

Proposed Marlborough Environment Plan

**Section 42A Hearings Report for Hearing Commencing
November 6th 2018**

Report dated October 5th 2018

**Report on submissions and further submissions
Topic 25: Definitions**

**Report prepared by
Andrew Henderson
Consultant Planner (Beca Ltd)**

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List of Abbreviations

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

Introduction

1. My name is Andrew Henderson. I hold the qualification of a Master of Regional and Resource Planning from the University of Otago. I am a full member of the New Zealand Planning Institute. I have practised in the field of town planning/resource management since 1994, primarily working for both local government and planning consultants in Wellington, Otago and Christchurch. Currently, I am a Senior Planner (Senior Associate) with Beca Ltd (Beca) in Christchurch. I have prepared district and regional plans and plan changes in Otago, Marlborough and Canterbury, and I have prepared Section 42A reports for district and regional councils on plans and plan changes.
2. In particular I have either prepared or assisted in the preparation of Section 42A reports for Marlborough District Council on Plan Changes 26/61: Minor Amendments.
3. I was not involved with the preparation of the MEP. I was contracted by the Marlborough District Council (Council) in July 2017 (after the MEP submission period had closed) to evaluate the relief requested in submissions and to provide recommendations in the form of a Section 42A report.
4. Beca Ltd have prepared submissions to the MEP on behalf New Zealand Fire Service (NZFS)¹ and Transpower New Zealand Limited (Transpower). I was not involved in the preparation of these submissions in any way. However to avoid any perception of conflict I have not made any recommendation on a submission or further submission made by NZFS or Transpower or where that recommendation is contrary to the relief sought by NZFS or Transpower. Where this situation has arisen in this report the recommendation is made by Liz White of Incite Ltd. This situation applies to NZFS submission 993.93.

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 under Topic 25 Definitions.
10. 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.
11. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.

Overview of Provisions

12. This report assesses submissions to the Definitions in the MEP as listed in the Table of Contents.

¹Now called Fire and Emergency New Zealand (FENZ)

Analysis of submissions

13. A total of 75 submissions made in relation to the Definitions are reported on in this report, with 91 further submissions.

Key Matters

14. Please note that some Definitions have been addressed in the relevant topic section 42A reports where they have been considered to best fit. I also note that a small number of submissions were allocated to be addressed in this topic report, but had already been reported on in earlier reports to the Hearing Panel. Accordingly these submissions have not been included in this report. These submissions are:
- New Zealand Transport Agency (1002.244), addressed in the Report on Topic 20 (Utilities and Designations)
 - Chris Bowron (88.14), addressed in the Report on Topic 6 (Significant Wetlands).
 - Heritage New Zealand (768.66) addressed in the report on Topic 8 (Heritage Resources and Notable Trees).
15. The content of the report is generally structured according to each definition in alphabetical order. Generally submissions request the amendment of existing definitions or the introduction of new definitions.

Recommendation

16. Following the assessment in this report, recommendations are made as to whether the submissions should be accepted, accepted in part, rejected, or deferred (in the case of submissions dealt with in other topics). These recommendations are included in accordance with Appendix 1.
17. Where changes are recommended to the Definitions in the MEP, amendments are underlined and deleted text or provisions are shown as ~~struck through~~ under the Recommendation heading in the report.

Statutory Documents

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

Pre-hearing meetings

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

Definitions

Key Matter – General

Submissions and Assessment

20. Six general submissions have been received on the Definitions chapter. Rather than relating to specific definitions, they relate to matters such as formatting, layout and readability/ease of use.
21. Aquaculture New Zealand (401.242) and Marine Farming Association Incorporated (426.238) support the Definitions chapter and seek it be retained. This support is noted.
22. Federated Farmers of New Zealand (425.375 and 425.376) request that all words that are included in the definitions list are in lower case, unless they are referring to another document or Appendix in the Plan in which case they should be capitalised. Additionally, where a defined word is within the text of the plan, it should be italicised so the plan user is aware that the term is defined.
23. In a similar vein, New Zealand Transport Agency (1002.224) request that all words that are defined in the definitions chapter are clearly marked with either an asterisk, underlining, bold or similar notation within the text of the plan. Furthermore, definitions in the electronic plan should have the definitions hyperlinked to make the plan more user friendly.
24. Kenepuru and Central Sounds Residents Association Incorporated (870.2) request that definitions that are from other legislation are included in full in the Definitions chapter so that it can be a stand-alone source, as opposed to simply directing a reader to the relevant legislation. I do not consider that this is necessary, as should these definitions ever be changed in the relevant legislation then a change would be required to the District Plan to insert the new definition.
25. I note that the Ministry for the Environment is in the process of preparing mandatory National Planning Standards which Councils will be required to adopt. These Standards will include definitions for a range of widely used terms. However, the Standards are not yet operative. I have therefore not relied on the content of the draft Standards where they may be relevant and have used them as a guide only.
26. I consider the submissions seeking that terms used in the text of the Plan that are defined should be identified in some manner to inform the Plan user that the term is defined have merit. I am familiar with other resource management plans that have used this technique which I consider contributes to the readability and usability of the plan. Examples used by other councils include identifying terms in italics or by underlining, and by including hyperlinks in eplans. I note that Council's existing eplan (that contains the two operative plans) hyperlinks all definitions.
27. I note that the Ministry for the Environment is preparing National Planning Standards, one of which will include a number of standard definitions that Councils will be required to adopt, and I consider that any decision as to how to identify defined terms is best left until such time as the Council is required to include the standard definitions in its Plan as there may be guidance coming from the national Planning Standards. For the time being I recommend that the submissions of Federated Farmers of New Zealand (425.375 and 425.376) and New Zealand Transport Agency (1002.224) be accepted in part to the extent that items that are defined are hyperlinked in the eplan.

Recommendation

28. That defined terms be hyperlinked to the appropriate definition in the eplan².

² New Zealand Transport Agency (1002.224)

Key Matter – Abrasive Blasting

Submissions and Assessment

29. New Zealand Transport Agency (1002.225) seek some amendments to the wording of the definition for clarification and ease of reading, as follows:

“means the cleaning, smoothing, roughening, cutting or removal of part of a surface ~~of~~ or any articles by the use as an abrasive of a jet of sand, metal, shot or grit or other material propelled by a blast of compressed air or steam or water or by a wheel.”

30. In my view the wording as notified contains minor errors and is unclear, and the proposed changes provide greater certainty.

Recommendation

31. That the definition of abrasive blasting is amended as follows³:

“means the cleaning, smoothing, roughening, cutting or removal of part of a surface ~~of~~ or any articles by the use as an abrasive of a jet of sand, metal, shot or grit or other material propelled by a blast of compressed air or steam or water or by a wheel.”

Key Matter – Accessory and Ancillary

Submissions and Assessment

32. Horticulture New Zealand (769.113) requests that the definition of “Accessory” be amended, as presently it is linked to buildings that exist on a site. Horticulture New Zealand suggest that there may be situations where there is not a principal building on site, but the new building is accessory to the activity being undertaken on the site. Horticulture New Zealand (769.115) also seeks clarification between the definitions of “accessory” and ancillary’. For ease of use I have included below the current MEP definitions of the two terms:

Ancillary *means activity or structure located on the same site as the primary activity where such activity is small in scale, incidental and serves a supportive function to the primary activity.*

Accessory *means a separate detached building the use of which is incidental to that of the principal building or buildings on the site.*

33. For a building to be “accessory”, therefore, I interpret the definition to require that it must be located on a site that is already occupied by a building, such as a garage on a residential site. Conversely, an ‘ancillary’ activity or structure is tied to an activity being undertaken on a site, and refers to a supplementary or small scale activity that supports the primary activity on the site.
34. I consider confusion can arise in situations such as the erection of a garage on a vacant residential lot in advance of building. Technically, such a building would not be considered “accessory” as there is no principal building on the site. Similarly, it may not be considered “ancillary” as it is not being used in association with a primary activity (i.e. residential) on the site.
35. I consider that the confusion can be resolved by amending the definition of ‘accessory’ to provide for buildings that can be used in association with a permitted activity irrespective of whether there has been a building erected on a site. Such a change would provide for those situations where a garage is erected for storage prior to a house being built for example, but would not provide for a building to be

³ NZTA (1002.225)

considered accessory if it is not established before a permitted activity or an activity that has otherwise already been established on the site.

Recommendation

36. That the definition of “Ancillary” be retained as notified and “Accessory” be amended as follows⁴:

means a separate detached building the use of which is incidental to that of the principal building or buildings or a permitted activity on the site.

Key Matter – Agrichemical

Submissions and Assessment

37. Horticulture NZ (769.114) note that the definition is based on the definition in NZS8409:2004 Management of Agrichemicals, with the addition of management of public amenity areas. The exclusion is spelt incorrectly and should be ‘oral nutrition compounds’.

Recommendation

38. That the definition of “Agrichemical” be amended as follows:⁵:

“Means any substance.....and ~~organ~~ oral nutrition compounds”.

Key Matter – Amateur Radio Configurations

Submissions and Assessment

39. The NZART Incorporated and Marlborough Amateur Radio Club (1001.3) seek a new definition of “amateur radio configurations”, as follows:

“means aerials, antennas and associated support structures which are owned and operated by licensed amateur radio operators”.

40. The submission is related to a number of submissions made to other sections in the Proposed MEP that relate to amateur radio operations. I refer the Panel to paragraphs 65 – 76 of the section 42A report for Topic 20 – Utilities and Designations, where it was recommended that the MEP include rules that provide for Amateur Radio Configurations, subject to various standards. The Panel decision on Topic 20 has yet be released. I consider it appropriate that should the Panel accept the submission and officer recommendation regarding the inclusion of rules for Amateur Radio Configurations in the Plan, it is appropriate that the definition sought be included to clarify the activity to which the rules relate.

Recommendation

41. That the following definition be included within the MEP⁶:

Amateur Radio Configuration: means aerials, antennas and associated support structures which are owned and operated by licensed amateur radio operators.

⁴ Horticulture New Zealand (769.113)

⁵ Horticulture New Zealand (769.114)

⁶ NZART / MARC (1001.3)

Key Matter – Antenna

Submissions and Assessment

42. Spark New Zealand (1158.67) supports the definition of “Antenna” as notified. This support is noted.

Recommendation

43. That there is no change to the MEP.

Key Matter – Archaeological Site

Submissions and Assessment

44. Federated Farmers of New Zealand (425.378) submits that if the term “Archaeological Site” remain in the Plan, then it should be defined, and sites clearly mapped. No wording is proposed for the new definition.
45. I note that “Archaeological Site” is defined in the Heritage New Zealand Pouhere Taonga Act 2014 as follows:
- (a) *any place in New Zealand, including any building or structure (or part of a building or structure), that –*
 - (i) *was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and*
 - (ii) *Provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and*
 - (b) *includes a site for which a declaration is made under section 43(1).*
46. I do not consider it necessary to include the definition in full in the MEP. As noted earlier, should the definition in the Heritage New Zealand Pouhere Taonga Act 2014 be amended in future, a variation to the Plan would be required to amend the definition. It is appropriate, however, for the MEP to direct Plan users to the definition in the Heritage New Zealand Pouhere Taonga Act 2014.
47. Archaeological sites are not always identified or in some cases, known. There is some risk in requiring sites to be identified on the planning maps, as if a site is not mapped and is subsequently discovered, changes to the Plan would be required to record the sites. In some cases, it is not appropriate to identify the location of significant cultural archaeological sites on Plan maps to ensure their protection.
48. Overall, I do not consider that the full extent of the relief sought is necessary. However, for consistency in administration, and for clarity, I consider that the definitions section of the Plan should direct users to the definition of “archaeological site” in the Heritage New Zealand Pouhere Taonga Act 2014. I note this is consistent with the recommendation in para 195 in the Section 42A report on Topic 8 Heritage Resources and Notable Trees in response to a submission by Heritage New Zealand (768.66).

Recommendation

49. That the MEP include the following definition for “Archaeological Site”⁷:

...has the same meaning as in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

⁷ Federated Farmers of New Zealand (425.378)

Key Matter – Artificial Crop Protection Structure, Crop Support Structures, and Greenhouses

Submissions and Assessment

50. Horticulture New Zealand (769.117) seek the inclusion of three new definitions in the MEP, being “Artificial Crop Protection Structure”, “Crop Support Structure” and “Greenhouse”.
51. The submitter suggests that artificial crop protection structures are usually between 7 and 8 metres in height, may be vertical or horizontal and are essential for horticulture and hence the economic wellbeing of the district. Artificial crop protection structures are considered to have advantages over green shelterbelts in that they are a fixed height and will not grow and impede on electricity lines or roads. The submitter therefore considers that they should be encouraged over live shelters. Horticulture New Zealand proposes the following wording for the three definitions as follows:
- *Artificial Crop Protection Structures “means structures with material used to protect crops and/or enhance growth (excluding greenhouses).”*
 - *Greenhouses “are a totally enclosed structure where plants are grown in a controlled environment.”*
 - *Crop Support Structures “are open structures on which plants are grown.”*
52. The proposed definitions are for three distinct types of structures that are used in support of horticultural activities. I have been unable to find instances where the phrase is used in the Plan and in any event I consider that such structures would clearly fall within the definition of either “Accessory” or “Ancillary” and therefore need no separate definition.

Recommendation

53. That there is no change to the MEP.

Key Matter – Avoid

Submissions and Assessment

54. New Zealand Transport Agency (1002.300) request the inclusion of a definition of ‘Avoid’ in the Plan. I note that this was addressed in Topic 1 (General) in relation to other submissions that suggested alignment with case law such as in the King Salmon case ([2014] NZCS 38) which noted that “avoid” means “not allow” or “prevent occurrence of”. However it was noted this case was specifically related to Section 5 of the RMA and the policies of the NZCPS and is tempered by effects being able to be mitigated and/or remedied; the background against which the avoidance means to achieve; and adverse effects with minor or transitory effects may be allowed. I agree with the view in that report that the inclusion of the term in the Definitions Section is unnecessary and that there is sufficient interpretation and explanation available through the various provisions in the plan and case law.

Recommendation

55. That there is no change to the MEP.

Key Matter – Building

Submissions and Assessment

56. Federated Farmers of New Zealand (425.381) and Horticulture New Zealand (769.118) both request amendments to the definition of “Building”. I note that the MEP defers Plan users to the definition in section 8 of the Building Act 2004, which in tandem with section 9 of the Building Act includes a comprehensive list of what falls within the definition.
57. The Federated Farmers submission (425.381) seeks an amendment to the definition that would exclude irrigation infrastructure from the definition. It notes that this is consistent with the Environment Court decision *Haldon Station vs Mackenzie District Council (2014 NZEnvC 136)*, as well as with the approach taken by Horowhenua District Council and the Dunedin City Council in its Proposed District Plan. Specifically, Federated Farmers seek the following changes:
- "has the same meaning as in Section 8 of the Building Act 2004 means any temporary or permanent or movable or immovable structure; and includes any structure intended for occupation by people or animals or machinery but does not include any of the following:*
- (a) Any fence or wall which has a height of 2 metres or less.*
 - (b) Any structure which has a height of 2 metres or less and having a floor area of less than 5.5m² which is located at least 1 metre from any adjoining property boundary.*
 - (c) Any vehicle, trailer, tent, caravan, or boat.*
 - (d) Any swimming pool or tank which has a height of less than 1 metre above ground.*
 - (e) Any part of a deck, terrace, balcony, or patio which has a height less than 1 metre above ground.*
 - (f) Any electricity poles and towers.*
 - (g) Any pergola, crop structure or vertical crop protection structure.*
 - (h) Scaffolding or falsework erected temporarily for maintenance and construction purposes.*
 - (i) Lightning rods and their mountings where they do not exceed 2 metres above the building or structure to which it is attached."*
58. Horticulture New Zealand (769.118) propose a similar amendment to the definition of ‘Building’ to exempt Artificial Crop Protection structures from the definition. I do not consider that it is appropriate to exclude this from the definition. An earlier submission from Horticulture NZ noted that such structures could be up to 7 or 8m in height, and I do not consider it appropriate that potentially large structures be exempt from the definition. Similarly, irrigation infrastructure (as referenced in the Federated Farmers submission) may give rise to adverse effects (including visual effects) depending on their location and it is appropriate that the Council retain the ability to assess these effects.
59. I consider overall that it is appropriate for the District Plan to defer to the Building Act definition of what a building is or is not, particularly in relation to the consistency of administration, and in terms of potentially requiring resource consent for buildings or structures that do not sit within it unless they are covered by other rules or provisions (such as power poles implemented as part of a Network Utility operation). Apart from the submissions which seek to generally exclude different types of farming related structures, no other party has opposed the definition. I also note that a number of the matters that the Federated Farmers submission wished to have excluded are already excluded from the Building Act definitions (such as scaffolding).

Recommendation

60. That there is no change to the MEP.

Key Matter – Certified Nutrient Management Advisor

Submissions and Assessment

61. The Fertiliser Association of New Zealand (1192.93) request the inclusion of a new definition of a 'Certified Nutrient Management Advisor' in the MEP. No reason has been provided in the submission as to the purpose of this definition. The definition sought is:

Certified Nutrient Management Adviser *"means a Nutrient Management Adviser certified under the Nutrient Management Adviser Certification Programme Limited."*

62. I understand that *the Nutrient Management Adviser Certification Programme* is a certification programme targeted at those providing nutrient management advice to farmers. At present it is limited to graduates of one particular University course (Massey).
63. I do not consider it necessary to include the definition as sought in the Plan. The appropriateness of a person's qualifications is appropriately tested at the evidence stage of a consent hearing, for example, and it may be that future certification courses or other qualifications may also mean that a person is appropriately qualified to provide evidence on nutrient management issues. I also note that I have been unable to find instances where the phrase is used in the Plan.

Recommendation

64. That there is no change to the MEP.

Key Matter – Community Activity

Submissions and Assessment

65. Marlborough District Council (91.148) seeks an amendment to the definition of "Community Activity" so that it includes activities related to safety, such as civil defence exercises or first aid training. The amendments sought are as follows:

Community activity *"means the use of land and buildings for the purpose of supporting the health, safety, welfare, education, culture and spiritual well-being of the community including not for profit childcare facilities, active and passive recreation."*

66. I consider that the proposed amendment is in keeping with the nature of activities that the definition provides for. While it could be argued that the examples provided (civil defence and first aid training) could fit within the ambit of "welfare" or "health", the specificity afforded by the change will avoid doubt in the future, and I therefore support the requested amendment.

Recommendation

67. That the definition of "Community Activity" be amended as follows⁸:

"means the use of land and buildings for the purpose of supporting the health, safety, welfare, education, culture and spiritual well-being of the community including not for profit childcare facilities, active and passive recreation."

⁸ Marlborough District Council (91.148)

Key Matter – Cultural Sites, Cultural Values, Cultural Commercial Activities

Submissions and Assessment

68. Te Atiawa o Te Waka-a-Maui (1186.215) seek three new definitions in the MEP for “Cultural Sites”, “Cultural Values” and “Cultural Commercial Activities”. No specific wording has been provided for each of the new definitions, although the submitter has described what values should be attributed to each term, as follows:

“Cultural values should identify those important values of iwi that need to be taken into account. Cultural sites should state that locations of specific cultural significance. Cultural commercial activities should state those activities undertaken in accordance.”

69. I note that the submitter did put forward definitions of these terms in evidence for Topic 5 Natural Character and Landscape (page 11). For example the definition of “cultural values” is as follows:

“[Māori] Cultural Values - Any natural resource, area, place, or thing (tangible or intangible) which is of physical, economic, social, cultural, historic, and/or spiritual significance to tangata whenua.”

I note that Section 6(e) of the Act requires that cultural values be protected but the Act does not define what they are. These matters generally in relation to cultural values and sites, are addressed in Volume 1 Chapter 3 (Marlborough’s Tangata Whenua Iwi), and these explanations underpin the provisions in the Plan, and in my view provides local context.

70. However, I believe the above definition of “cultural values” could be considered as appropriate for inclusion by the Hearings Panel to provide more certainty for plan readers given that it appears relatively straightforward. The other suggested definitions could also be considered, but they do not appear to be as essential as “cultural values”, and the “cultural values” definition could assist in their interpretation.

Recommendation

71. That consideration be given to inserting the following definition:

*“Māori Cultural Values means any natural resource, area, place, or thing (tangible or intangible) which is of physical, economic, social, cultural, historic, and/or spiritual significance to tangata whenua.”*⁹

Key Matter – Degree of Natural Character

Submissions and Assessment

72. D C Hemphill (648.12) requests that the term “degree of natural character” be defined as it relates to Objective 6.1 in the MEP.
73. A similar submission was made by M Osbourne (243.2) which was reported on in the section 42A report for *Topic 5: Natural Character - Issues, Objectives, Policies, and Rules*. It was recommended that this submission be rejected, and the Panel is referred to section 5.6 of the report for the discussion.
74. For completeness I note that Objective 6.1 is to “*Establish the degree of natural character in the coastal environment, and in lakes and rivers and their margins*”. I agree that it is not necessary define the term in relation to the Objective. The Objective is establishing the Council’s intention to gather information on the state of the natural resources. The degree to which something is modified is a matter for expert study and opinion, and attempting to define the phrase would not assist in the administration of the plan. I therefore do not support the relief sought.

⁹ Te Atiawa o Te Waka-a-Maui (1186.215)

Recommendation

75. That there is no change to the MEP.

Key Matter – Drive through Facility

Submissions and Assessment

76. Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited (1004.55) request that a new definition for “Drive Through Facility” be included in the plan, and that this definition should exclude Service Stations. The submitter states that this will ensure that the transportation rules in regard to parking and access, and in particular queuing spaces, are appropriate to the use of Service Station sites, which have a different queuing configuration and requirement to drive through services.
77. “Drive Through Facilities” are not identified or provided for specifically in the Zone rules in the Plan, and given the structure of the MEP may require a consent for a discretionary activity in the least. As part of any resource consent application, an applicant would be required to provide sufficient information to provide that traffic effects, including those relating to queuing, are appropriate. The fact that a Drive Through Facility is not defined is not disadvantageous to Service Stations, and I consider that the relief sought is unnecessary.

Recommendation

78. That there is no change to the MEP

Key Matter – Early Childhood / Daycare Facility

Submissions and Assessment

79. The Ministry of Education (974.23) seeks a new definition of Early Childcare / Daycare Facility which will facilitate the relief sought in the rest of their submission for a permitted activity rule for such facilities.
80. The wording of the proposed definition is as follows:
- “Land or buildings used for the care during the day of pre-school aged children other than those residing on the site.”*
81. This submission is consistent with relief sought by the Ministry of Education in other zones. Specifically, the submitter requested that small Early Childhood and Day-care facilities for up to and including 10 children are permitted in Urban Residential 1, 2 and 3 zones. This request was addressed in paragraphs 745 – 748 of the section 42A report for Topic 10: Urban Environments. In that report, the relief sought was not supported on the basis that the objectives of the Residential Zones identify that the residential zones are primarily for residential activities. Given that the rules requested relating to Early Childhood and Daycare facilities was not supported, I consider that it is unnecessary to include the definition sought for the same reasons.

Recommendation

82. That there is no change to the MEP.

Key Matter – Ecologically Significant Marine Site

Submissions and Assessment

83. An “Ecologically Significant Marine Site” is defined in the MEP as one that “is mapped on the *Ecologically Significant Marine Sites* Maps 1-16. Map 17 identifies Ecologically Significant Marine Site 7.15 (Marine Mammal (Whale)), and Map 18 identifies Ecologically Significant Marine Sites 2.17, 4.17 and 8.1 (Marine Mammal (Dolphin)).
84. DoC (479.266) supports the definition as notified, as it specifically excludes the Ecologically Significant Marine Sites on Planning Maps 17 and 18. The submitter supports the exclusion given the application of the rules in the MEP address the adverse effects of activities on significant sites located on the seafloor. This support is noted.
85. Friends of Nelson Haven and Tasman Bay Incorporated (716.200) seeks to amend the definition of Ecologically Significant Marine Site to include Planning Maps 17 and 18. This is not supported as the rules in the Plan provide for the protection of the seafloor under these sites, whereas Maps 17 and 18 do not relate to the sea floor but to the area occupied by dolphins and whales.
86. A related submission from KPF Investments Ltd (874.1) considers that it is unclear which parts of Chapter 8 apply to the mapped dolphin area as the map is not included in the definition of “Ecologically Significant Marine Sites”. The submitter considers that the map should be deleted. I do not support the submission for the reasons outlined above.

Recommendation

87. That there is no change to the MEP.

Key Matter – Edge of a Wetland

Submissions and Assessment

88. The Marlborough Environment Centre Incorporated (1193.128) seek a new definition of “Edge” of a wetland as it is unclear whether the edge is above ground or below ground. No wording is proposed and I do not consider that it is necessary to define the ‘edge’ of a wetland. As identified elsewhere in this report, the MEP rules only relate to Significant Wetlands. These wetlands are mapped, and the edges therefore readily identifiable. Wetlands are provided for in a general sense in the Objectives and Policies in Part 1 Chapter 8, and I do not consider that defining the edge of a wetland would add anything to the interpretation of these provisions.

Recommendation

89. That there is no change to the MEP.

Key Matter – Emergency Service

Submissions and Assessment

90. Fire and Emergency (993.93) supports the definition of “emergency service” in the MEP and considers that the definition is consistent with the definition included in section 4 of the Civil Defence Emergency Management Act 2002. The submitter requests a limited amendment to better reflect the role of emergency services throughout the duration of an emergency incident, rather than as part of the initial response only (as implied by the proposed definition). Fire and Emergency New Zealand therefore requests that the definition be amended as follows:

“means an organization that is essential to the community’s initial response to an emergency incident or hazard event.”

91. This change is supported. As worded, the definition implies that the role of an Emergency Service is limited to that of first responders, and does not recognise that they play an ongoing role in the response to an emergency situation.

Recommendation

92. That the definition of ‘Emergency Services’ is amended as follows¹⁰:

“means an organization that is essential to the community’s initial response to an emergency incident or hazard event.”

Key Matter – Excavation

Submissions and Assessment

93. Z Energy Limited, Mobil Oil New Zealand and BP Oil Limited (1004.51) support the definition of excavation as notified. This support is noted.

Recommendation

94. That there is no change to the MEP.

Key Matter – Floodway and Stopbank Defence System

Submissions and Assessment

95. Clive Tozer (319.6) considers that the definition of Floodway is unhelpful, as it simply refers to “Areas identified in the Floodway Zone”. The submitter requests that there be clear definitions of “Floodway” and “Stopbank Defence System”. The submitter states that generally the floodway zone is understood to relate to the area inside the stopbanks i.e. the river side of the stopbanks, river channel, berms and areas inundated within the floodway. The submitter infers that including the landward side of the stopbanks in the definition is confusing.
96. It is noted that the Floodway Zone is a specific zone that establishes specific rules provides for river control and drainage works carried by the Council exercising its functions under specific legislation or plans. The Floodway Zones are clearly defined on the Planning Maps and it is therefore considered unnecessary to amend the definition of “Floodway”.
97. The Rules within the Floodway Zone refer to the maintenance or reconstruction of stopbanks. There are no rules that refer to a “Stopbank Defence System” and it is therefore unnecessary to include a definition.

Recommendation

98. That there is no change to the MEP.

Key Matter – Flood Defences, Floodways and Floodway Zone

Submissions and Assessment

99. Federated Farmers of New Zealand (425.186) seeks clarification on whether there are rules for land uses around Flood Defences, and if Flood Defences are located within the Floodway Zone whether

¹⁰ Fire and Emergency (993.93)

they are protected by these provisions. The submission infers that the terminology for “Flood Defences” “Floodway” and “Floodway Zone” be clarified.

100. As noted above, the Floodway Zone includes rules that are specific to the Council for when it is discharging its functions under specific legislation for river control and drainage works. If flood defences are located within the zone, therefore, they are subject to the rules to the extent that works are undertaken by the Council.
101. The MEP does include rules relating to works in the vicinity of flood defences, although it does not use this term. For example, many zone rules have a standard that requires buildings to be setback 8m from the landward toe of a stopbank.
102. I do not consider it necessary to further refine the existing definitions, or create new definitions as inferred in the submission. As discussed, the Floodway Zone is clearly defined on the maps, and the Plan makes it clear the Floodway Zone rules only relate to works undertaken by the Council.

Recommendation

103. That there is no change to the MEP.

Key Matter – Front yard

Submissions and Assessment

104. The New Zealand Transport Agency (1002.235) supports the definition of Front Yard as at the time of writing the MEP any proposed road widening was taken into consideration when defining “front yard.” This support is noted.

Recommendation

105. That there is no change to the MEP.

Key Matter – Height

Submissions and Assessment

106. Chorus New Zealand Limited (464.76) and Spark New Zealand Trading Limited (1158.68) seek to amend the definition of “Height” to exclude equipment such as GPS Antenna and lighting rods, which can be affixed to the top of structures, and which give rise to negligible environmental effects. The submitter states that GPS Antenna and lighting rods are generally slim (less than 12mm in diameter) and as such are of a size that will not cause bulk and dominance type effects. While this may be the case on a site by site basis, there are potential amenity effects if items such as these were exempt and became commonplace in residential neighbourhoods, for example. No indication of the potential heights of such structures is given, and neither is there a clear suggestion of requested wording that clearly identifies what would be excluded. I therefore do not support the requested amendment.

Recommendation

107. That there is no change to the MEP.

Key Matter – Heritage Resource

Submissions and Assessment

108. Federated Farmers of New Zealand (425.400) seek to amend the definition of heritage resource so that the definition only includes the sites and items identified in Appendix 13 of the MEP.

109. The proposed amendment is as follows:

"Means any ~~type of~~ historic heritage place or area identified within Appendix 13: Register of Significant Heritage Resources, within the Marlborough Environment Plan. It may include The schedule includes a historic building or item, historic site, a place/area of significance to Maori or heritage landscape. ~~The term may be used to refer to both heritage resources listed in the Marlborough Environment Plan and to those registered by Heritage New Zealand."~~

110. I note that if the recommendations in the Topic 8 Heritage Resources and Notable Trees section 42A report are accepted by the Panel, this amendment is not required as the relevant policies and rules in Chapter 10 Rule 2.24 are recommended to be prefaced by reference to Appendix 13. Accordingly I do not recommend any change.

Recommendation

111. That there is no change to the MEP.

Key Matter – Indigenous Forest

Submissions and Assessment

112. DoC (479.267) supports the definition of Indigenous Forest as it is consistent with the same definition in the Marlborough Sounds Resource Management Plan. This support is noted.

Recommendation

113. That there is no change to the MEP.

Key Matter – Indigenous Vegetation

Submissions and Assessment

114. Warwick Lissaman (255.26) seeks that the definition of Indigenous Vegetation be amended, in either one of two ways. The two suggestions from the submitter are as follows:

"means naturally occurring woody vegetation, regardless of height, where the plant species are indigenous to the district."

or

"means naturally occurring vegetation, regardless of height, where the plant species are indigenous to the district. Refer to Appendix XYZ for list of plants for each specific sub region."

115. This change is not supported. Not all indigenous vegetation is woody, and to amend the definition as sought would result in a large swathe of species being discounted as indigenous vegetation in the plan. I note in this regard that the rules relating to the clearance of indigenous vegetation include grasslands (Rule 3.3.11.4(b)), flaxlands (Rule 3.3.11.4(c)) and coastal herbfields (Rule 3.3.11.4(h)). It is also impractical to include all plants for each sub-region in an Appendix, as the risk is that some species may be missed or overlooked.

116. Federated Farmers (425.403) requests that the definition of Indigenous Vegetation exclude scattered trees and plants where they occur within the pasture, as it considers the trees that typically colonise are species such as Manuka, bracken or toetoe and do not contribute to biodiversity. I do not consider that it is necessary to exclude scattered trees from the definition. The rules relating to the removal of indigenous vegetation (for example in the Rural Zone) would not prevent the removal of scattered species unless they were included within the species and areas to be avoided in the rules. I also note

that up to 1,000m² may be cleared over a 5 year period (Rule 3.3.11.5), which would not place undue restrictions on removing scattered trees from areas in pasture.

117. Royal Forest and Bird (715.423) oppose the definition and seek that the requirement for species to be indigenous to the District is deleted. I do not consider that this is appropriate or necessary. Although a species may be indigenous, it may not be one that is commonly found or would survive in the climate of a particular region (for example, Pohutukawa are indigenous, but do not thrive in the southern parts of the South Island). Requiring species to be indigenous to a region means, in the case of landscaping plans for example, that species from that particular area are used. The wording is consistent with the “ecosourcing” or “ecological district” approaches, and I consider it is appropriate when it comes to the implementation of the Plan. I therefore do not support the relief sought.

Recommendation

118. That there is no change to the MEP.

Key Matter – Landscape

Submissions and Assessment

119. Friends of Nelson Haven and Tasman Bay Incorporated (716.199) seek a new definition of Landscape, to make the issues, objectives and policies in Chapter 7 clearer and so provide a basis for undertaking landscape assessments. Additionally, the submitter considers a definition of landscape would appropriately recognise and provide for Section 6(b) of the RMA to give effect to the NZCPS 2010, in particular Policy 15. The proposed wording of the definition is as follows:

“Landscape means an area, as perceived by people, whose character is the cumulative result of the action and interaction of natural and/or cultural factors.”

120. “Landscape” is a widely used term in District and Regional Plans throughout the country. A significant body of case law has developed that guides the identification of landscape values and the assessment of the effects of activities on these landscapes, and I do not consider it necessary to include a definition for “landscape” in the Plan. In addition, the values that make each landscape significant are identified in Policies 7.1.1-7.1.4 which assists to give meaning in a local context.

Recommendation

121. That there is no change to the MEP.

Key Matter – Lawfully Established

Submissions and Assessment

122. Federated Farmers (425.407) seeks to amend the definition of Lawfully Established so that it includes common rights. The proposed amendments reads as follows:

“means an activity that is permitted through a rule in a plan, a resource consent, a national environmental standard, common law or by an existing use right.”

123. The Oxford English Dictionary defines Common Law as “*the part of English law that is derived from custom and judicial precedent rather than statutes*”. It is a relatively straight forward exercise to identify whether an activity is permitted by plan rules, authorised by a resource consent or enabled by another legislative instrument. Section 10 of the Act governs the assessment of whether an existing use right applies. However, the determination as to whether something is permitted because of common law is less straight forward, and in my view can create some uncertainty, particularly as some reliance is placed on case law and precedent. The definition as notified provides certainty as to what Lawfully Established means, and adding a degree of uncertainty by including references to common law will not aid the consistent administration of the plan.

Recommendation

124. That there is no change to the MEP.

Key Matter – Marae Activity

Submissions and Assessment

125. Te Atiawa o Te Waka-a-Maui (1186.216) seek clarification as to the meaning of 'economic activity' within the definition of "Marae Activity". The submitter states that it would appear that the definition is narrow and relates to principally health, education and marae administration. The marae is the centre for all Māori activity. To restrict offices only to marae administration is unfairly restrictive and fails to understand the breadth of Māori commercial interests. Te Atiawa o Te Waka-a-Maui therefore seek to delete "administration offices ancillary to marae activity" and replace with "Maori commercial offices."
126. Commercial activities are provided for the business zones, irrespective of the nature of the business undertaken or who carries it out. This is appropriate as commercial activities create different amenity issues and expectations around matters such as car parking and hours of operation. Providing for commercial activities within specific zones means that their effects can be appropriately managed. The submitter has not provided detail as to what 'Māori commercial offices' are and what distinguishes them from normal commercial activity, and this should be provided at the hearing.

Recommendation

127. That there is no change to the MEP.

Key Matter – Maintenance

Submissions and Assessment

128. Marlborough Lines Limited (232.37) seeks a new definition of maintenance which is defined in section 23(3) of the Electricity Act 1992. The inclusion of this definition is to complement the definition of "minor upgrading" which is defined in the MEP. The definition of maintenance is as follows:

Maintenance *"has the same meaning as in Section 23(3) of the Electricity Act 1992."*

129. Section 23(3) of the Electricity Act 1992 is as follows:

*In this section, **maintenance** includes—*

- (a) any repairs and any other activities for the purpose of maintaining, or that have the effect of maintaining, existing works; and*
- (b) the carrying out of any replacement or upgrade of existing works as long as the land will not be injuriously affected as a result of the replacement or upgrade.*

130. This definition is similar to those included in the MEP. Part (a) correlates to the definition of "Maintenance of a Building or Structure", and Part (b) correlates to "Maintenance and Replacement". The definition in the Electricity Act is specific to maintenance works where the owner of a work may enter land to undertake activities in relation to that work, hence the reference to not affecting the land. I consider that the definitions in the MEP provide sufficient clarity and generality and the relief sought by the submitter is therefore not considered necessary.

Recommendation

131. That there is no change to the MEP.

Key Matter – Maintenance of a Building or Structure

Submissions and Assessment

132. Heritage New Zealand (768.67) seek to amend the definition for “Maintenance of a building or structure” so that it is not restricted to buildings and structures, rather it should also apply to sites of Significance to Maori. The proposed amendment is as follows:

“Maintenance of a building or structure means the protective care of a place. For clarity, the maintenance of a building or structure does not extend to the complete rebuild or replacement of the building or structure.”

133. The amendment sought is generally not considered necessary. General Rule 2.24.3 provides for the maintenance of an archaeological site, as follows:

2.24.3. Maintenance (meaning protective care) of an archaeological site, where that maintenance includes:

- (a) keeping the site in good condition by controlling noxious weeds, cutting grass and light stock grazing;*
- (b) land disturbance by cultivation that does not extend beyond the area or depth previously disturbed;*
- (c) maintenance and upgrading of a paved road, modified berm or path provided that the land disturbance does not extend beyond the area or depth previously disturbed.*

Recommendation

134. That there is no change to the MEP.

Key Matter – Maintenance of a Building or Structure and Maintenance and Replacement

Submissions and Assessment

135. The New Zealand Transport Agency (1001.241) seek to amend the definitions of “Maintenance of a building or structure” and “Maintenance and replacement” to clearly distinguish between the two. The submitter suggests having a definition for “Maintenance” and a definition for “Replacement.”

136. The two definitions as notified are as follows:

Maintenance of a building or structure

means the protective care of a place. For clarity, the maintenance of a building or structure does not extend to the complete rebuild or replacement of the building or structure.

Maintenance and replacement

means any work, including foundation work, or activity necessary to continue the operation and or functioning of an existing line, building, structure or (for the purpose of utilities) other facility with another of the same or similar height, size or scale, within the same or similar position and for the same or similar purpose.

137. These definitions distinguish between simple maintenance (i.e. protective care), which could include matters such as painting or repainting, and maintenance and replacement, being a more intensive approach to caring for a structure that could effectively enable a ‘like for like’ replacement. The existing definitions are considered to be sufficient to distinguish between the two activities, and are supported by the Rule structure in the plan. The relief sought is not supported.

Recommendation

138. That there is no change to the MEP.

Key Matter – Masts

Submissions and Assessment

139. NZART Incorporated and Marlborough Amateur Radio Club (1001.2) seeks a new definition of “Mast”. The proposed wording of the definition is as follows:

“includes support structures, because these are frequently a form of configuration used by Amateurs.”

140. The section 42A report on Topic 20: Utilities and Designations has recommended the inclusion of a new definition and permitted activity rule for Amateur Radio Configurations, which imposes restrictions on the nature of equipment and sizes that qualify as an Amateur Radio Configuration. This definition does not include reference to Masts, although support structures are referred to. The requested definition is not considered necessary, as masts are not provided for in the rules applicable to Amateur Radio Configurations.

Recommendation

141. That there is no change to the MEP.

Key Matter – Natural Character

Submissions and Assessment

142. A J King Family Trust (514.25) considers that it is important that the MEP clearly and consistently identifies where values are significant, what those values are, and what adverse effects are to be avoided in order to provide comfort to both the industry and community that an appropriate balance is being achieved at a strategic level within the Coastal Marine Area without re-litigating sustainable use and development on a case by case basis. The submitter therefore requests the inclusion of two new definitions of “Natural Character” and “Outstanding Features and Landscapes”. No suggested wording has been provided.
143. The significance of landscape features is determined through an assessment process, and the process of such assessments and the factors they should consider have been well traversed in case law.
144. The Plan sets out the mechanism for identifying the values of a particular resource (such as landscape), and for assessing the impacts of a particular activity on these values through an evidence based process undertaken on a case by case basis with the context of a particular activity. It is also noted that Appendix 1 and Appendix 2 of Volume 3 of the MEP details the values of areas identified for their landscape and natural character attributes. I therefore do not support the relief sought.

Recommendation

145. That there is no change to the MEP.

Key Matter – Natural and Human Use Values

Submissions and Assessment

146. Federated Farmers of New Zealand (425.1) requests that a new definition of Natural and Human Use Values be included in the Plan, as the term is used throughout the MEP without clarification as to what

the term is referring to or comprised of. The submitter seeks that the definition should reference the values, both national and regional set out in the National Policy Statement on Freshwater Management.

147. The values ascribed to natural and physical resources, and to their use, is broad and differs depending on the audience. Any attempt to specifically define these values, and the values ascribed to different uses and expectations, would be difficult. The Plan sets out the mechanism for identifying the values of a particular resource and for assessing the impacts of a particular activity on these values. In particular, I note that in the context of freshwater management, Appendix 5 of Volume 3 of the MEP details the natural and human values of water resource units. I therefore do not support the relief sought.

Recommendation

148. That there is no change to the MEP.

Key Matter – Outstanding

Submissions and Assessment

149. Aquaculture New Zealand (401.243) and Marine Farming Association (426.239) seek to include a new definition of Outstanding in the MEP. The proposed definition is as follows:

‘Outstanding’ means *“Obviously exceptional, notable, eminent.”*

150. Aquaculture NZ states that the word “obviously” comes from the Environment Court in *Clearwater Mussels Limited v Marlborough District Council* [2016] NZEnvC 21 at [78]. Synonyms come from cases such as *Wakatipu Environmental Society Incorporated v Queenstown Lakes District Council C180/99* at [82]; *Opoutere Ratepayers and Residents Association v Waikato Regional Council* [2015] NZEnvC 105 at [236]; and *Man O’War Station Limited v Auckland Council* [2015] NZHC 767 at [37].
151. I do not consider it necessary or appropriate to include the definition as sought in the Plan. The MEP clearly sets out how “outstanding” natural character and landscapes were identified in Chapters 6, 7 and 13 of the MEP including the use of specialist studies such as the “Natural character of the Marlborough Coast”. Given the clarity of the method I do not consider it necessary or appropriate to include the definition which in itself contains subjective elements. I also note that term “outstanding” has been the subject of considerable caselaw and in these circumstances I consider the submission should be rejected.

Recommendation

152. That there is no change to the MEP.

Key Matter – Papakainga unit

Submissions and Assessment

153. As notified, ‘Papakainga Unit’ is defined as

means a traditional Māori settlement area on Māori land and includes activities associated with residential living.

154. Te Atiawa o Te Waka-a-Maui (1186.217) opposes the definition of Papakainga unit as it is considered to be incorrect, archaic and ambiguous. Rather, the submitter requests that the definition be re-worded as follows:

“a self-contained residential unit, used or intended to be used for a permanent residential activity, associated with a marae or tribal housing for kaumatua.”

155. I note that the definition now restricts the use of the units to kaumatua and the submitter should confirm this. It is my understanding that Papakainga housing can only be developed on Māori land. Subject to the definition maintaining this reference and the clarification sought above, I consider that the change sought by the submitter is appropriate and accords with tangata whenua understanding of Papakāinga housing.

Recommendation

156. That the definition of Papakāinga housing be amended as follows¹¹:

“means a traditional Māori settlement area on Māori land and includes activities associated with residential living self-contained residential units, used or intended to be used for a permanent residential activity, located on Māori land and associated with a marae or tribal housing for kaumatua.”

Key Matter – Passive or Informal Recreation

Submissions and Assessment

157. Kevin Wilson (210.4) requests that the definition of “Passive or Informal Recreation” be amended to include cycling. Specific wording for the definition was not provided in the submission. “Passive or Informal Recreation” is presently defined as:

“means the voluntary and unstructured use of a range of recreational activities. Does not include any form of motorised sport”.

158. I also note that the definition of “Recreation Activity” is:

means any activity whose primary aim is the passive or active enjoyment of leisure on a non-profit basis, whether competitive or non-competitive, casual or organised, including changing rooms, shelters, public toilets and other buildings accessory to recreation activities.

159. Nelson Marlborough Fish and Game (509.6) requests that the definition of “Passive or Informal Recreation” be amended to include outdoor recreation, and to better reflect the nature of these activities that require minimal facilities or development and as a result, have negligible impact on the surrounding environment.

160. As notified, the definitions are very broad and do not differentiate between indoor or outdoor activities, and the difference between “Passive or Informal Recreation” and “Active” recreation appears to be whether the sports are organised or not. On this basis, I do not consider that the requested changes are necessary.

Recommendation

161. That there is no change to the MEP.

Key Matter – Port Engineering Activity

Submissions and Assessment

162. Port Marlborough New Zealand Limited (433.203) seeks to amend the definition of Port Engineering Activity to enable retail activities associated with or ancillary to the Port Engineering Activity. The submitter seeks to amend the definition to allow small scale retailing such as boat parts and equipment, to be carried out as part of the Port Engineering Activity.

¹¹ Te Atiawa o Te Waka-a-Maui (1186.217)

163. Port Engineering Activity is presently defined as:

means engineering activity associated with ship building, repair and maintenance activities, and other engineering activities necessary for the operational requirements of Permitted Activities within the Port Zone including associated: equipment servicing and repair; abrasive blasting; body and engine repairs; panel beating; fibre-glassing; painting; powder coating and spray painting.

164. This matter was addressed in the section 42A report prepared for Topic 11: The use of the coastal environment. In this report, it was noted that submissions had sought provision for ancillary retail activities in the Port Zone. The recommendation of that report was that the submissions be rejected as the Port Zones were established to support the operational needs of the Port.

165. Paragraph 1060 of the Topic 11 report stated that:

The nature of 'operational requirements' are ones that are considered necessary to take place within the Port Zone and emphasises the purpose of a Port²⁵². I do not consider that 'related industrial activity' or 'retail activities' falls within an activity that has an operational requirement to be located within the Port Zone. The Port Zone is a defined, finite area and as a result, the activities provided within the Zone should be limited to those that are considered essential for the operation of the port as a permitted activity, with other activities assessed through the resource consenting process for their suitability within this zone.

166. I agree with this view. The Port zones are established primarily for activities considered essential for the operation of the Port. The retail activities promoted do not have a functional need to be located in the Port. It is appropriate that such activities are pursued through the resource consent process, so that adverse effects such as those related to parking can be assessed. I therefore do not support the relief sought.

Recommendation

167. That there is no change to the MEP.

Key Matter – Primary Production

Submissions and Assessment

168. Aquaculture New Zealand (401.241) seeks to include a new definition of Primary Production as it is referred to numerous times throughout the MEP, although it is not defined in the plan. The wording of the definition is as follows:

"All forms of agriculture, horticulture, silviculture and aquaculture, whether on land or on sea, and includes the processing, preparation for market and sale of those products."

169. A request for a definition of Primary Production was addressed in the section 42A report on Topic 12: Rural Environments, in relation to a submission by the Marine Farm Association. Paragraph 132 of that report states that Primary Production is a term with a widely understood definition, and it was unnecessary therefore to include the definition requested in the Plan. I agree with the recommendation in the Topic 12 report and agree that the definition is unnecessary.

Recommendation

170. That there is no change to the MEP.

Key Matter – Riparian Natural Character Area

Submissions and Assessment

171. Federated Farmers (425.420) seeks to delete the definition of Riparian Natural Character Area as the definitions of Outstanding Natural Landscapes and Esplanade Reserves adequately provide for the factors that are included under the Riparian Natural Character Area.
172. Riparian Natural Character Areas are identified specifically on the on the Riparian Natural Character Area Planning Maps 1 – 8, and are the subject of specific rules (for example Rule 3.2.1.9). On the basis that these areas are deliberately identified and have rules attached, I do not support the relief sought.

Recommendation

173. That there is no change to the MEP.

Key Matter – Relocated Building, Removal of a Building, Relocation of a Building, Re-siting of a Building

Submissions and Assessment

174. House Movers Section of New Zealand Heavy Haulage Association Incorporated (770.21) seek four new definitions in the MEP as follows:

***Relocated Building** means any previously used building which is transported in whole or in parts and re-located from its original site to its destination site; but excludes any prefabricated building which is delivered dismantled to a site for erection on that site.*

***Removal of a Building** means the shifting of a building off a site.*

***Relocation of a Building** means the placement of a relocated building on its destination site.*

***Re-siting of a Building** means shifting a building within a site.”*

175. I note the submitter made a submission (770.9) on Rule 5.3.7 which relates to relocated buildings. The Section 42A report on Topic 10 Urban Environments in para 267 made a number of recommendations that assist in the definition of what is a “relocated dwelling”. As such I do not consider a definition is required, particularly as the relocation of a building is a well understood activity. The other definitions do not appear to have relevance to the rules and accordingly are also not recommended for inclusion.

Recommendation

176. That there is no change to the MEP.

Key Matter – ‘Wetland’ and ‘Significant Wetland’

Submissions and Assessment

177. The submissions relating to the definitions of ‘Wetland’ and ‘Significant Wetland’ generally relate to concerns that the rules in the Plan only relate to Significant Wetlands, and that the definition of ‘Wetland’ is therefore superfluous on the basis that the term ‘Wetland’ is not used in the MEP.
178. Before turning to address the submissions specifically, I note that this assertion is not correct. While the MEP rules only refer to Significant Wetlands, ‘Volume 1 1 Chapter 8 (Indigenous Biodiversity) addresses wetlands generally, and describes wetlands and their significance, and establishes

provisions regarding the management of wetlands and the criteria for determining whether a wetland is significant.

179. In this regard I note that the issue of the definition of Wetlands and Significant Wetlands was addressed in the introductory paragraphs to the section 42A report on Significant Wetlands. Particularly, the following paragraphs note that:

[25] The RMA definition of a wetland is a “wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions”. In reviewing the existing planning documents, it was identified that having provisions referencing “wetlands”, combined with the RMA’s very broad definition of a wetland, created a great deal of uncertainty in the region as to when and where provisions apply. It was also a very blunt response to protecting the indigenous biodiversity values of wetlands and stopping the loss of biodiversity.

[26] In response the Council sought to specifically identify the wetlands in Marlborough that had values of significance. This identification was based on criteria set out in Volume 1 (Chapter 8 – Indigenous Biodiversity) and Volume 3 (Appendix 3 – Biodiversity Criteria for Significance) of the MEP. The submissions on these parts of the MEP were covered in the Indigenous Biodiversity s42a report and hearing. The initial identification of wetlands with significant values was a desktop exercise using information available ... The identified wetlands were mapped and thereafter referred to as Significant Wetlands.

180. Although Volume 1 of the Plan discusses wetlands in a general sense, the MEP has focused on identifying and mapping which wetlands are significant, and providing for these significant wetlands in the MEP rules.
181. The submissions of Dairy New Zealand (676.167) and Federated Farmers (425.428) oppose the definition of Wetland as the term is only used in the MEP when referring to a Significant Wetland. As discussed above, this is not correct and the submissions should be rejected on this basis. The submission of Federated Farmers also considers the RMA definition of ‘wetland’, to which the MEP defers, to be ambiguous and vulnerable to subjective interpretation. It should be noted that the definition of “Wetland” in the MEP largely reflects the RMA definition. The submitter considers that the following situations should be expressly excluded from being defined as a wetland - wet pasture or cropping land; artificial wetlands used for wastewater or stormwater treatment; farm dams and detention dams; land drainage canals and drains; reservoirs for firefighting, domestic water supply; temporary ponded rainfall; and artificial wetlands created for beautification purposes. Fish and Game (509.7) seek similar amendments.
182. The existing definition of wetland excludes man-made elements, and the text within Chapter 8 also identifies the characteristics of a wetland. In a planning sense, wetland is also a relatively commonly used term, and I do not consider it necessary to amend the definition to exclude a range of situations.
183. Nelson Marlborough Fish and Game (509.8) seek that all remaining wetlands in the Marlborough region be identified as ‘Significant Wetlands’ given their global rarity and to recognise the diverse, complex and productive nature of these ecosystems. The submitter specifically seeks that Lake Elterwater is recognised as a significant wetland due to its local significance as game bird and waterfowl habitat. As identified above, wetlands were determined to be significant (or not) based on the criteria set out in the MEP in Chapter 8. I note that Lake Elterwater is identified as a Significant Wetland as W62 on Planning Map 203.
184. Federated Farmers (425.422) request that the definition of Significant Wetland is amended to refer to the new schedule of Significant Wetlands that have met the significance criteria. As noted above, wetlands were determined to be significant (or not) based on the criteria set out in the plan. The definition presently refers to those that are shown as significant on the maps, the inference being that they have been assessed and determined to be significant having followed the assessment process. It is therefore unnecessary to amend the submission as sought by the submitter.

Recommendation

185. That there is no change to the MEP.

Key Matter – Site

Submissions and Assessment

186. Chorus New Zealand Limited (464.81), KiwiRail Holdings Limited (873.182), Spark New Zealand Limited (1158.73), Fonterra Co-operative Group Limited (1251.154, 155, .156 and .157) and Federated Farmers of New Zealand (425.423) have all submitted in relation to the definitions of 'Site', and seek that there only be one definition, rather than the four which were notified in the MEP. The submitters generally all seek the rationalisation of the definitions and that there be one clear and concise definition.

187. Specifically, Fonterra Co-operative Group Limited seek to delete the following definitions of site:

Site - "where in the context it is appropriate, includes an area or place or river reach."

Site "means a place or area where an activity takes place."

Site "in relation to frost fans, has the meaning of single land holding."

188. Having reviewed the Plan and the relevant definitions, I agree that it is unnecessary to have numerous definitions, when they can be combined.

189. I consider that the definition for "Site" in relation to frost fans should be deleted and instead, the provisions should refer to "Single Land Holding". This is already defined (as shown below), and achieves the intent of the present definition of "Site" as it relates to Frost Fans.

Single land holding means an area of land held in either:

- (a) One Computer Register; or*
- (b) More than one Computer Register where*
 - the land in the various Computer Registers are held in common ownership or leased under the same lease; and*
 - the land in the Computer Registers or lease are contiguous to each other; or*
 - the Computer Registers are held together by a covenant under Section 220 RMA.*

190. I note that "Single Land Holding" is currently only used in two bird scaring device provisions and is not used in Volume 1 of the Plan. Deleting the use of frost fan "site" and using "single land holding" would necessitate changing of six provisions in Volume 2, as follows:

Rural Environment Zone

3.2.4.1 Any new noise sensitive activity located within 300m of any frost fan not within the same ~~site~~ single land holding must be designed and constructed....

3.2.4.4 For the purposes of Standards 3.2.4.1, 3.2.4.2 and 3.2.4.3, "frost fan" includes any lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted and ~~"site"~~ has the meaning of "single land holding".

Coastal Environment Zone:

4.2.3.1 Any new noise sensitive activity located within 300m of any frost fan not within the same ~~site~~ single land holding must be designed and constructed..."

4.2.3.4. For the purposes of Standards 4.2.3.1, 4.2.3.2 and 4.2.3.3, "frost fan" includes any lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted and ~~"site"~~ has the meaning of "single land holding".

Rural Living Zone:

8.2.3.1. Any new noise sensitive activity located within 300m of any frost fan not within the same ~~site~~ single land holding must be designed and constructed...

8.2.3.4 For the purposes of Standards 8.2.3.1, 8.2.3.2 and 8.2.3.3, "frost fan" includes a lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted ~~and "site" has the meaning of "single land holding"~~.

191. I consider that the remaining definitions of 'Site' can be deleted, and replaced with a single definition that captures the intent of the notified versions. In this instance, I consider that the definition that is included in the draft National Planning Standards is appropriate, with minor modifications. This definition is as follows, with an additional clause (f) to capture issues around Right of Way boundaries (which is part of the existing definition of site in the MEP) and clause (g) to cover situations where there may not be a Title for the property (which is also referred to in existing definitions of site).

Site means:

- a) *an area of land comprised in a single computer freehold register (record of title as per Land Transfer Act 2017); or*
- b) *an area of land which comprises two or more adjoining legally defined allotments In such a way that the allotments cannot be administered separately without the prior consent of the council; or*
- c) *the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate computer freehold register could be issued without further consent of the Council; or*
- d) *in the case of land subdivided under the Unit title Act 1972 or the cross lease system, a site is deemed to be the whole of the subject land to the unit development or cross lease; or*
- e) *an area of adjacent land comprised in two or more computer freehold registers where an activity is occurring or proposed; or*
- f) *where a right of way is employed, the line(s) defining the extent of that right of way on a survey plan must be treated as a legal boundary for the purpose of bulk and location controls for buildings; or*
- g) *where there is no computer freehold register for a property, the place or area where the activity takes place.*

192. I acknowledge that this definition has similarities to the Plan's definition of 'Single Land Holding'. However, that definition is specific to frost fans and I am comfortable that it remains for that purpose. I note that once the National Planning Standards come into force the Council will be required to amend its Plan to include the content of the Standards, and at the appropriate time I consider the Council should consider further rationalising the relevant definitions.

193. The proposed definition also removes references to front and corner sites, as these are not utilised in the Plan and are commonly understood.

Recommendation

194. I recommend the following in relation to the definition of 'Site'¹²:

- (i) That the following Definitions be deleted:

~~Site — in relation to a building or structure, means any area of land/or volume of space of sufficient dimensions to accommodate any complying activity provided for by a rule in the plan:~~

~~(a) — Corner Site — will be deemed to be a 'front site'~~

~~(b) — Front site — means a site having one frontage of not less than the minimum prescribed by the Plan for the particular zone in which the site is situated to a road, private road, or the sea; and~~

¹² Chorus New Zealand Limited (464.81), KiwiRail Holdings Limited (873.182), Spark New Zealand Limited (1158.73), Fonterra Co-operative Group Limited (1251.154, 155, .156 and .157) and Federated Farmers of New Zealand (425.423)

~~(c) rear site means a site that is situated generally to the rear of another site and that has not the frontage required for a front site for that use in the zone.
Where a right of way is completed, the line(s) defining the extent of that right of way on a survey plan must be treated as a legal boundary for the purpose of bulk and location controls for buildings.~~

~~Site where in the context it is appropriate, includes an area or place or river reach.~~

~~Site means a place or area where an activity takes place.~~

~~Site in relation to frost fans, has the meaning of single land holding.~~

- (ii) That the following definition be included in the Plan:

Site means:

- a) an area of land comprised in a single computer freehold register (record of title as per Land Transfer Act 2017); or
- b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be administered separately without the prior consent of the council; or
- c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate computer freehold register could be issued without further consent of the Council; or
- d) in the case of land subdivided under the Unit title Act 1972 or the cross lease system, a site is deemed to be the whole of the subject land to the unit development or cross lease; or
- e) an area of adjacent land comprised in two or more computer freehold registers where an activity is occurring or proposed; or
- f) where a right of way is employed, the line(s) defining the extent of that right of way on a survey plan must be treated as a legal boundary for the purpose of bulk and location controls for buildings; or
- g) where there is no computer freehold register for a property, the place or area where the activity takes place.

- (iii) That the following consequential changes be made:

Rural Environment Zone

~~3.2.4.1 Any new noise sensitive activity located within 300m of any frost fan not within the same ~~site~~ single land holding must be designed and constructed....~~

~~3.2.4.4 For the purposes of Standards 3.2.4.1, 3.2.4.2 and 3.2.4.3, "frost fan" includes any lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted and "site" has the meaning of "single land holding".~~

Coastal Environment Zone:

~~4.2.3.1 Any new noise sensitive activity located within 300m of any frost fan not within the same ~~site~~ single land holding must be designed and constructed..."~~

~~4.2.3.4. For the purposes of Standards 4.2.3.1, 4.2.3.2 and 4.2.3.3, "frost fan" includes any lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted and "site" has the meaning of "single land holding".~~

Rural Living Zone:

~~8.2.3.1. Any new noise sensitive activity located within 300m of any frost fan not within the same ~~site~~ single land holding must be designed and constructed...~~

8.2.3.4 For the purposes of Standards 8.2.3.1, 8.2.3.2 and 8.2.3.3, "frost fan" includes a lawfully established frost fan, and includes a proposed frost fan for which a resource consent has been granted and "site" has the meaning of "single land holding".

Key Matter – Sites of Significance to Maori

Submissions and Assessment

195. A submission point from Heritage New Zealand (768.66) covers two distinct matters, being sites of significance to Maori, and general definitions that would, in the opinion of the submitter, aid in the interpretation of the Plan.
196. In relation to the first point, the submitter notes there are many different ways to refer to sites of significance to Maori in RMA plans across the country. Appropriate definitions should therefore be agreed on with tangata whenua and then applied uniformly throughout the plan. The following terms are examples:
- *Sites of significance to Maori, including wahi tapu (used in the definition of historic heritage in the RMA)*
 - *wahi tapu and wahi tupuna (used in the Heritage New Zealand Pouhere Taonga Act 2014)*
 - *wahi tapu, wahi taonga and other sites of significance (used in the proposed Hastings District Plan).*
197. Heritage New Zealand (768.66) also considers that the Marlborough District Council should consult with tangata whenua to agree on how sites of significance to Maori should be referred to and then an appropriate definition be included in Chapter 25 of the MEP. No specific wording has been requested, and I note that the submissions received from iwi have not addressed this specific point. Section 6(e) of the Act provides for wahi tapu and other cultural considerations as matters of national importance, and I consider that this is sufficiently broad. Attempting to capture cultural concerns into specific wording could result in some elements being overlooked or missed. I consider that this submission can be accepted in part to the degree that the Plan provides for cultural matters.
198. I understand this issue was also considered in Topic 2: Marlborough's Tangata Whenua Iwi and Topic 8 Heritage Resources and Notable Trees. In respect of Topic 8, the Section 42A report in para 218 recommended a new Schedule 3 in Appendix 13 be created which specifically recognise sites and places of significance to Marlborough's Tangata Whenua Iwi.

Recommendation

199. That there is no change to the MEP.

Key Matter – Setback

Submissions and Assessment

200. The Marlborough District Council (91.83) oppose the definition of setback and seek to delete it from the MEP as it does not help with the interpretation of the rules in the MEP.
201. As notified, the Plan defined "Setback" as meaning "the same as yard". "Yard" is not defined. The rules in the Plan relating to setbacks are clear and generally state the distance a building is to be setback from boundary. I agree that nothing is added to the Plan by the existing definition and therefore agree with the relief sought.

Recommendation

202. That the definition of “Setback” be removed from the MEP¹³.

Key Matter – Structure

Submissions and Assessment

203. Federated Farmers of New Zealand (425.425) oppose the definition of “Structure” as notified and request that it be amended to exclude farm fencing, tanks, pipes and troughs. The submitter states that while there may be pressures to address fencing in urban areas, in rural zones, fencing is a fundamental requirement for primary production land use and an expected and compatible activity which has no significant adverse effect. Therefore the relief sought is as follows:

"has the same meaning as in Section 2 of the Act and includes an underwater cable but excludes farm fencing, tanks, pipes and troughs."

204. There are many different small scale structures associated not only with farming activities but with many other activities that are provided for in the various zones in the MEP. The Plan relies upon bulk and location standards to manage activities and structures and their effects, rather than providing for various small structures as exclusions in either the definitions or rules. Provided that structures such as water troughs, tanks and so on meet the relevant performance standards, no consent is required. The relief sought by the submitter is therefore considered unnecessary.

Recommendation

205. That there is no change to the MEP.

Key Matter – Tree Protection Zone

Submissions and Assessment

206. The New Zealand Transport Agency (1002.263) supports the definition of Tree Protection Zone as it clarifies the extent around the protected trees where works in close proximity to a tree will likely have an impact on the health and wellbeing of the tree. This support is noted.

Recommendation

207. That there is no change to the MEP.

Key Matter – Vegetation

Submissions and Assessment

208. The New Zealand Transport Agency (1001.264) seeks to amend or replace the definition of vegetation as the definition is too broad to be useful within the context of rules as it includes not only trees but all plants and grasses. The literal interpretation of the wording appears to include lawn, grass and domestic garden plants. The New Zealand Transport Agency supports the inclusion of a definition for vegetation, but considers the current definition unworkable in the context of its use in the MEP. No wording is proposed.

209. It is acknowledged that the definition as notified is broad. However, this is not expected to create an issue in respect of domestic lawns or gardens, or in the administration of the Plan. The maintenance of domestic gardens would be unlikely to trigger any of the vegetation clearance rules. No other party

¹³ Marlborough District Council (91.83)

has raised an issue in relation to the interpretation or implementation of this definition in the context of domestic gardens. Should the submitter remain concerned, the suggested wording could be presented at the hearing.

Recommendation

210. That there is no change to the MEP.

Appendix 1: Recommended decisions on decisions requested

<i>Submission Number</i>	<i>Submission point</i>	<i>Submitter</i>	<i>Volume</i>	<i>Chapter</i>	<i>Provision</i>	<i>Recommendation</i>
210	4	Kevin Wilson	Volume 2	25 Definitions	25.	Reject
648	12	D C Hemphill	Volume 2	25 Definitions	25.	Reject
716	200	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 2	25 Definitions	25.	Reject
91	148	Marlborough District Council	Volume 2	25 Definitions	25.	Accept
232	37	Marlborough Lines Limited	Volume 2	25 Definitions	25.	Reject
255	26	Warwick Lissaman	Volume 2	25 Definitions	25.	Reject
401	241	Aquaculture New Zealand	Volume 2	25 Definitions	25.	Reject
401	242	Aquaculture New Zealand	Volume 2	25 Definitions	25.	Accept
401	243	Aquaculture New Zealand	Volume 2	25 Definitions	25.	Reject
425	376	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Accept in Part

425	378	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Accept in Part
425	381	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Reject
425	400	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Accept
425	403	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Reject
425	407	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Reject
425	420	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Reject
425	422	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Reject
425	428	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Reject
426	238	Marine Farming Association Incorporated	Volume 2	25 Definitions	25.	Accept
426	239	Marine Farming Association Incorporated	Volume 2	25 Definitions	25.	Reject
433	203	Port Marlborough New Zealand Limited	Volume 2	25 Definitions	25.	Reject

464	81	Chorus New Zealand limited	Volume 2	25 Definitions	25.	Accept in Part
479	266	Department of Conservation	Volume 2	25 Definitions	25.	Accept
479	267	Department of Conservation	Volume 2	25 Definitions	25.	Accept
509	6	Nelson Marlborough Fish and Game	Volume 2	25 Definitions	25.	Reject
509	7	Nelson Marlborough Fish and Game	Volume 2	25 Definitions	25.	Reject
509	8	Nelson Marlborough Fish and Game	Volume 2	25 Definitions	25.	Reject
514	25	A J King Family Trust and S A King Family Trust	Volume 2	25 Definitions	25.	Reject
676	167	Dairy NZ	Volume 2	25 Definitions	25.	Reject
464	76	Chorus New Zealand limited	Volume 2	25 Definitions	25.	Reject
1158	67	Spark New Zealand Trading Limited	Volume 2	25 Definitions	25.	Accept
715	423	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 2	25 Definitions	25.	Reject

716	199	Friends of Nelson Haven and Tasman Bay Incorporated	Volume 2	25 Definitions	25.	Reject
769	115	Horticulture New Zealand	Volume 2	25 Definitions	25.	Accept
770	21	House Movers Section of New Zealand Heavy Haulage Association Incorporated	Volume 2	25 Definitions	25.	Reject
870	2	Kenepuru and Central Sounds Residents Association Incorporated	Volume 2	25 Definitions	25.	Reject
873	182	KiwiRail Holdings Limited	Volume 2	25 Definitions	25.	Accept in part
874	1	KPF Investments Limited and United Fisheries Limited	Volume 2	25 Definitions	25.	Reject
974	23	Ministry of Education	Volume 2	25 Definitions	25.	Reject
993	93	New Zealand Fire Service Commission	Volume 2	25 Definitions	25.	Accept
1001	2	NZART Incorporated and Marlborough Amateur Radio Club (Branch 22)	Volume 2	25 Definitions	25.	Reject

1001	3	NZART Incorporated and Marlborough Amateur Radio Club (Branch 22)	Volume 2	25 Definitions	25.	Accept
1002	224	New Zealand Transport Agency	Volume 2	25 Definitions	25.	Accept in part
1002	225	New Zealand Transport Agency	Volume 2	25 Definitions	25.	Accept in part
1002	235	New Zealand Transport Agency	Volume 2	25 Definitions	25.	Accept
1002	241	New Zealand Transport Agency	Volume 2	25 Definitions	25.	Reject
1002	263	New Zealand Transport Agency	Volume 2	25 Definitions	25.	Accept
1002	264	New Zealand Transport Agency	Volume 2	25 Definitions	25.	Reject
1002	300	New Zealand Transport Agency	Volume 2	25 Definitions	25.	Reject
1004	55	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	25 Definitions	25.	Reject
1158	68	Spark New Zealand Trading Limited	Volume 2	25 Definitions	25.	Reject
1158	73	Spark New Zealand Trading Limited	Volume 2	25 Definitions	25.	Accept in part

1186	215	Te Atiawa o Te Waka-a-Maui	Volume 2	25 Definitions	25.	Accept in part
1186	216	Te Atiawa o Te Waka-a-Maui	Volume 2	25 Definitions	25.	Reject
1186	217	Te Atiawa o Te Waka-a-Maui	Volume 2	25 Definitions	25.	Accept
1192	93	The Fertiliser Association of New Zealand	Volume 2	25 Definitions	25.	Reject
1193	128	The Marlborough Environment Centre Incorporated	Volume 2	25 Definitions	25.	Reject
1251	155	Fonterra Co-operative Group Limited	Volume 2	25 Definitions	25.	Accept in part
1251	156	Fonterra Co-operative Group Limited	Volume 2	25 Definitions	25.	Accept in part
425	423	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Accept in part
91	83	Marlborough District Council	Volume 2	25 Definitions	25.	Accept
768	67	Heritage New Zealand Pouhere Taonga	Volume 2	25 Definitions	25.	Reject
425	1	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Reject

425	425	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Reject
769	113	Horticulture New Zealand	Volume 2	25 Definitions	25.	Accept in part
769	117	Horticulture New Zealand	Volume 2	25 Definitions	25.	Reject
769	118	Horticulture New Zealand	Volume 2	25 Definitions	25.	Reject
425	375	Federated Farmers of New Zealand	Volume 2	All	25.	Accept in part
1251	154	Fonterra Co-operative Group Limited	Volume 2	25 Definitions	25.	Accept in part
1004	51	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited	Volume 2	25 Definitions	25.	Accept
319	6	Clive Tozer	Volume 2	25 Definitions	25.	Reject
1251	157	Fonterra Co-operative Group Limited	Volume 2	25 Definitions	25.	Accept in part
425	186	Federated Farmers of New Zealand	Volume 2	25 Definitions	25.	Reject