

Proposed Marlborough Environment Plan

Minute of the Hearing Panel

Minute 7

1. The Panel seek further information in relation to the hearing on Topic 6: Indigenous Biodiversity. The request is directed to Alan Johnson, Manager of the Environmental Science & Monitoring for Marlborough District Council, and the details of the request are set out below.
2. In submissions heard thus far by the MEP Hearings Panel on the Proposed Marlborough Environment Plan (MEP) emphasis has been placed by a number of submitters on the Environment Court decision in New Plymouth, Royal Forest and Bird Protection Society of New Zealand Inc v New Plymouth District Council [2015] NZEnvC 219.
3. Those submitters have stressed that the Environment Court decision concluded that a voluntary system of Significant Natural Area (SNA) identification in that case was insufficient to meet the Council's statutory duties. They have asserted the voluntary system proposed there by the New Plymouth District Council was not too dissimilar to that utilised now in Marlborough by agreement with landowners. The Court stated inter alia:

Reliance primarily on community attitude (uncritically accepting the proposition that its existence has been proved) to protect SNAs does not provide the protection required by s.6(c) because it does not take account of those who might have a different attitude and the high vulnerability of at least some of the SNAs identified in the evidence of Ms Maseyk.

The protection of SNAs which the District Council is obliged to recognise and provide for requires the application of the full palette of methods identified in the District Plan, including the identification of SNAs in Appendix 21.2 and the application of rules to them.

4. On the other hand landowner submissions, supported by Federated Farmers of New Zealand, have sought to support the existing voluntary system in Marlborough as being successful and have opposed the adoption of a regulatory system of SNA mapping as protection for significant indigenous biodiversity.
5. The Panel wishes to be better informed on the issues underlying the current voluntary system in Marlborough and requests under s42A of the Resource Management Act 1991 that you report to it as to the following aspects:
 - a. What is the nature of contractual arrangements as to the voluntary SNA mapping system, and how is that documented?
 - b. How is the SNA mapping carried out, what level of detail and accuracy was/is involved in the mapping, (both in the past and currently), and in what form and where are the SNA maps held?
 - c. Are any reasons documented in the contractual arrangements as to why the SNA mapping is to be kept confidential between the landowner and the Council?

- d. Do the contractual arrangements impose any resourcing cost on landowners as to mapping or other protection measures?
- e. What occurs on change of ownership to ensure those contractual arrangements continue?

Dated 20 February 2018

A handwritten signature in black ink, appearing to read 'T Hook', with a period at the end. The signature is written in a cursive, slightly slanted style.

Councillor Trevor Hook

Chair of the MEP Hearing Panel