

## **Peter Johnson-5472**

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**From:** Peter Johnson-5472  
**Sent:** Friday, 13 December 2019 10:54 AM  
**To:** Amanda Hills | Gascoigne Wicks (ahills@gwlaw.co.nz)  
**Cc:** 'Quentin Davies | Gascoigne Wicks'; Emma Deason | Gascoigne Wicks (edeason@gwlaw.co.nz)  
**Subject:** U190438 - Further information request (2)  
**Attachments:** Landscape architect comments.pdf

Hi Amanda,

Council has sought and received the attached advice from Boffa Miskell concerning the landscape assessment submitted as part of application U190438. Arising from that advice, I write to request the following further information in order to enable a better understanding of the likely landscape, natural character and visual amenity values, as well as the likely effects the proposal would have on those values:

1. Please clarify the descriptions and values relating to landscape and natural character.
2. Please provide an effects assessment which clearly addresses the different types of farm structures which may be deployed at the site and the differing levels of effects that may result from these, including transitory effects from vessels visiting the farm.

Boffa Miskell has made other recommendations in the attached. You may also wish to address those matters in any further information you provide.

Regards,

**Peter Johnson**  
**Senior Resource Management Officer**  
**Marlborough District Council**

28 November 2019

Peter Johnson  
Senior Resource Management Officer  
Marlborough District Council

Email: [peter.johnson@marlborough.govt.nz](mailto:peter.johnson@marlborough.govt.nz)

Boffa Miskell



Dear Peter

### **NZKS Offshore Salmon Farm, Cook Strait – Landscape, Natural Character and Visual**

Thank you for the opportunity to peer review 'Proposed Marlborough Offshore Salmon Farm', dated 5 August 2019 and prepared by Hudson Associates (and referred to in this letter as '*The Assessment*'). The Landscape Assessment forms part of a broader volume of work relating to New Zealand King Salmon's (NZKS) application for an offshore salmon farm, located some 5km north of the Cape Lambert peninsula within the open ocean of Cook Strait.

Specifically, this letter outlines and identifies areas of the report where further information is required to enable a better understanding of the likely landscape, natural character and visual amenity values, as well as the likely effects the proposal will have on these values.

As I understand the proposal, NZKS are proposing to operate a fin fish farm within the open waters of Cook Strait, within an area of approximately 1,800 hectares. The information within *The Assessment* appears high level, due in part to NZKS's aspirations to be as flexible as possible regarding the type of infrastructure and staged over periods of time.

Within the AEE<sup>1</sup>, Stage 1 will include up to 20,000 tonnes of feed, discharged in up to 20 pens (using pens of up to 200 metres in circumference). The Assessment at page 137 notes that whilst 200m circular pens are likely to be the preferred type of infrastructure, alternative designs have also been considered<sup>2</sup>. Despite this, the Stage 1 scenario has been outlined in the AEE and is outlined below for the purposes of this review (to ensure consistency between the AEE and what has been assessed within *The Assessment*):

*'a. On the site there will be two sets of pens. Each set of pens will comprise up to eight plastic circles with a circumference of up to 200 metres each. Each set of pens will be supported by one barge. Consequently, at Stage 1 there will be approximately 16 plastic circle pens and two barges.*

*b. There will be a maximum discharge of approximately 1,000 tonnes of feed per annum, into each pen (still well below the 20,000 tonnes total for Stage 1). Each pen will therefore produce approximately 500 tonnes of fish.*

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<sup>1</sup> Page 5 of the Open Ocean Salmon Farming: Cook Strait, Application for Resource Consent, July 2019

<sup>2</sup> Such as adjustments to the size of the circular pens and the inclusion of the Havfarm vessel system

- c. Each set of pens will be supported by mooring lines leading to a grid system at depth which, in turn, enables tension to be kept on the nets. The pens will be laid out in a regular pattern of two lines of four pens. Each of those lines will most likely run parallel with the current.*
- d. Navigation lighting will be installed as required by the Harbourmaster'.*

Beyond Stage 1, NZKS will review its scientific and technical reports and agree with Council prior to any further increase in feed allowance. NZKS consider that based on its current feed discharge calculations, that 40,000 tonnes is possible at this Site. Again, a level of flexibility is sought for ongoing future investigations.

Essentially, the proposal has been assessed on the following basis:

- a. 'Flexibility to respond to unforeseen environmental issues;*
- b. Rotational farming followed by fallowing;*
- c. Designs such as Havfarm which, at 430 metres in length and 54 metres wide would require a substantial swing circle in order to operate on this site;*
- d. Trials of other types of structures on the site;*
- e. Polyculture such as the farming of macro-algae symbiotically with the salmon (addition of a new species would require an additional consent for the effects of that species); and*
- f. To allow for a staged approach to operations at this site'.*

The Assessment is essentially divided into three main areas, being:

- Part A: Design Guide for offshore salmon farming
- Part B: Planning context and existing environment
- Part C: Description of the Proposal and Effects Assessment

## **Methodology**

The Assessment outlines the methodology employed for the assessment from paragraphs 5 through to 23 and states that the assessment is based on the NZILA Landscape Assessment and Sustainable Management 10.1 Best Practice Note, as well as the Quality Planning Landscape note. Whilst these are both acceptable and appropriate to mention, both documents are reasonably 'high level' and do not provide a concise 'method' in which to assess natural character, landscape and visual amenity effects. Further, the NZILA document is currently being reviewed by a panel recently set up by the NZILA.

The Landscape Assessment outlines that a seven-point effects scale is used, and that the scale (extreme through to negligible) has also been aligned against RMA terminology, which is presented on page 6. Whilst the terminology of the effects rating is consistent with the NZILA 'Best Practice' document, this document is currently being reviewed, as outlined earlier. Current thinking around the seven-point rating is to avoid use of potentially emotive words, such as 'extreme' suggesting an alternative scaling from 'very high' through to 'very low', as outlined in the third column below in Table 1. In relation to the Assessment's translation of the effect's rating into RMA terminology, this applies well (and provides a helpful alignment with technical language and RMA terms).

In clarifying the nature of effect, it is recommended that the description should not automatically include the word 'adverse'. The adversity of the effects is considered separate to the main effect and can be positive (beneficial) or negative (adverse) and in some instances neutral or benign.

The following table outlines a recommendation of alignment of the Assessment's effect's methodology and that of generally more accepted language:

<b>Landscape Assessment: Effects Rating</b>	<b>Landscape Assessment: RMA terminology</b>	<b>Peer Review recommendation: Effects rating scale</b>	<b>Peer Review recommendation: RMA terminology</b>
Negligible	Less than Minor Adverse Effects	Very Low	Less than Minor
Very Low	Less than Minor adverse Effects	Low	Less than Minor
Low	Minor Adverse Effects	Moderate - Low	Minor
Moderate	More than Minor (moderate) Adverse Effects	Moderate	More than Minor
High	More than Minor (moderate) Adverse Effects	Moderate - High	More than Minor
Very High	Significant Adverse Effects	High	More than Minor & Significant
Extreme	Significant Adverse Effects	Very High	More than Minor & Significant

The nature of effect (i.e. positive, neutral or adverse) should be considered when effects are assessed and rated (e.g. low and adverse) in the assessment.

At paragraph's 13 through to 18, the Assessment outlines 'Landscape Character Effects Assessment'. Natural Character effects are outlined from paragraph's 19 through to 23. These descriptions are helpful to better understand how the assessment has reached the conclusions it has.

### **The Proposal – Design Guide**

With the Assessment being separated into three parts, the first deals with first principals in the overall design and location of off-shore salmon farming. This commentary through paragraphs 24- 53 is helpful and provides a good overview of the principally visual aspects of the proposal and how the associated infrastructure can be mitigated. Other landscape and natural character aspects are not articulated.

### **Statutory analysis**

The Assessment outlines the relevant statutory context from paragraphs 54 through to 82 (Part B). This review of the RMA, the New Zealand Coastal Policy Statement (NZCPS), the Regional Policy Statement and the Marlborough Sounds Resource Management Plan (MSRMP), including the Marlborough Environment Plan (MEP) are all helpful in providing a statutory overview.

As the application is located within the Coastal Marine Zone 2 (CMZ2), the application is understood to be a non-complying activity. The Site does not fall within the Area of Outstanding Landscape Value (AOLV) identified within the MSRMP or any other landscape or natural character overlay in the operative plan.

Within the MEP, the Site is part located within an ONL overlay (Outer Sounds ONL) and part located within a High Amenity Landscape overlay (HAL). Further, the Site is subject to being partly included within an area of Outstanding Natural Character (ONC) and within an area of High Natural Character. The MEP process is currently being reviewed by a panel and is not yet operative.

Within the discussion of the relevant landscape and natural character sections of the MEP, the Assessment takes issue with the extents of the ONL and ONC overlays. As outlined, the overlays, their extent and associated values are not yet operative.

At paragraph 70, the Assessment mentions several issues with the mapping of the overlays, including the scale at which they were determined, the use of descriptions rather than characteristics and values and the biases around the terrestrial versus marine modifications.

It is important to recognise that the MEP process is a regional-focussed plan, and the supporting landscape and natural character studies that underpin the extent of overlays, coupled with their values/ descriptions, stem from these studies including the data available at the time they were prepared. Whilst the Assessment criticises the methodology used, very little explanation is provided as to how an alternative methodology might result in different or 'better' mapping/ identification. Furthermore, the Assessment confuses in some paragraphs the Marlborough Landscape Study from the Marlborough Coastal Study. The second of which deals with natural character. They are different studies, with different methodologies.

At paragraphs 74 and 75, the Assessment identifies that the MEP overlays extend generally out into the sea to 2km. The Assessment proposes that a 'buffer' or more accurately, an offset of 1.5km or 3km into the sea be applied. Whilst the Assessment assumes that this would be a preferable approach, whereby a consistent 'buffer' is created, this does not take into account the varied and often intricate and nuanced landforms, characteristics and values that underpin the landscape and natural character coastal studies. Furthermore, and especially concerning landscape identification (for ONLs), landscape is not just a perceptual construct, it comprises biophysical and associational components too, whereby enabling a careful and considered approach to mapping seascape extents. Reefs, benthic communities and other biophysical and associative values have been captured to ensure that such marine aspects encompassing the sea are appropriately captured under landscape considerations.

Based on this, whilst I accept that the Assessment may not agree with the MEP overlays, the Assessment does not provide an alternative technical response to warrant further investigation. The approach of a buffer is not consistent with how the Sounds are perceived from a landscape perspective.

### **Existing environment**

The existing environment description commences at paragraph 83 and describes firstly the broader Outer Sounds then discusses the Site scale from paragraph 114.

Broad scale biophysical (both abiotic and biotic) are described, along with perceptual and associative attributes. These descriptions culminate in an overall landscape and natural character evaluation. The Assessment concludes that at this broad scale, the landscape

retains very high landscape value, whilst the waters retain high and very high levels of natural character, with outstanding levels of natural character *'for the terrestrial extremities and their immediate waters'*<sup>3</sup>.

At a site scale, a higher level of scrutiny is provided by the Assessment. Being completely open water, the Assessment outlines various biophysical, perceptual and associative aspects in this context. Following this, at paragraph 131 to 135, the Assessment evaluates this information and rates the landscape of the site as holding moderate landscape value and very high natural character.

It is difficult to appraise this information, as the Assessment conflates the biophysical, perceptual and associative attributes, then picks which attribute relates to which construct (landscape or natural character) and makes an evaluation. This is an error in assessment, as although there are common attributes that can be considered within both landscape and natural character assessments, the sustainable management of landscape and natural character are separate RMA matters which need to be assessed independently from one another, based on their definition.

The Assessment needs to clarify how landscape and natural character has been assessed as separate matters which must be addressed. This requires identifying how relevant matters have been considered collectively when differentiating landscape from natural character rather than focussing on attributes independently.

### **Effects review**

The Assessment of Effects commences at paragraph 145 and concludes at paragraph 162. Having read this, I do not consider that the Assessment has properly undertaken the effects assessment comprehensively. Since there is a level of flexibility proposed around the likely farm structures, these different scenarios/ stages have not been properly assessed.

Whilst I appreciate and acknowledge that the proposed location of the salmon farm reduces perceptual effects from the land, the proposal will have more direct effects on RMA Section 6 (and NZCPS Policy 13 and 15) matters, notably landscape and natural character.

Much of the effects discussion is copied directly from the Cawthron report, with no proper analysis under the methodology of both natural character and landscape. As a result, it is difficult to understand how the Assessment can state at paragraph 148 that *'the implementation of new salmon farms is considered to be an appropriate response in relation to the control of adverse biophysical, perceptual and associational effects'*.

Whilst I accept that this can be the case, the analysis undertaken by the Assessment has not convinced me that this is the case for this project. Further work in the evaluation of the effects is required.

Also, further scrutiny of likely scenarios of farm layouts is also required, including a more comprehensive understanding of barges, their likely locations, and the number and frequency of visiting vessels.

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<sup>3</sup> Paragraph 113 of the Assessment.

## Conclusion and Recommendations

1. Further clarity of the methodology following peer review comments. Consider that the alignment of the effects table (especially with RMA terminology) needs to be refined and presented in non-emotive language. The nature of the effect 'i.e. 'adversity' is required to be separate from the description of the rating level.
2. A greater level of clarity is required around the descriptions and values relating to landscape and natural character. Currently they are conflated by attributes. They are different matters with different attributes and have different definitions. It is the way that the attributes work together under the definition that enables a clearer understanding of what is being assessed.
3. Further measures (other than visual considerations) are required in the Design Guide to better articulate other aspects of landscape and natural character. For example, the placement of the farm and its relationship with the land can have a bearing on how well the proposal 'fits' into the seascape. Also, how the proposal can avoid significant benthic or other biophysical aspects of landscape due to placement of structures.
4. A thorough review of the effects assessment for natural character and landscape is required considering the attributes that contribute towards these separate constructs. Furthermore, the current effects assessment does not sufficiently address the different types of farm structures which may be deployed at the Site and the differing levels of effects that may result from these, including transitory effects from visiting vessels.
5. Consideration of relevant parts of the Section 92 responses by the applicant<sup>4</sup> need to be further considered by the Landscape Assessment.

Yours sincerely

**BOFFA MISKELL LTD**

A handwritten signature in black ink, appearing to read 'James Bentley', with a stylized circular flourish at the beginning.

James Bentley  
Senior Principal Landscape Architect

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<sup>4</sup> Gascoigne Wicks memorandum dated 8 October 2019