result in accelerated soil erosion and Policy 15.4.3 to control land disturbance activities to minimise the potential for eroded soil to degrade water quality, I consider an activity which is unable to comply with the permitted activity standards should require a resource consent where mitigation measures to prevent soil erosion can be specifically assessed. Accordingly, I do not recommend adopting the amendment sought by Federated Farmers.

Setbacks

236. Pinder Family Trust (578.45; 578.46), GOTS (752.45; 752.46), SSNZ (1140.58; 1140.59) and MECI (1193.34; 1193.35) seek that standards limiting the deposition of cleanfill in the Rural and Coastal Environment Zones⁸⁷ are amended to require a setback of 100m from the coastal marine area. There is no reasoning in the submission for the 100m setback, aside from "cleanfill operations not being desirable any closer". The current standards in the WARMP require filling to be setback at least 8m from surface water bodies, this setback has also been included in the MEP. In my view, a setback of 100m to the

⁸⁷ Standards 3.3.16.8; 4.3.15.9

coastal marine area is an inefficient and overly onerous way to achieve the relevant MEP Objective and policies. In the absence of technical detail to suggest the reasons for a 100m setback to be adopted, I am unable to support the submissions made and recommend the setbacks are retained as notified.

Diversion of stormwater

237. MDC⁸⁸ submitted in support of several of the excavation and filling standards. However, MDC are concerned that the current wording of the excavation and filling standards do not address the risk of water, particularly runoff or stormwater, entering any adjacent land under different ownership as a result of excavation or filling. To remedy this, MDC seek the following additional standard be included to all excavation and filling rules:

'Filling and /or excavation must not cause water to enter onto any adjacent land under different ownership.'

238. My interpretation of the relief sought by MDC is that it seeks to control the diversion of stormwater or floodwater across the land surface. While I acknowledge that the diversion of water to adjacent land not owned by the person undertaking the activity is an effect of undertaking land disturbance, I consider it would be more appropriately addressed by standard 2.5.5 of the MEP. However, to provide the integrated management of adverse effects and clarity for plan users, I consider the inclusion of such a standard to be appropriate. As such, I support the submission made by MDC and recommend their relief sought is adopted.

Recommendation

239. I recommend standards 5.3.10.6 and 6.3.5.5 are amended as follows:

*x.x.x.x There must be no excavation in excess of 10m³ within a groundwater protection area, unless the excavation is to establish a foundation for a building permitted in this zone.*⁸⁹

240. I recommend standards 3.3.16.12, 19.3.6.5 are amended as follows:

*x.x.x.x The filling must not occur on a slope greater than 7.5° if the filling is within*⁹⁰ ~~in~~ a Soil Sensitive Area identified as loess soils.

241. I recommend standards 3.3.14.7 and 3.3.16.4 are amended as follows:

*3.3.14.7 ~~There must be no excavation in excess of 100m³ within any 12 month period~~*⁹¹ ~~must not be~~ within a Level 2 or 3 Flood Hazard Area, or in the Level 4 Flood Hazard Area in the vicinity of Conders Overflow.

*3.3.16.4 ~~There must be no fill in excess of 100m³ within any 12 month period~~*⁹² ~~must not be~~ within a Level 2 or 3 Flood Hazard Area, or in the Level 4 Flood Hazard Area in the vicinity of Conders Overflow.

242. I recommend standard 4.3.13 is amended to include:

*4.3.13.x Where the excavation results in areas of exposed soil, those areas must be revegetated within 12 months of the completion of the excavation.*⁹³

⁸⁸ MDC (91.191;91.187; 91.186; 91.185; 91.184; 91.183; 91.182; 91.181; 91.180; 91.167; 91.166; 91.164; 91.189;91.179, 91.175, 91.173, 91.171, 91.177;91.190; 91.178; 91.176; 91.174; 91.172; 91.170; 91.168; 91.165).

⁸⁹ 91.187; 91.186 MDC

⁹⁰ 172.1 Davidson Group; 347.3 E & A Ryan; 425.558; 425.823 Federated Farmers;

⁹¹ 425.548 Federated Farmers; 93.10 S & S White; 475.4 Timms Family

⁹² 425.554 Federated Farmers

⁹³ 752.26 GOTS

243. I recommend standards 3.3.16.1; 4.3.15.1; 13.3.18.1; 14.3.9.1; 15.3.17.1; 17.3.5.1; 18.3.6.1; 19.3.6.1; 22.3.7.1 are amended as follows:

~~x.x.x.1 The filling must not use commercial cleanfill.⁹⁴~~

244. I recommend standards 3.5.1 and 4.5.2 are amended as follows:

x.5.x.1 The effects on water quality, aquatic ecosystems⁹⁵ and soil conservation from the excavation.

245. I recommend Rule 22.4.2 is amended as follows:

22.4.2 Excavation of land exceeding 500mm in depth and within 100 metres of the zone boundary⁹⁶

22.4.2.1 The excavation must not exceed a depth of 1.5m.

~~22.4.2.1 The excavation must not occur further than 100 metres from the zone boundary~~

246. I recommend the following standards are added to Rule 22.3.6:

22.3.6 Excavation

...

22.3.6.2 Excavation must not be within 8m of a river (except an ephemeral river when not flowing), lake (except during salt harvest operations) or the coastal marine area.

22.3.6.x Excavation must not occur within an Ecologically Significant Marine Site

22.3.6.x Excavation within 100m of the zone boundary shall not exceed 500mm in depth;

22.3.6.x Excavation anywhere within the zone must not exceed 1.5m in depth.⁹⁷

247. I recommend standards 5.3.10; 6.3.3; 7.3.9; 8.3.11; 9.3.4; 10.3.4; 11.3.3 and 12.3.18 are amended as follows:

x.3.x.x Excavation or filling must not cause water to enter onto any adjacent land under different ownership.⁹⁸

248. I recommend standards 3.3.14; 4.3.13; 13.3.17; 14.3.8; 15.3.16; 17.3.4; 18.3.5; 19.3.5 and 22.3.6 are amended as follows:

x.3.x.x Excavation must not cause water to enter onto any adjacent land under different ownership.⁹⁹

249. I recommend standards 3.3.16; 4.3.15; 13.3.18; 14.3.9; 15.3.17; 17.3.5; 18.3.6; 19.3.6 and 22.3.7 are amended as follows:

x.3.x.x Filling must not cause water to enter onto any adjacent land under different ownership.¹⁰⁰

⁹⁴ 717.72; 717.75; 717.79 Fulton Hogan; 1124.24; 1124.25 S MacKenzie; 433.152; 433.170; 433.194 Port Marlborough; 425.559; 425.740 Federated Farmers.

⁹⁵ 479.233; 479.211 DOC

⁹⁶ 355.16 Dominion Salt

⁹⁷ 355.16 Dominion Salt

⁹⁸ 91.187; 91.186; 91.185; 91.184; 91.183; 91.182; 91.181; 91.180 MDC

⁹⁹ 91.191; 91.189; 91.179; 91.177; 91.175; 91.173; 91.171; 91.169; 91.166 MDC

¹⁰⁰ 91.190; 91.188; 91.178; 91.176; 91.174; 91.172; 91.170; 91.168; 91.165 MDC

Matter 7: Firebreaks

250. Chapter 3 (Rural Environment Zone) and Chapter 4 (Coastal Environment Zone) contains rules which manage land disturbance to create and maintain a firebreak. Standards 3.1.20 and 4.1.19 provide a permitted activity status for the creation and maintenance of a fire break, which is subject to the permitted activity standards in Standards 3.3.20 and 4.3.19. The permitted activity standards are the same across both zones, if one or more of the standards are unable to be met, the construction and maintenance of firebreaks is assessed as a discretionary activity under Rules 3.3.12 and 4.3.12.

251. M & K Gerard (424.164) and PF Olsen (149.37; 149.55) seek the standards are retained as notified.

252. Killearnan (167.5), MFIAI (962.187, 962.194) and Nelson Forests (990.113; 990.148) oppose the standards and consider the standards are subjective, not practical and require clarification. The permitted activity standard states the following:

*'Water control measures and sediment control measures must be designed, constructed and maintained in all areas disturbed in the creation of a fire break, such that the areas are stable and the measures remain effective after the completion of the land disturbance.'*¹⁰¹

253. In my view the standard enables the construction and maintenance of firebreaks with little restriction, aside from ensuring water and sediment control measures are designed to ensure areas are stable and do not exacerbate the erosion of soil. I consider the standard implements Policy 15.4.3 of the MEP, therefore I recommend the standard as notified is maintained.

254. Federated Farmers (425.560, 425.664) support the standards, but further note that constructing and maintaining a firebreak is unlikely to be a permitted activity as a typical location for a fire break is in an area where vegetation presents a fire risk, so vegetation clearance is required to enable the disturbance of land to construct and maintain a firebreak. This submission point is supported by the NZFSC who seeks a permissive approach to the provision of fire breaks.

255. Land disturbance in the MEP means *'any activity that includes excavation, filling, cultivation or vegetation clearance.'* As the definition of land disturbance includes vegetation clearance (which includes both indigenous and non-indigenous vegetation clearance) I consider the relief sought by the submitter is already provided in the standard. Accordingly, I recommend the standard is retained as notified.

Recommendation

256. I recommend standards 3.3.20 and 4.3.19 are retained as notified.

Matter 8: Additional Definitions

257. Two submissions were received on definitions related to *'slope'* and *'land disturbance'* in the MEP. It is noted that these definitions apply to other activities in addition to those covered in this Section 42A Report.

258. Nelson Forests (990.17) oppose the definition of *'slope'* in the MEP. Nelson Forests consider a 50m length, as in the current definition is inappropriate to determine a fair representation of a compound slope. Nelson Forests submit that 50m should be increased to 200m, but provide no technical basis for this change. As I understand it, a compound slope is a slope which is comprised of two or more separate slopes with different grade angles. The current definition of slope has been adopted from the WARMP. In my view, 200m is a long length when determining slope angle when compared to the existing 50m length. In the absence of technical basis for Nelson Forests proposed change, I do not recommend the relief sought is adopted and consider the definition of slope should be retained as notified.

¹⁰¹ Standards 3.3.20.1 and 4.3.19.1

259. Federated Farmers (452.408) oppose the definition of '*land disturbance*' and request its deletion from the MEP. Federated Farmers note the term '*land disturbance*' is not used within the Rural Environment Zone and therefore it is unclear where the term is used and applied. I disagree with the submission point raised by Federated Farmers, the term '*land disturbance*' is used several times throughout the MEP. In the Rural Environment Zone, the term '*land disturbance*' is used in standards 3.1.20 and 3.3.20 regarding land disturbance to create and maintain firebreaks. In my view, removing the definition would result in difficulty implementing the standard. Accordingly, I do not recommend the relief proposed by Federated Farmers is adopted.

Recommendation

260. I recommend the definitions related to '*slope*' and '*land disturbance*' in the MEP are retained as notified.

Appendix 1: Recommended decisions on decisions requested

Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
91	66	Marlborough District Council	Volume 1	15 Resource Quality (Water, Air, Soil)	15.AER.9	Accept
91	150	Marlborough District Council	Volume 2	25 Definitions	25.	Reject
91	151	Marlborough District Council	Volume 2	25 Definitions	25.	Reject
91	164	Marlborough District Council	Volume 2	23 Airport Zone	23.1.13.	Accept
91	165	Marlborough District Council	Volume 2	22 Lake Grassmere Saltworks Zone	22.1.8.	Accept
91	166	Marlborough District Council	Volume 2	22 Lake Grassmere Saltworks Zone	22.1.7.	Accept
91	167	Marlborough District Council	Volume 2	20 Open Space 4 Zone	20.1.5.	Accept
91	168	Marlborough District Council	Volume 2	19 Open Space 3 Zone	19.1.8.	Accept
91	169	Marlborough District Council	Volume 2	19 Open Space 3 Zone	19.1.7.	Accept
91	170	Marlborough District Council	Volume 2	18 Open Space 2 Zone	18.1.10.	Accept
91	171	Marlborough District Council	Volume 2	18 Open Space 2 Zone	18.1.9.	Accept
91	172	Marlborough District Council	Volume 2	17 Open Space 1 Zone	17.1.7.	Accept
91	173	Marlborough District Council	Volume 2	17 Open Space 1 Zone	17.1.6.	Accept
91	174	Marlborough District Council	Volume 2	15 Marina Zone	15.1.27.	Accept
91	175	Marlborough District Council	Volume 2	15 Marina Zone	15.1.26.	Accept
91	176	Marlborough District Council	Volume 2	14 Port Landing Area Zone	14.1.14.	Accept
91	177	Marlborough District Council	Volume 2	14 Port Landing Area Zone	14.1.13.	Accept
91	178	Marlborough District Council	Volume 2	13 Port Zone	13.1.29.	Accept
91	179	Marlborough District Council	Volume 2	13 Port Zone	13.1.28.	Accept
91	180	Marlborough District Council	Volume 2	12 Industrial 1 and 2 Zones	12.1.29.	Accept
91	181	Marlborough District Council	Volume 2	11 Business 3 Zone	11.1.3.	Accept
91	182	Marlborough District Council	Volume 2	10 Business 2 Zone	10.1.7.	Accept
91	183	Marlborough District Council	Volume 2	9 Business 1 Zone	9.1.9.	Accept
91	184	Marlborough District Council	Volume 2	8 Rural Living Zone	8.1.12.	Accept
91	185	Marlborough District Council	Volume 2	7 Coastal Living Zone	7.1.11.	Accept
91	186	Marlborough District Council	Volume 2	6 Urban Residential 3 Zone	6.1.8.	Accept
91	187	Marlborough District Council	Volume 2	5 Urban Residential 1 and 2 Zone	5.1.15.	Accept
91	188	Marlborough District Council	Volume 2	4 Coastal Environment Zone	4.1.15.	Accept
91	189	Marlborough District Council	Volume 2	4 Coastal Environment Zone	4.1.13.	Accept
91	190	Marlborough District Council	Volume 2	3 Rural Environment Zone	3.1.16.	Accept

91	191	Marlborough District Council	Volume 2	3 Rural Environment Zone	3.1.14.	Accept
91	206	Marlborough District Council	Volume 2	25 Definitions	25	Accept
93	10	Spencer & Susan White	Volume 2	3 Rural Environment Zone	3.3.14.7.	Accept in part
129	3	Rebecca Light	Volume 2	3 Rural Environment Zone	3.3.14.7.	Reject
129	4	Rebecca Light	Volume 2	3 Rural Environment Zone	3.3.16.4.	Reject
146	2	QCWP community	Volume 2	4 Coastal Environment Zone	4.3.13.	Accept
149	36	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.3.13.	Reject
149	37	PF Olsen Ltd	Volume 2	3 Rural Environment Zone	3.3.20.1	Accept
149	53	PF Olsen Ltd	Volume 2	4 Coastal Environment Zone	4.3.12.	Reject
149	54	PF Olsen Ltd	Volume 2	4 Coastal Environment Zone	4.3.13.	Reject
149	55	PF Olsen Ltd	Volume 2	4 Coastal Environment Zone	4.3.19.1.	Accept
149	59	PF Olsen Ltd	Volume 2	4 Coastal Environment Zone	4.5.2.	Reject
167	5	Killearnan Ltd	Volume 3	3 Rural Environment Zone	3.3.20.1	Reject
167	7	Killearnan Limited	Volume 2	3 Rural Environment Zone	3.3.14.11.	Reject
167	8	Killearnan Limited	Volume 2	3 Rural Environment Zone	3.3.14.10.	Reject
167	9	Killearnan Limited	Volume 2	3 Rural Environment Zone	3.3.12.	Reject
172	1	Davidson Group Ltd	Volume 2	3 Rural Environment Zone	3.3.16.12	Accept in part
210	25	Kevin Wilson	Volume 2	20 Open Space 4 Zone	20.3.3.9.	Reject
210	26	Kevin Wilson	Volume 2	19 Open Space 3 Zone	19.3.5.14.	Reject
210	27	Kevin Wilson	Volume 2	18 Open Space 2 Zone	18.3.5.4	Reject
210	28	Kevin Wilson	Volume 2	17 Open Space 1 Zone	17.3.4.4.	Reject
210	29	Kevin Wilson	Volume 2	7 Coastal Living Zone	7.3.9.10.	Reject
210	30	Kevin Wilson	Volume 2	4 Coastal Environment Zone	4.3.13.9.	Reject
210	31	Kevin Wilson	Volume 2	3 Rural Environment Zone	3.3.14.11.	Reject
225	1	Davidson Group Ltd	Volume 2	3 Rural Environment Zone	3.3.14.4.	Reject
225	2	Davidson Group Ltd	Volume 2	7 Coastal Living Zone	7.3.9.3.	Reject
225	3	Davidson Group Ltd	Volume 2	7 Coastal Living Zone	7.3.9.4.	Reject
225	4	Davidson Group Ltd	Volume 2	7 Coastal Living Zone	7.3.9.5.	Reject
225	5	Davidson Group Ltd	Volume 2	7 Coastal Living Zone	7.3.9.13.	Reject
228	9	Rainbow Sports Club Incorporated	Volume 2	20 Open Space 4 Zone	20.3.3.1.	Reject
237	1	Marlborough Mountain Bike Club	Volume 2	3 Rural Environment Zone	3.3.14.4.	Reject
237	2	Marlborough Mountain Bike Club	Volume 2	3 Rural Environment Zone	3.3.14.11.	Reject
251	1	James (Jim) Rudd	Volume 2	3 Rural Environment Zone	3.3.14.1.	Reject
255	4	Warwick Lissaman	Volume 2	3 Rural Environment Zone	3.3.14.4.	Reject

277	3	Peter Bown	Volume 2	3 Rural Environment Zone	3.3.14.7.	Reject
277	6	Peter Bown	Volume 2	19 Open Space 3 Zone	19.3.5.6.	Reject
280	40	Nelson Marlborough District Health Board	Volume 2	3 Rural Environment Zone	3.3.16.	Accept in part
280	41	Nelson Marlborough District Health Board	Volume 2	4 Coastal Environment Zone	4.3.15.	Accept in part
280	43	Nelson Marlborough District Health Board	Volume 2	14 Port Landing Area Zone	14.3.9.	Accept in part
280	44	Nelson Marlborough District Health Board	Volume 2	15 Marina Zone	15.3.17.	Accept in part
280	45	Nelson Marlborough District Health Board	Volume 2	17 Open Space 1 Zone	17.3.5.	Accept in part
280	46	Nelson Marlborough District Health Board	Volume 2	18 Open Space 2 Zone	18.3.6.	Accept in part
280	47	Nelson Marlborough District Health Board	Volume 2	19 Open Space 3 Zone	19.3.6.	Accept in part
280	48	Nelson Marlborough District Health Board	Volume 2	22 Lake Grassmere Saltworks Zone	22.3.7.	Accept in part
318	20	Reade Family Holdings	Volume 2	3 Rural Environment Zone	3.5.1.	Reject
321	3	Simon and Richard Adams	Volume 2	3 Rural Environment Zone	3.3.13.	Reject
326	8	Steven and Sarah Leov	Volume 2	3 Rural Environment Zone	3.3.13.1.	Reject
326	9	Steven and Sarah Leov	Volume 2	3 Rural Environment Zone	3.3.13.2.	Reject
339	17	Sharon Parkes	Volume 2	4 Coastal Environment Zone	4.3.13.5.	Reject
339	18	Sharon Parkes	Volume 2	4 Coastal Environment Zone	4.3.13.1.	Reject
347	2	Edward and Amanda Ryan	Volume 2	3 Rural Environment Zone	3.3.14.4.	Reject
347	3	Edward and Amanda Ryan	Volume 2	3 Rural Environment Zone	3.3.16.12	Accept in part
348	28	Murray Chapman	Volume 2	3 Rural Environment Zone	3.3.12.1.	Reject
355	16	Dominion Salt Limited	Volume 2	22 Lake Grassmere Saltworks Zone	22.4.2.	Accept
364	166	Ian Balfour Mitchell	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.5	Accept
364	167	Ian Balfour Mitchell	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.6	Accept
380	7	Bruce Lawrence Pattie	Volume 2	3 Rural Environment Zone	3.3.14.2.	Reject
380	9	Bruce Lawrence Pattie	Volume 2	25 Definitions	25.	Reject
401	176	Aquaculture New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.3	Accept

				Soil)		
401	177	Aquaculture New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.4	Accept
424	157	Michael and Kristen Gerard	Volume 2	4 Coastal Environment Zone	4.3.9.3.	Accept
424	164	Michael and Kristen Gerard	Volume 2	4 Coastal Environment Zone	4.3.19.	Accept
425	316	Federated Farmers of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.1	Accept
425	317	Federated Farmers of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.2	Accept
425	318	Federated Farmers of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.3	Reject
425	319	Federated Farmers of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.5	Accept
425	320	Federated Farmers of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.6	Reject
425	321	Federated Farmers of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.5.1	Accept
425	392	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Reject
425	397	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Reject
425	408	Federated Farmers of New Zealand	Volume 3	25 Definitions	25.	Reject
425	536	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.1.12.	Accept
425	537	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.13.1.	Reject
425	538	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.13.2.	Reject
425	541	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.13.5.	Reject
425	543	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.14.1.	Reject
425	544	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.14.2.	Reject
425	546	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.14.4.	Reject

		Zealand				
425	548	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.14.7.	Accept in part
425	553	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.16.3.	Reject
425	554	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.16.4.	Accept in part
425	558	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.3.16.12	Accept in part
425	559	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.1.16.	Accept
425	560	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.1.20.	Accept in part
425	612	Federated Farmers of New Zealand	Volume 2	3 Rural Environment Zone	3.5.1.	Reject
425	649	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.15.2.	Reject
425	654	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.11.	Reject
425	655	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.12.1.	Reject
425	656	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.13.1.	Reject
425	657	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.13.2.	Reject
425	658	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.13.5.	Reject
425	662	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.15.3.	Reject
425	664	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.1.19.	Accept in part
425	694	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.5.2.	Reject
425	727	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.1.6.	Reject
425	728	Federated Farmers of New	Volume 2	19 Open Space 3 Zone	19.1.7.	Reject

		Zealand				
425	729	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.3.5.1.	Reject
425	730	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.3.5.2.	Reject
425	732	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.3.5.4.	Reject
425	733	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.3.5.6.	Reject
425	740	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.3.6.1.	Accept
425	796	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.12.5.	Reject
425	798	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.12.3.	Reject
425	799	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.12.2.	Reject
425	800	Federated Farmers of New Zealand	Volume 2	4 Coastal Environment Zone	4.3.15.4.	Reject
425	820	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.3.6.2.	Reject
425	821	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.3.6.3.	Accept
425	823	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.3.6.5.	Accept in part
425	824	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.3.6.9.	Reject
425	825	Federated Farmers of New Zealand	Volume 2	19 Open Space 3 Zone	19.3.6.10.	Reject
426	184	Marine Farming Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.3	Accept
426	185	Marine Farming Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.4	Accept
429	3	Tempello Partnership	Volume 2	3 Rural Environment Zone	3.3.12.2.	Reject
429	5	Tempello Partnership	Volume 2	3 Rural Environment Zone	3.3.12.1.	Reject
431	56	Wine Marlborough	Volume 2	3 Rural Environment Zone	3.1.13.	Reject

431	57	Wine Marlborough	Volume 2	3 Rural Environment Zone	3.1.14.	Accept
431	80	Wine Marlborough	Volume 2	3 Rural Environment Zone	3.3.13.2.	Reject
431	81	Wine Marlborough	Volume 2	3 Rural Environment Zone	3.3.13.2.	Reject
431	82	Wine Marlborough	Volume 2	3 Rural Environment Zone	3.3.13.3.	Reject
433	146	Port Marlborough New Zealand Limited	Volume 2	14 Port Landing Area Zone	14.1.15.	Accept
433	152	Port Marlborough New Zealand Limited	Volume 2	14 Port Landing Area Zone	14.3.9.	Accept
433	170	Port Marlborough New Zealand Limited	Volume 2	15 Marina Zone	15.3.17.1.	Accept
433	183	Port Marlborough New Zealand Limited	Volume 2	19 Open Space 3 Zone	19.1.6.	Accept
433	184	Port Marlborough New Zealand Limited	Volume 2	19 Open Space 3 Zone	19.1.7.	Accept
433	185	Port Marlborough New Zealand Limited	Volume 2	19 Open Space 3 Zone	19.1.8.	Accept
433	194	Port Marlborough New Zealand Limited	Volume 2	19 Open Space 3 Zone	19.3.6.1.	Accept
454	45	Kevin Francis Loe	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.4	Accept
454	80	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.1.13.	Accept
454	81	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.3.13.1.	Accept
454	82	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.1.14.	Accept
454	83	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.3.13.2.	Accept
454	84	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.3.13.3.	Accept
454	87	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.3.13.5.	Accept
454	88	Kevin Francis Loe	Volume 2	25 Definitions	25.	Accept
454	89	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.3.14.1.	Accept
454	90	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.3.14.2.	Accept
454	91	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.3.14.4.	Accept
454	94	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.3.14.6.	Accept
454	95	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.3.14.7.	Accept
454	97	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.3.14.10.	Accept
454	99	Kevin Francis Loe	Volume 2	3 Rural Environment Zone	3.3.14.11.	Accept
454	101	Kevin Francis Loe	Volume 2	25 Definitions	25.	Accept

455	41	John Hickman	Volume 2	3 Rural Environment Zone	3.1.12.	Accept
455	42	John Hickman	Volume 2	19 Open Space 3 Zone	19.1.6.	Accept
455	43	John Hickman	Volume 2	3 Rural Environment Zone	3.1.13.	Accept
455	46	John Hickman	Volume 2	3 Rural Environment Zone	3.1.14.	Accept
455	47	John Hickman	Volume 2	19 Open Space 3 Zone	19.1.7.	Accept
455	60	John Hickman	Volume 2	3 Rural Environment Zone	3.3.14.2.	Reject
455	67	John Hickman	Volume 2	25 Definitions	25.	Reject
455	69	John Hickman	Volume 2	25 Definitions	25.	Accept in part
456	41	George Mehlhopt	Volume 2	3 Rural Environment Zone	3.1.12.	Accept
456	42	George Mehlhopt	Volume 2	19 Open Space 3 Zone	19.1.6.	Accept
456	43	George Mehlhopt	Volume 2	3 Rural Environment Zone	3.1.13.	Accept
456	46	George Mehlhopt	Volume 2	3 Rural Environment Zone	3.1.14.	Accept
456	47	George Mehlhopt	Volume 2	19 Open Space 3 Zone	19.1.7.	Accept
456	60	George Mehlhopt	Volume 2	3 Rural Environment Zone	3.3.14.2.	Reject
456	67	George Mehlhopt	Volume 2	25 Definitions	25.	Reject
456	69	George Mehlhopt	Volume 2	25 Definitions	25.	Accept in part
457	56	Accolade Wines New Zealand Limited	Volume 2	3 Rural Environment Zone	3.1.13.	Reject
457	57	Accolade Wines New Zealand Limited	Volume 2	3 Rural Environment Zone	3.1.14.	Accept
457	79	Accolade Wines New Zealand Limited	Volume 2	3 Rural Environment Zone	3.3.13.1.	Reject
457	82	Accolade Wines New Zealand Limited	Volume 2	3 Rural Environment Zone	3.3.13.2.	Reject
457	83	Accolade Wines New Zealand Limited	Volume 2	3 Rural Environment Zone	3.3.13.3.	Reject
459	18	Beef and Lamb New Zealand	Volume 2	3 Rural Environment Zone	3.3.12.	Accept in part
459	19	Beef and Lamb New Zealand	Volume 2	3 Rural Environment Zone	3.3.13.	Reject
459	20	Beef and Lamb New Zealand	Volume 2	4 Coastal Environment Zone	4.3.12.	Reject
459	55	Beef and Lamb New Zealand	Volume 2	3 Rural Environment Zone	3.3.12.	Reject
459	56	Beef and Lamb New Zealand	Volume 2	3 Rural Environment Zone	3.3.13.	Reject
459	57	Beef and Lamb New Zealand	Volume 2	4 Coastal Environment Zone	4.3.12.	Reject
459	65	Beef and Lamb New Zealand	Volume 2	25 Definitions	25.	Reject
462	17	Blind River Irrigation Limited	Volume 2	3 Rural Environment Zone	3.1.13.	Reject

462	18	Blind River Irrigation Limited	Volume 2	3 Rural Environment Zone	3.1.14.	Accept
462	35	Blind River Irrigation Limited	Volume 2	3 Rural Environment Zone	3.3.13.2.	Reject
462	38	Blind River Irrigation Limited	Volume 2	3 Rural Environment Zone	3.3.13.1.	Reject
464	29	Chorus New Zealand limited	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.4	Accept
464	53	Chorus New Zealand limited	Volume 2	3 Rural Environment Zone	3.3.12.1	Reject
469	14	Ian Bond	Volume 2	3 Rural Environment Zone	3.3.14.1.	Reject
469	15	Ian Bond	Volume 2	3 Rural Environment Zone	3.3.14.2.	Reject
473	41	Delegat Limited	Volume 2	3 Rural Environment Zone	3.1.13.	Reject
473	42	Delegat Limited	Volume 2	3 Rural Environment Zone	3.1.14.	Accept
473	61	Delegat Limited	Volume 2	3 Rural Environment Zone	3.3.13.1.	Reject
473	62	Delegat Limited	Volume 2	3 Rural Environment Zone	3.3.13.2.	Reject
473	63	Delegat Limited	Volume 2	3 Rural Environment Zone	3.3.13.3.	Reject
475	4	Jamie Timms Timms (Timms Family)	Volume 2	3 Rural Environment Zone	3.3.14.7.	Accept in part
479	148	Department of Conservation	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.3	Accept
479	149	Department of Conservation	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.5.1	Accept
479	199	Department of Conservation	Volume 2	3 Rural Environment Zone	3.1.13.	Accept
479	200	Department of Conservation	Volume 2	3 Rural Environment Zone	3.3.12.	Accept
479	201	Department of Conservation	Volume 2	3 Rural Environment Zone	3.1.13.	Accept
479	202	Department of Conservation	Volume 2	3 Rural Environment Zone	3.3.13.	Accept
479	203	Department of Conservation	Volume 2	3 Rural Environment Zone	3.1.14.	Accept
479	204	Department of Conservation	Volume 2	3 Rural Environment Zone	3.3.14.	Accept
479	211	Department of Conservation	Volume 2	3 Rural Environment Zone	3.5.1.1.	Accept in part
479	229	Department of Conservation	Volume 2	4 Coastal Environment Zone	4.1.11.	Accept
479	230	Department of Conservation	Volume 2	4 Coastal Environment Zone	4.1.12.	Accept
479	233	Department of Conservation	Volume 2	4 Coastal Environment Zone	4.5.2.	Accept in Part
484	59	Clintondale Trust, Whyte Trustee Company Limited	Volume 2	3 Rural Environment Zone	3.1.13.	Accept
484	60	Clintondale Trust, Whyte Trustee Company Limited	Volume 2	3 Rural Environment Zone	3.1.14.	Accept
484	75	Clintondale Trust, Whyte Trustee Company Limited	Volume 2	4 Coastal Environment Zone	4.1.11.	Accept

505	33	Ernslaw One Limited	Volume 2	3 Rural Environment Zone	3.3.12.1.	Reject
509	2	Nelson Marlborough Fish and Game	Volume 2	25 Definitions	25.	Reject
509	3	Nelson Marlborough Fish and Game	Volume 2	25 Definitions	25.	Reject
509	307	Nelson Marlborough Fish and Game	Volume 2	3 Rural Environment Zone	3.1.13.	Accept
509	308	Nelson Marlborough Fish and Game	Volume 2	3 Rural Environment Zone	3.1.14.	Reject
509	309	Nelson Marlborough Fish and Game	Volume 2	3 Rural Environment Zone	3.1.16.	Reject
509	426	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.1.6.	Accept
509	428	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.1.7.	Accept
509	430	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.1.8.	Reject
509	431	Nelson Marlborough Fish and Game	Volume 2	19 Open Space 3 Zone	19.3.6.1.	Accept/Accept in part/Reject
578	26	Pinder Family Trust	Volume 2	4 Coastal Environment Zone	4.3.13.	Reject
578	45	Pinder Family Trust	Volume 2	3 Rural Environment Zone	3.3.16.8.	Reject
578	46	Pinder Family Trust	Volume 2	4 Coastal Environment Zone	4.3.15.9.	Reject
578	47	Pinder Family Trust	Volume 2	3 Rural Environment Zone	3.3.14.1.	Reject
578	48	Pinder Family Trust	Volume 2	4 Coastal Environment Zone	4.3.13.	Reject
631	28	Constellation Brands New Zealand Limited	Volume 2	3 Rural Environment Zone	3.1.13.	Accept
631	29	Constellation Brands New Zealand Limited	Volume 2	3 Rural Environment Zone	3.1.14.	Accept
640	37	Douglas and Colleen Robbins	Volume 2	3 Rural Environment Zone	3.3.12.2.	Reject
640	50	Douglas and Colleen Robbins	Volume 2	4 Coastal Environment Zone	4.3.11.2.	Reject
676	82	Dairy NZ	Volume 2	3 Rural Environment Zone	3.3.13.1.	Reject
676	83	Dairy NZ	Volume 2	3 Rural Environment Zone	3.3.13.2.	Reject
676	84	Dairy NZ	Volume 2	3 Rural Environment Zone	3.3.13.3.	Reject
676	86	Dairy NZ	Volume 2	3 Rural Environment Zone	3.3.13.5.	Reject
676	128	Dairy NZ	Volume 2	4 Coastal Environment Zone	4.3.12.1.	Reject

676	129	Dairy NZ	Volume 2	4 Coastal Environment Zone	4.3.12.2.	Reject
676	130	Dairy NZ	Volume 2	4 Coastal Environment Zone	4.3.12.3.	Reject
676	132	Dairy NZ	Volume 2	4 Coastal Environment Zone	4.3.12.5.	Reject
712	88	Flaxbourne Settlers Association	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.4	Accept
712	95	Flaxbourne Settlers Association	Volume 2	3 Rural Environment Zone	3.1.13.	Accept
712	96	Flaxbourne Settlers Association	Volume 2	3 Rural Environment Zone	3.1.14.	Accept
715	392	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	3 Rural Environment Zone	3.3.14.	Reject
715	405	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	3 Rural Environment Zone	3.5.1.	Reject
715	433	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	4 Coastal Environment Zone	4.3.12.	Reject
715	434	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	4 Coastal Environment Zone	4.3.13.	Reject
717	72	Fulton Hogan Limited	Volume 2	3 Rural Environment Zone	3.3.16.1.	Accept
717	74	Fulton Hogan Limited	Volume 2	4 Coastal Environment Zone	4.3.15.1.	Accept
717	75	Fulton Hogan Limited	Volume 2	19 Open Space 3 Zone	19.3.6.1.	Accept
717	79	Fulton Hogan Limited	Volume 2	25 Definitions	25.	Reject
738	37	Glenda Vera Robb	Volume 2	3 Rural Environment Zone	3.3.12.2.	Reject
738	50	Glenda Vera Robb	Volume 2	4 Coastal Environment Zone	4.3.11.2.	Reject
743	4	Graham Thomas Cooper	Volume 2	3 Rural Environment Zone	3.3.14.1.	Reject
752	26	Guardians of the Sounds	Volume 2	4 Coastal Environment Zone	4.3.13.	Accept
752	45	Guardians of the Sounds	Volume 2	3 Rural Environment Zone	3.3.16.8.	Reject
752	46	Guardians of the Sounds	Volume 2	4 Coastal Environment Zone	4.3.15.9.	Reject
752	47	Guardians of the Sounds	Volume 2	3 Rural Environment Zone	3.3.14.1.	Reject
752	48	Guardians of the Sounds	Volume 2	4 Coastal Environment Zone	4.3.13.	Accept
769	71	Horticulture New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Objective 15.4	Reject
769	72	Horticulture New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.2	Reject
769	73	Horticulture New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.3	Accept
769	74	Horticulture New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.5.1	Accept

769	99	Horticulture New Zealand	Volume 2	3 Rural Environment Zone	3.3.12.	Reject
769	100	Horticulture New Zealand	Volume 2	3 Rural Environment Zone	3.3.13.	Reject
769	132	Horticulture New Zealand	Volume 2	25 Definitions	25.	Reject
869	17	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	Issue 15F	Reject
869	18	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	Objective 15.4	Accept in part
869	19	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.1	Accept
869	20	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.2	Accept
869	21	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.3	Accept
869	22	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.4	Accept
869	23	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.5	Accept in part
873	69	KiwiRail Holdings Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.4	Accept
873	116	KiwiRail Holdings Limited	Volume 2	3 Rural Environment Zone	3.1.16.	Accept
873	117	KiwiRail Holdings Limited	Volume 2	3 Rural Environment Zone	3.3.16.	Accept
904	19	Land Vision Limited	Volume 2	3 Rural Environment Zone	3.3.13.1.	Reject
904	21	Land Vision Limited	Volume 2	3 Rural Environment Zone	3.3.13.5.	Reject
909	47	Longfield Farm Limited	Volume 2	3 Rural Environment Zone	3.1.13.	Accept
909	48	Longfield Farm Limited	Volume 2	3 Rural Environment Zone	3.1.14.	Accept
909	72	Longfield Farm Limited	Volume 2	3 Rural Environment Zone	3.3.13.2.	Reject
909	73	Longfield Farm Limited	Volume 2	3 Rural Environment Zone	3.3.13.3.	Reject
909	75	Longfield Farm Limited	Volume 2	3 Rural Environment Zone	3.3.13.1.	Reject

935	37	Melva Joy Robb	Volume 2	3 Rural Environment Zone	3.3.12.2.	Reject
935	50	Melva Joy Robb	Volume 2	4 Coastal Environment Zone	4.3.11.2.	Reject
961	80	Marlborough Chamber of Commerce	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.1	Accept
961	81	Marlborough Chamber of Commerce	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.2	Accept
961	82	Marlborough Chamber of Commerce	Volume 1	15 Resource Quality (Water, Air, Soil)	15.M.39	Accept
961	83	Marlborough Chamber of Commerce	Volume 1	15 Resource Quality (Water, Air, Soil)	15.M.40	Accept
961	84	Marlborough Chamber of Commerce	Volume 1	15 Resource Quality (Water, Air, Soil)	15.M.43	Reject
962	100	Marlborough Forest Industry Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.2	Accept in part
962	101	Marlborough Forest Industry Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.3	Reject
962	102	Marlborough Forest Industry Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.4	Reject
962	103	Marlborough Forest Industry Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.6	Reject
962	104	Marlborough Forest Industry Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	15.M.38	Reject
962	105	Marlborough Forest Industry Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	15.M.39	Reject
962	106	Marlborough Forest Industry Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	15.M.45	Reject
962	107	Marlborough Forest Industry Association Incorporated	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.5.4	Accept in part
962	124	Marlborough Forest Industry Association Incorporated	Volume 2	25 Definitions	25.	Reject
962	187	Marlborough Forest Industry Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.20	Reject
962	194	Marlborough Forest Industry Association Incorporated	Volume 2	4 Coastal Environment Zone	4.3.19.	Reject
965	5	Marlborough Recreational Fishers Association	Volume 2	4 Coastal Environment Zone	4.3.11.8.	Reject

965	6	Marlborough Recreational Fishers Association	Volume 2	4 Coastal Environment Zone	4.3.11.10.	Reject
965	7	Marlborough Recreational Fishers Association	Volume 2	4 Coastal Environment Zone	4.3.12.5.	Reject
970	16	Middlehurst Station Limited	Volume 2	3 Rural Environment Zone	3.1.13.	Accept
970	17	Middlehurst Station Limited	Volume 2	3 Rural Environment Zone	3.1.14.	Accept
970	25	Middlehurst Station Limited	Volume 2	3 Rural Environment Zone	3.3.13.2.	Reject
970	26	Middlehurst Station Limited	Volume 2	3 Rural Environment Zone	3.3.13.3.	Reject
970	28	Middlehurst Station Limited	Volume 2	3 Rural Environment Zone	3.3.13.	Reject
990	1	Nelson Forests Limited	All	All		Reject
990	14	Nelson Forests Limited	Volume 2	25 Definitions	25.	Reject
990	17	Nelson Forests Limited	Volume 2	25 Definitions	25.	Reject
990	88	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.14.1.	Reject
990	97	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.12.2.	Reject
990	99	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.12.4.	Reject
990	105	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.1.14.	Reject
990	106	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.14.2.	Reject
990	108	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.14.4.	Reject
990	110	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.14.10.	Reject
990	111	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.3.14.11.	Reject
990	133	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.11.2.	Reject
990	118	Nelson Forests Limited	Volume 2	3 Rural Environment Zone	3.5.1.	Reject
990	132	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.11.	Reject
990	135	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.11.4.	Reject
990	140	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.1.13.	Reject
990	141	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.13.1.	Reject
990	142	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.13.2.	Reject
990	145	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.13.8.	Reject
990	146	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.13.9.	Reject
990	148	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.3.19.1.	Reject
990	153	Nelson Forests Limited	Volume 2	4 Coastal Environment Zone	4.5.2.	Reject
990	244	Nelson Forests Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.2	Accept in part
990	245	Nelson Forests Limited	Volume 1	15 Resource Quality (Water, Air,	Policy 15.4.3	Reject

				Soil)		
990	246	Nelson Forests Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.4	Reject
990	247	Nelson Forests Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.6	Reject
990	248	Nelson Forests Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	15.M.39	Accept in part
990	249	Nelson Forests Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	15.M.45	Reject
990	250	Nelson Forests Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.5.1	Reject
990	251	Nelson Forests Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.5.3	Reject
992	24	New Zealand Defence Force	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.4	Accept
1002	80	New Zealand Transport Agency	Volume 1	15 Resource Quality (Water, Air, Soil)	Issue 15F	Accept
1002	81	New Zealand Transport Agency	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.3	Accept
1002	82	New Zealand Transport Agency	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.4	Accept in part
1002	83	New Zealand Transport Agency	Volume 1	15 Resource Quality (Water, Air, Soil)	15.M.38	Accept in part
1002	84	New Zealand Transport Agency	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.5.5	Accept
1002	265	New Zealand Transport Agency	Volume 2	25 Definitions	25.	Reject
1004	24	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	15.	Accept
1004	52	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	25 Definitions	25.	Accept
1004	62	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	12 Industrial 1 and 2 Zones	12.1.29.	Accept
1004	70	Z Energy Limited, Mobil Oil New	Volume 2	12 Industrial 1 and 2 Zones	12.3.18.	Accept

		Zealand Limited and BP Oil Limited				
1004	76	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	9 Business 1 Zone	9.1.9.	Accept
1004	77	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	9 Business 1 Zone	9.3.4.	Accept
1004	82	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	10 Business 2 Zone	10.1.7.	Accept
1004	87	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	10 Business 2 Zone	10.3.4.	Accept
1004	90	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	11 Business 3 Zone	11.1.3.	Accept
1004	91	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	11 Business 3 Zone	11.3.3.	Accept
1021	14	Phil Muir	Volume 2	5 Urban Residential 1 and 2 Zone	5.3.10.4.	Reject
1021	15	Phil Muir	Volume 2	5 Urban Residential 1 and 2 Zone	5.3.10.5.	Reject
1039	102	Pernod Ricard Winemakers New Zealand Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.5.1	Accept
1039	119	Pernod Ricard Winemakers New Zealand Limited	Volume 2	3 Rural Environment Zone	3.3.13.	Accept
1044	13	Progressive Enterprises Limited	Volume 2	9 Business 1 Zone	9.3.4.	Reject
1044	14	Progressive Enterprises Limited	Volume 2	9 Business 1 Zone	9.3.4.3.	Reject
1082	4	Richard Warwick Evans	Volume 2	7 Coastal Living Zone	7.3.9.11.	Reject
1082	5	Richard Warwick Evans	Volume 2	8 Rural Living Zone	8.3.11.11.	Reject
1082	6	Richard Warwick Evans	Volume 2	5 Urban Residential 1 and 2 Zone	5.3.10.12.	Reject
1090	51	Ravensdown Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	Issue 15F	Reject
1090	52	Ravensdown Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.2	Accept
1090	53	Ravensdown Limited	Volume 1	15 Resource Quality (Water, Air,	15.M.39	Accept

				Soil)		
1090	54	Ravensdown Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	15.M.42	Accept
1090	55	Ravensdown Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.5.1	Accept
1121	3	Sally Jane and Timothy John Wadworth	Volume 2	3 Rural Environment Zone	3.3.12.1.	Reject
1121	4	Sally Jane and Timothy John Wadworth	Volume 2	3 Rural Environment Zone	3.3.12.2.	Reject
1124	24	Steve MacKenzie	Volume 2	3 Rural Environment Zone	3.3.16.1.	Accept
1124	25	Steve MacKenzie	Volume 2	25 Definitions	25.	Accept
1124	58	Steve MacKenzie	Volume 2	3 Rural Environment Zone	3.1.13.	Accept
1124	59	Steve MacKenzie	Volume 2	3 Rural Environment Zone	3.1.16.	Accept
1146	26	Sea Shepherd New Zealand	Volume 2	4 Coastal Environment Zone	4.3.13.	Reject
1146	45	Sea Shepherd New Zealand	Volume 2	3 Rural Environment Zone	3.3.16.8.	Reject
1146	46	Sea Shepherd New Zealand	Volume 2	4 Coastal Environment Zone	4.3.15.9.	Reject
1146	47	Sea Shepherd New Zealand	Volume 2	3 Rural Environment Zone	3.3.14.1.	Reject
1146	48	Sea Shepherd New Zealand	Volume 2	4 Coastal Environment Zone	4.3.13.	Reject
1158	27	Spark New Zealand Trading Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.4	Accept
1158	46	Spark New Zealand Trading Limited	Volume 2	3 Rural Environment Zone	3.3.12.1	Reject
1186	93	Te Atiawa o Te Waka-a-Maui	Volume 1	15 Resource Quality (Water, Air, Soil)	15.	Reject
1186	118	Te Atiawa o Te Waka-a-Maui	Volume 2	3 Rural Environment Zone	3.3.13.	Reject
1186	119	Te Atiawa o Te Waka-a-Maui	Volume 2	3 Rural Environment Zone	3.3.14.	Reject
1186	125	Te Atiawa o Te Waka-a-Maui	Volume 2	4 Coastal Environment Zone	4.3.11.	Reject
1186	126	Te Atiawa o Te Waka-a-Maui	Volume 2	4 Coastal Environment Zone	4.3.12.	Reject
1186	127	Te Atiawa o Te Waka-a-Maui	Volume 2	4 Coastal Environment Zone	4.3.13.	Reject
1186	133	Te Atiawa o Te Waka-a-Maui	Volume 2	5 Urban Residential 1 and 2 Zone	5.3.10.	Reject
1186	134	Te Atiawa o Te Waka-a-Maui	Volume 2	6 Urban Residential 3 Zone	6.3.3.	Reject
1186	139	Te Atiawa o Te Waka-a-Maui	Volume 2	7 Coastal Living Zone	7.3.8.	Reject
1186	140	Te Atiawa o Te Waka-a-Maui	Volume 2	7 Coastal Living Zone	7.3.9.	Reject
1186	147	Te Atiawa o Te Waka-a-Maui	Volume 2	8 Rural Living Zone	8.3.11.	Reject
1186	148	Te Atiawa o Te Waka-a-Maui	Volume 2	9 Business 1 Zone	9.3.4.	Reject

1186	150	Te Atiawa o Te Waka-a-Maui	Volume 2	10 Business 2 Zone	10.3.4.	Reject
1186	153	Te Atiawa o Te Waka-a-Maui	Volume 2	11 Business 3 Zone	11.3.3.	Reject
1186	156	Te Atiawa o Te Waka-a-Maui	Volume 2	12 Industrial 1 and 2 Zones	12.3.18.	Reject
1186	163	Te Atiawa o Te Waka-a-Maui	Volume 2	13 Port Zone	13.3.17.	Reject
1186	164	Te Atiawa o Te Waka-a-Maui	Volume 2	13 Port Zone	13.3.19.	Reject
1186	170	Te Atiawa o Te Waka-a-Maui	Volume 2	13 Port Zone	13.4.6.	Reject
1186	171	Te Atiawa o Te Waka-a-Maui	Volume 2	14 Port Landing Area Zone	14.3.8.	Reject
1186	172	Te Atiawa o Te Waka-a-Maui	Volume 2	14 Port Landing Area Zone	14.3.10.	Reject
1186	177	Te Atiawa o Te Waka-a-Maui	Volume 2	15 Marina Zone	15.3.16.	Reject
1186	178	Te Atiawa o Te Waka-a-Maui	Volume 2	15 Marina Zone	15.3.18.	Reject
1186	191	Te Atiawa o Te Waka-a-Maui	Volume 2	17 Open Space 1 Zone	17.3.3.	Reject
1186	192	Te Atiawa o Te Waka-a-Maui	Volume 2	17 Open Space 1 Zone	17.3.4.	Reject
1186	196	Te Atiawa o Te Waka-a-Maui	Volume 2	18 Open Space 2 Zone	18.3.4.	Reject
1186	197	Te Atiawa o Te Waka-a-Maui	Volume 2	18 Open Space 2 Zone	18.3.5.	Reject
1186	202	Te Atiawa o Te Waka-a-Maui	Volume 2	19 Open Space 3 Zone	19.3.4.	Reject
1186	203	Te Atiawa o Te Waka-a-Maui	Volume 2	19 Open Space 3 Zone	19.3.5.	Reject
1186	208	Te Atiawa o Te Waka-a-Maui	Volume 2	20 Open Space 4 Zone	20.3.3.	Reject
1186	210	Te Atiawa o Te Waka-a-Maui	Volume 2	20 Open Space 4 Zone	20.4.1.	Reject
1186	213	Te Atiawa o Te Waka-a-Maui	Volume 2	23 Airport Zone	23.3.2.	Reject
1189	124	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 2	22 Lake Grassmere Saltworks Zone	22.4.2.	Accept
1190	21	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.16.8.	Reject
1190	22	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 2	4 Coastal Environment Zone	4.3.15.9.	Reject
1190	23	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 2	3 Rural Environment Zone	3.3.13.1.	Accept
1190	24	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 2	3 Rural Environment Zone	3.1.14.	Reject
1190	25	The Bay of Many Coves Residents and Ratepayers Association	Volume 2	4 Coastal Environment Zone	4.3.13.1.	Reject

		Incorporated				
1190	26	The Bay of Many Coves Residents and Ratepayers Association Incorporated	Volume 2	4 Coastal Environment Zone	4.1.13.	Reject
1192	41	The Fertiliser Association of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Issue 15F	Accept
1192	42	The Fertiliser Association of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Objective 15.4	Reject
1192	43	The Fertiliser Association of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.2	Reject
1192	44	The Fertiliser Association of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	15.M.41	Reject
1192	45	The Fertiliser Association of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Objective 15.5	Accept
1192	46	The Fertiliser Association of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.5.1	Accept
1192	47	The Fertiliser Association of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.5.2	Accept
1192	48	The Fertiliser Association of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.5.3	Accept
1192	49	The Fertiliser Association of New Zealand	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.5.4	Accept
1193	32	The Marlborough Environment Centre Incorporated	Volume 2	4 Coastal Environment Zone	4.3.13.	Reject
1193	34	The Marlborough Environment Centre Incorporated	Volume 2	3 Rural Environment Zone	3.3.16.8.	Reject
1193	35	The Marlborough Environment Centre Incorporated	Volume 2	4 Coastal Environment Zone	4.3.15.9.	Reject
1193	36	The Marlborough Environment Centre Incorporated	Volume 2	3 Rural Environment Zone	3.3.14.1.	Reject
1193	37	The Marlborough Environment Centre Incorporated	Volume 2	4 Coastal Environment Zone	4.3.13.1.	Reject
1193	63	The Marlborough Environment Centre Incorporated	Volume 2	3 Rural Environment Zone	3.1.12.	Accept
1198	33	Transpower New Zealand Limited	Volume 1	15 Resource Quality (Water, Air, Soil)	Policy 15.4.4	Reject

1218	47	Villa Maria	Volume 2	3 Rural Environment Zone	3.1.13.	Reject
1218	48	Villa Maria	Volume 2	3 Rural Environment Zone	3.1.14.	Reject
1218	74	Villa Maria	Volume 2	3 Rural Environment Zone	3.3.13.1.	Reject
1218	75	Villa Maria	Volume 2	3 Rural Environment Zone	3.3.13.2.	Reject
1218	76	Villa Maria	Volume 2	3 Rural Environment Zone	3.3.13.3.	Reject
1242	26	Yealands Estate Limited	Volume 2	3 Rural Environment Zone	3.1.13.	Accept
1242	27	Yealands Estate Limited	Volume 2	3 Rural Environment Zone	3.1.14.	Accept