

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

**Decision No. [2022] NZEnvC 43**

IN THE MATTER of the Resource Management Act 1991

AND appeals under clause 14 of the First  
Schedule of the Act

BETWEEN MARINE FARMING  
ASSOCIATION INCORPORATED  
& AQUACULTURE NEW  
ZEALAND

(ENV-2020-CHC-74)

(and all the other appellants listed at the  
end of this consent order)

Appellants

AND MARLBOROUGH DISTRICT  
COUNCIL

Respondent

Environment Judge J J M Hassan – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 25 March 2022

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**CONSENT ORDER**

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A: Under s279(1)(b) of the Resource Management Act 1991, the Environment  
Court, by consent, orders that:



- (1) the appeals are allowed, and Marlborough District Council is directed to:
  - (a) amend the proposed Marlborough Environment Plan as set out in Appendix 1 attached to and forming part of this consent order;
  - (b) make any consequential amendments to the numbering of provisions and relevant planning maps resulting from (a) above.
- (2) the appeals otherwise remain extant.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

## REASONS

### Introduction

[1] This proceeding concerns several appeals by Marine Farming Association Incorporated & Aquaculture New Zealand<sup>1</sup> and others<sup>2</sup> against part of a decision of the Marlborough District Council in relation to Volume 1: Ch 7, Volume 2: Various Zones, and Volume 3: Appendix 1 of the proposed Marlborough Environment Plan that were allocated to Topic 4 – Landscape.

[2] The court has now read and considered the consent memorandum of the

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<sup>1</sup> Marine Farming Association Incorporated & Aquaculture New Zealand ENV-2020-CHC-74.

<sup>2</sup> The New Zealand King Salmon Company Limited ENV-2020-CHC-51; Environmental Defence Society Incorporated ENV-2020-CHC-67; Trustpower Limited ENV-2020-CHC-50; AJ King Family Trust & SA King Family Trust ENV-2020-CHC-73; Apex Marine Farm Limited ENV-2020-CHC-63; Aroma (N.Z.) Limited & others ENV-2020-CHC-45; Beleve Limited, RJ Davidson Family Trust and Treble Tree Holdings Limited ENV-2020-CHC-44; Clearwater Mussels Limited & Talley's Group Limited ENV-2020-CHC-55; Goulding Trustees Limited & Shellfish Marine Farms Limited ENV-2020-CHC-47; Just Mussels Limited & others ENV-2020-CHC-77; KPF Investments Limited & United Fisheries Limited ENV-2020-CHC-41; Oldham & others ENV-2020-CHC-62; J V Meachen ENV-2020-CHC-69; East Bay Conservation Society Incorporated ENV-2020-CHC-78; Sanford Limited ENV-2020-CHC-60; Transpower New Zealand Limited ENV-2020-CHC-68; Federated Farmers of New Zealand ENV-2020-CHC-58.

parties dated 17 December 2021 which sets out the agreement reached to resolve a number of appeal points allocated the Landscape topic. The remaining appeal points remain to be resolved at a later date.

### **Other relevant matters**

[3] Despite its appeal being allocated to this Topic, and having participated in mediation, Sandford Limited did not sign the consent memorandum. Counsel for MDC explained they had been included in document circulation. A Minute dated 21 March 2022 was issued affording a further opportunity to Sanford Limited to raise any opposition to, or issue with, the agreement of the parties sought in the joint memorandum. No response was received, so the consent documentation has been processed on the basis that Sanford Limited does not oppose the agreement reached.

[4] A number of parties gave notice of an intention to become a party to these appeals under s274 of the Resource Management Act 1991 ('the RMA'). The Marlborough Environment Centre withdrew its interest on 10 August 2021. All remaining s274 parties whose interest extends to this topic have signed the consent memorandum setting out the relief sought.

[5] The consent memorandum records that the points resolved by this order are sufficiently discrete and will not affect the resolution of any other appeal. Further it records the parties' assurance that there are no issues of scope or jurisdiction.<sup>3</sup>

### **Orders**

[6] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits

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<sup>3</sup> Consent memorandum dated 17 December 2021 at [23]-[24].

pursuant to s297. The court understands for present purposes that:

- (a) all relevant parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.



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**J J M Hassan**  
**Environment Judge**

**List of appellants**

ENV-2020-CHC-74	Marine Farming Association Incorporated & Aquaculture New Zealand
ENV-2020-CHC-51	The New Zealand King Salmon Company Limited
ENV-2020-CHC-67	Environmental Defence Society Incorporated
ENV-2020-CHC-50	Trustpower Limited
ENV-2020-CHC-73	AJ King Family Trust & SA King Family Trust
ENV-2020-CHC-63	Apex Marine Farm Limited
ENV-2020-CHC-45	Aroma (N.Z.) Limited & others
ENV-2020-CHC-44	Beleve Limited, R J Davidson Family Trust and Treble Tree Holdings Limited
ENV-2020-CHC-55	Clearwater Mussels Limited & Talley's Group Limited
ENV-2020-CHC-47	Goulding Trustees Limited & Shellfish Marine Farms Limited
ENV-2020-CHC-77	Just Mussels Limited & others
ENV-2020-CHC-41	KPF Investments Limited & United Fisheries Limited
ENV-2020-CHC-62	Oldham & others
ENV-2020-CHC-69	J V Meachen
ENV-2020-CHC-78	East Bay Conservation Society Incorporated
ENV-2020-CHC-60	Sanford Limited
ENV-2020-CHC-68	Transpower New Zealand Limited
ENV-2020-CHC-58	Federated Farmers of New Zealand

**APPENDIX 1**

# Volume 1

## Chapter 7. Landscape

1. Amend Policy 7.1.1, as follows:

[RPS]

Policy 7.1.1 – Identify and assess the characteristics and values of Marlborough’s landscapes and features using the following factors:

- (a) biophysical values, including geological, topographical, hydrological and ecological elements, and the expression of natural and formative processes;
- (b) perceptual values, including aesthetics, natural beauty and transient matters; and
- (c) associative values, including the values of Marlborough’s tangata whenua iwi, and other cultural and heritage values, and shared and recognised values; and.
- ~~(d) —consultation with Marlborough’s tangata whenua iwi. —~~

Multiple characteristics and values contribute to landscape. Primarily, landscape is the expression of natural processes and human activity in and on the land. However, it is also a function of how people perceive the results of this interaction. Those values considered relevant in a Marlborough context are identified in (a) to (c) of the policy. Landscapes may have one or more of these values. The criteria are derived from national and international landscape assessment criteria. More detail on what constitutes the values in (a) to (c) and how the values are assessed is included within the report “Marlborough Landscape Study August 2015” undertaken by expert landscape consultants. The Council will use these values as the basis of any assessment of landscape.

2. Amend Policy 7.1.2, as follows:

[RPS]

Policy 7.1.2 – ~~Define~~When defining or updating the boundaries of outstanding natural features and outstanding natural landscapes and landscapes of high amenity value using the following methods:

- (a) consultation with Marlborough’s tangata whenua iwi; and, as appropriate:
- ~~(a)~~ (b) land typing;
- ~~(b)~~ (c) contour line;
- ~~(c)~~ (d) contained landscape features;
- ~~(d)~~ (e) nested landscapes; and/or
- ~~(e)~~ (f) land use; and/or
- ~~(f) —consultation with Marlborough’s tangata whenua iwi.~~

The identification of outstanding natural features and outstanding natural landscapes and landscapes with high amenity value requires the extent or boundary of these outstanding natural features and outstanding natural landscapes and landscapes with high amenity value to be identified. This policy identifies the methods that will be used to establish the boundaries, as follows:

- Land typing: uses a change in landform to establish a boundary at and following the edge of the landform.
- Contour line: uses a specific contour line(s) to establish a boundary.
- Contained landscape feature: uses an enclosed area of land around a landscape feature, such as an island.
- Visual catchment: uses ridgelines and spurs to establish a boundary.
- Land use: uses a variation in land use to establish a boundary.

The method to be used will depend on the values that contribute to the landscape and how they are expressed in the landscape.

Although it is intended to identify Marlborough's outstanding natural features and outstanding natural landscapes and landscapes with high amenity value, landscape is also dynamic and is constantly changing. Change may occur quickly as a result of land use change or a catastrophic event (e.g. earthquake) or slowly as a result of natural processes (e.g. indigenous revegetation). Where landscape change occurs over time or where there is a more detailed assessment of landscape values at a particular site, it may be necessary to refine the boundaries of the identified outstanding natural features and outstanding natural landscapes and landscapes with high amenity value. Any changes to the boundaries of these identified landscapes will have to pass through the First Schedule process of the RMA.

### 3. Amend Policy 7.1.3, as follows:

[RPS]

#### Policy 7.1.3 –Identify and assess the values in Policy 7.1.1 to determine:

- whether a landscape is an outstanding natural feature and outstanding natural landscape in terms of Section 6(b) of the Resource Management Act 1991;**
- whether a landscape has a high amenity value in terms of Section 7(c) of the Resource Management Act 1991 ~~and whether those values are sensitive to change.~~**

Once an assessment of a landscape has been undertaken based on the values identified in Policy 7.1.1 and a boundary defined in accordance with Policy 7.1.2, a determination will be made as to whether the landscape values are significant enough for the landscape to be considered outstanding in the context of Section 6(b) of the RMA. If a landscape is considered to exhibit exceptional or very high biophysical, perceptual and/or associative values, then it will be identified as an outstanding natural landscape. Outstanding natural features can also be included within this assessment.

There are also landscapes in Marlborough that, although their values are not as significant as those for an outstanding natural feature or outstanding natural landscape, can still make a significant contribution to the appreciation and quality of our environment. A range of perceptual values can contribute to the amenity of these landscapes, including scenic beauty, coastal character, dramatic or attractive natural features within the landscape and the openness or naturalness of the landscape. Where these perceptual values are collectively considered to be high, the landscape can be categorised as a landscape with high amenity value.

Those landscapes that are an outstanding natural feature or outstanding natural landscape are mapped in the MEP. Landscapes identified as having high amenity values ~~which are more sensitive to change~~ are also mapped in the MEP. ~~The two specific areas considered sensitive to change are the Marlborough Sounds High Amenity Landscape and the Wairau Dry Hills High Amenity Landscape.~~ Mapping makes it clear to resource users where Marlborough's significant landscapes are located. Additionally, the values that make these landscapes significant are described in Appendix 1. These values should be considered when resource consent applications



are made and decided upon, including the extent to which they may be affected by a particular use or development

~~Landscapes with high amenity values less sensitive to change will not be included in the MEP.~~

#### 4. Delete Policy 7.1.4

~~[RPS, R, C, D]~~

~~**Policy 7.1.4 – Refine the boundaries of outstanding natural features and outstanding natural landscapes and landscapes with high amenity value through the plan change process in response to:**~~

- ~~(a) — landscape change over time;~~
- ~~(b) — more detailed assessment of landscape values; or~~
- ~~(c) — new information.~~

~~Although it is intended to identify Marlborough's outstanding natural features and outstanding natural landscapes and landscapes with high amenity value, landscape is also dynamic and is constantly changing. Change may occur quickly as a result of land use change or a catastrophic event (e.g. earthquake) or slowly as a result of natural processes (e.g. indigenous revegetation). Where landscape change occurs over time or where there is a more detailed assessment of landscape values at a particular site, it may be necessary to refine the boundaries of the identified outstanding natural features and outstanding natural landscapes and landscapes with high amenity value. Any changes to the boundaries of these identified landscapes will have to pass through the First Schedule process of the RMA.~~

#### 5. Amend Policy 7.2.4, as follows:

[R, C, D]

**Policy 7.2.4 – Where resource consent is required to undertake an activity within an outstanding natural feature and outstanding natural landscape, or a landscape with high amenity value;**

- (a) have regard to the potential adverse effects of the proposal on the values that contribute to the landscape;**
- (b) have regard to the location, scale, design and operation of the proposed activity;**
- (c) recognise that areas contain ongoing use and development that were present when the area was identified as outstanding or having high amenity value, or have subsequently been lawfully established;**
- (ed) recognise that where policy direction requires adverse effects to be avoided, minor or transitory adverse effects may not need to be avoided;**
- (ee) have regard to any restoration and enhancement of the landscape proposed; and**
- (f) recognise that some activities, including regionally significant infrastructure, may have a functional or operational requirement to be located within an outstanding natural feature or outstanding natural landscape, or a landscape with high amenity value.**

Where it is proposed that an activity will take place in an outstanding natural feature and outstanding natural landscape or in a landscape with high amenity value, it is appropriate that an assessment of the impact of the proposal on these outstanding natural features and outstanding natural landscapes and landscapes with high amenity value is carried out. To undertake the assessment, regard must be had to the values that contribute to the outstanding natural feature and outstanding natural landscape or a landscape with high amenity value as identified in

Appendix 1 of the MEP. The level of assessment should reflect the scale of the proposed activity and the potential adverse effects on the values that contribute to the landscape.

Existing activities in (c) includes resource consents which have been granted and are able to be implemented by the consent holder.

The Policy recognises that there are activities that have a functional need to be located in the coastal marine area, and there is a need to provide for those activities in appropriate places. The assessment of whether a place is appropriate will include consideration of the need to manage adverse effects, in accordance with the other policies of this chapter. In accordance with Policy 6.2(d) of the NZCPS, activities that do not have a functional need for location in the coastal marine area generally should not be located there.

Where Marlborough's tangata whenua iwi values contribute to an outstanding natural feature or landscape, consultation may be required with iwi.

#### 6. Amend Policy 7.2.6., as follows:

[R, C, D]

**Policy 7.2.6 – Where the development, operation, maintenance, and or upgrade of regionally significant infrastructure, or activities that enhance passive recreational opportunities for the public which are of a small scale, are proposed to take place in an area with outstanding natural features and outstanding natural landscapes:**

- (a) in the coastal environment, avoid adverse effects on the values that contribute to the landscape;**
- (b) in all other cases avoid where practicable, and otherwise remedy and or mitigate adverse effects on the values that contribute to the landscape.**

**Provided the overall qualities and integrity of the wider outstanding natural feature and landscape are retained.**

This policy relaxes the direction provided by Policy 7.2.5 for outstanding natural features and outstanding natural landscapes outside of the coastal environment in limited circumstances. These circumstances are described in (a) to (c) and for regionally significant infrastructure, and small scale passive recreation activities, which reflect the considerable benefits that the listed activities provide to the social and economic wellbeing, health and safety of our community.

Regionally significant infrastructure is essential to allowing our communities to function on a day-by-day basis. This infrastructure may need to be expanded in the future and that expansion may need to occur in areas of outstanding natural features and outstanding natural landscapes. ~~In respect of (b), many outstanding natural features and outstanding natural landscapes can already be accessed for passive recreational purposes and the RMA seeks to maintain and enhance these amenity values. Enhancement may take the form of new tracks or huts in the landscape, but would be of a small scale. The MEP seeks to optimise the use of the Marlborough's renewable energy and encourages the use and development of renewable electricity resources. This is recognised in (c) of the policy. However, (c) does not apply where the structures associated with the generation cannot be realistically removed from the environment with minimal trace, as any landscape effects in these circumstances are permanent. It is also important in consideration of this policy to acknowledge that the Council is required to give effect to the NPSREG, which sets out a framework to enable the sustainable management of renewable electricity generation.~~

The policy does not allow the activities ~~in (a) to (c)~~ to occur without consideration of the impact they may have on outstanding natural features and outstanding natural landscapes. Any adverse effects on the biophysical, perceptual or associative values within the landscape must still be mitigated as much as possible. As adverse effects can occur at various scales, there should also

be consideration of the impacts of the proposed activity on the overall qualities and integrity of the wider outstanding natural feature or outstanding natural landscape. The policy requires that the overall quality and integrity of the landscape should be retained.

This policy does not apply to activities occurring in the coastal environment, as Policy 15 of the NZCPS requires that adverse effects of activities on outstanding natural feature or outstanding natural landscape be avoided.

7. Make a consequential change to Policy 7.2.5 to cross reference to Policy 7.2.6, as follows:

[R, C, D]

**Policy 7.2.5 – Except as provided for by Policy 7.2.6, Avoid adverse effects on the values that contribute to outstanding natural features and outstanding natural landscapes in the first instance. Where adverse effects cannot be avoided and the activity is not proposed to take place in the coastal environment, ensure that the adverse effects are remedied.**

Where resource consent is required to undertake a particular activity in an outstanding natural feature or outstanding natural landscape, this policy provides a clear preference for avoiding adverse effects on the biophysical, perceptual or associative values within the landscape. This does not mean that there can be no new resource use within outstanding natural features or outstanding natural landscapes; rather, the use or development of natural and physical resources may be able to be undertaken in a way that the quality and significance of the values is not diminished. Alternatively, adverse effects may be able to be remedied through careful planning or remedial works. Policy 7.2.7 provides further guidance in this regard. The option of remedying adverse effects on landscape values does not apply to activities occurring within the coastal environment, as Policy 15 of the NZCPS requires that such adverse effects are avoided.

8. Add a new policy, Policy 7.2.7, to manage effects on High Amenity Landscapes in the coastal environment, as follows:

[R, C, D]

**Policy 7.2.7 – Avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects on those natural landscape values that contribute to the Marlborough Sounds High Amenity Landscape, Awatere River High Amenity Landscape at the mouth and the Wharanui Coastline High Amenity Landscape.**

The degree of adverse effects on natural features and landscapes in the coastal environment which are not outstanding is an important consideration under policy 15(b) of the NZCPS. Where the extent of change in the coastal environment from subdivision, use, or development causes significant adverse effects on the values of such landscapes, the NZCPS states that those effects should be avoided.

There is therefore a threshold in the Marlborough Sounds High Amenity Landscape, Awatere River High Amenity Landscape at the mouth (with the mouth defined in Zoning Maps) and Wharanui Coastline High Amenity Landscape beyond which remediation and/or mitigation of adverse effects is not an appropriate management option. That threshold will be determined on a case-by-case basis through the resource consent or plan change process. The significance of the adverse effect will depend on the nature of the proposal, the landscape values within which the activity is proposed to occur, and the degree of change to those values in that context. Where adverse effects are not assessed as significant, then adverse effects should otherwise be avoided, remedied, or mitigated.

Make consequential changes to the numbering of Policies 7.2.7-7.2.12.

9. Amend Policy 7.2.7 (now 7.2.8), as follows:

[R, C, D]

**Policy 7.2.87 – Protect the values of outstanding natural features and outstanding natural landscapes and maintain and enhance the high amenity values of the Marlborough Sounds High Amenity Landscapes by:**

**(a) In respect of structures:**

- (i) avoiding visual intrusion on skylines, particularly when viewed from public places;**
- (ii) avoiding new dwellings adjacent to the foreshore, excluding barges used for aquaculture;**
- (iii) using reflectivity levels and building materials that complement the colours in the surrounding landscape;**
- (iv) limiting the scale, height and placement of structures to minimise intrusion of built form into the landscape;**
- (v) recognising that existing structures may contribute to the landscape character of an area and additional structures may complement this contribution;**
- (vi) making use of existing vegetation as a background and utilising new vegetation as a screen to reduce the visual impact of built form on the surrounding landscape, providing that the vegetation used is also in keeping with the surrounding landscape character; and**
- (vii) encouraging utilities to be co-located wherever possible; whilst recognising the functional and operational needs of regionally significant infrastructure.**

**(b) In respect of land disturbance (including tracks and roads):**

- (i) avoiding land disturbance activity that creates a long term change in the appearance of the landscape, particularly when viewed from public places;**
- (ii) encouraging tracks and roads to be located adjacent to slopes or at the edge of landforms or vegetation patterns and to follow natural contour lines in order to minimise the amount of land disturbance required;**
- (iii) minimising the extent of any cuts or side castings where land disturbance is to take place on a slope; and**
- (iv) encouraging the revegetation of cuts or side castings by seeding or planting; whilst recognising the functional and operational needs of regionally significant infrastructure.**

**(c) In respect of vegetation planting:**

- (i) avoiding the planting of new exotic forestry in areas of outstanding natural features and outstanding natural landscapes in the coastal environment of the Marlborough Sounds where they degrade landscape values;**
- (ii) encouraging plantations of exotic trees to be planted in a form that complements the natural landform,**

The perceptual values of outstanding natural features and outstanding natural landscapes are vulnerable to change brought about by resource use. The introduction of new structures, tracks and roads into the landscape, and the planting of new vegetation, all have the ability to affect our perception and appreciation of the landscape. Tracking on slopes, if not appropriately constructed and maintained, can induce erosion, which has the potential for significant landscape effects.

Although not an exhaustive list, this policy describes how the visual integrity of the landscape can be maintained in response to changes in resource use. The subdivision of land can act as a precursor to such changes, so it is also appropriate to have regard to this policy when considering subdivision consent applications.

The matters in (a) to (c) guide how visual intrusion into outstanding natural features and outstanding natural landscapes and landscapes with high amenity value can be avoided, remedied or mitigated. These mostly relate to undertaking land use activities in ways that limit the visual intrusion into the landscape. These actions will be implemented through a range of activity status as well as standards on permitted activity rules. Policy 7.2.1 provides guidance on how these controls will be applied to outstanding natural features and outstanding natural landscapes. For landscapes with high amenity value, guidance is provided through Policies 7.2.2 and 7.2.3.

This policy cannot apply to existing land use activities that have been lawfully established due to existing use rights under Section 10 of the RMA.

10. Amend the explanation to Policy 7.2.11 (now 7.2.12), as follows:

[R, C, D]

**Policy 7.2.12~~1~~ – Encourage landowners and resource users to consider landscape qualities in the use or development of natural and physical resources in landscapes with high amenity value.**

~~Non-regulatory methods can be used to maintain and enhance high amenity landscapes. The primary means of maintaining and enhancing landscapes with high amenity value is through non-regulatory methods, except in the Wairau Dry Hills High Amenity and Marlborough Sounds High Amenity Landscapes where a management framework for a range of activities is set out in Policies 7.2.2, 7.2.3 and 7.2.7. Other landscapes with high amenity values have not been identified in the MEP, as these landscapes are usually located in remote areas or areas where perceptual values are not under any critical threat. Nonetheless, l~~andowners and resource users are encouraged to consider landscape qualities when undertaking use and development in these landscapes.

# Volume 2

## 1. Reduce the light reflectance value in Standard 4.2.1.11, as follows

- 4.2.1.11. On land within any Marlborough Sounds Outstanding Natural Feature and Landscape:
- (a) a building or structure must not exceed 10m<sup>2</sup>;
  - (b) any exterior cladding or paint applied to the exterior cladding of a building or structure must have a light reflectance value of ~~45%~~35% or less.

## 2. Include the Main Divide and Leatham Conservation Area ONFL in Standard 3.3.15.8, as follows:

- 3.3.15.8. There must be no excavation in excess of 500m<sup>3</sup> per Record of Title located within the following Outstanding Natural Features and Landscapes within any 12 month period:
- (a) Chalk Range;
  - (b) Inland Kaikoura Range;
  - (c) Molesworth Station and Upper Clarence;
  - (d) Limestone Coastline;
  - (e) The Main Divide and Leatham Conservation Area.
- This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change; or the maintenance and replacement, and minor upgrading of network utilities.

## 3. Include the Main Divide and Leatham Conservation Area ONFL in Standard 3.3.17.9, as follows:

- 3.3.17.9. There must be no filling in excess of 500m<sup>3</sup> per Record of Title located within the following Outstanding Natural Features and Landscapes within any 12 month period:
- (a) Chalk Range;
  - (b) Inland Kaikoura Range;
  - (c) Molesworth Station and Upper Clarence;
  - (d) Limestone Coastline
  - (e) The Main Divide and Leatham Conservation Area.
- This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change; or the maintenance and replacement, and minor upgrading of network utilities.

## 4. Delete Standards 19.3.5.7 - 19.3.5.10 and replace them with a new standard, as follows:

- ~~19.3.5.7. There must be no excavation in excess of 500m<sup>3</sup> per Record of Title located within the Bryant Range, Upper Pelorus Area, Richmond Range Conservation Estate and Red Hills Range Outstanding Natural Feature and~~

~~Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.~~

~~19.3.5.8. There must be no excavation in excess of 500m<sup>3</sup> per Record of Title located within the Mt Duncan, Mount Rutland and Mount Cullen Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.~~

~~19.3.5.9. There must be no excavation in excess of 500m<sup>3</sup> per Record of Title located within the Limestone Coastline Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.~~

~~19.3.5.10. There must be no excavation in excess of 500m<sup>3</sup> per Record of Title located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.~~

19.3.5.7. There must be no excavation in excess of 500m<sup>3</sup> per Record of Title located within the following Outstanding Natural Features and Landscapes within any 12 month period:

(a) Bryant Range, Upper Pelorus Area, Richmond Range Conservation Estate and Red Hills Range

(b) Mt Duncan, Mount Rutland and Mount Cullen;

(c) Limestone Coastline;

(d) Marlborough Sounds;

(e) The Main Divide and Leatham Conservation Area

(f) Inland Kaikoura Range;

(g) Molesworth Station and Upper Clarence;

(h) Wairau Lagoons.

This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change; or the maintenance and replacement, and minor upgrading of network utilities.

Make consequential changes to the numbering of Standards 19.3.5.11-19.3.5.16

5. Delete Standards 19.3.6.10 - 19.3.6.13 and replace them with the following standard, as follows:

~~19.3.6.10. There must be no filling in excess of 500m<sup>3</sup> per Record of Title located within the Bryant Range, Upper Pelorus Area, Richmond Range Conservation Estate and Red Hills Range Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.~~

~~19.3.6.11. There must be no filling in excess of 500m<sup>3</sup> per Record of Title located within the Mt Duncan, Mount Rutland and Mount Cullen Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to~~

~~excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.~~

~~19.3.6.12. There must be no filling in excess of 500m<sup>3</sup> per Record of Title located within the Limestone Coastline Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.~~

~~19.3.6.13. There must be no filling in excess of 500m<sup>3</sup> per Record of Title located within the Marlborough Sounds Outstanding Natural Feature and Landscape within any 12 month period. This does not apply to excavation for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change.~~

19.3.6.10. There must be no filling in excess of 500m<sup>3</sup> per Record of Title located within the following Outstanding Natural Features and Landscapes within any 12 month period:

(a) Bryant Range, Upper Pelorus Area, Richmond Range Conservation Estate and Red Hills Range

(b) Mt Duncan, Mount Rutland and Mount Cullen;

(c) Limestone Coastline;

(d) Marlborough Sounds;

(e) The Main Divide and Leatham Conservation Area

(f) Inland Kaikoura Range;

(g) Molesworth Station and Upper Clarence;

(h) Wairau Lagoons.

This does not apply to filling for the purposes of maintaining existing tracks, fences, races, and drains where their location and physical extent does not change; or the maintenance and replacement, and minor upgrading of network utilities.

Make consequential changes to the numbering of Standards 19.3.6.14 and 19.3.6.15



# Volume 3, Appendix 1

## Appendix 1: Values contributing to areas with outstanding natural features and outstanding natural landscapes and areas with high amenity value

1. Add new material to Appendix 1: Areas with high amenity landscape values, as follows:

<b><u>C: WAIRAU RIVER AND ITS MARGINS INCLUDING SPRING CREEK</u></b>	
<b><u>Values</u></b>	<ul style="list-style-type: none"> <li>- <u>Wairau River and tributaries provide distinctive braided riverbed habitats, particularly important for several native birds.</u></li> <li>- <u>Dominance of the large braided river as the focus of the valley landscape, particularly from Wash Bridge eastwards.</u></li> <li>- <u>Higher level of naturalness supported by enclosing mountains from Wash Bridge upstream.</u></li> <li>- <u>Attractive, meandering river channels and streams, including Spring Creek.</u></li> <li>- <u>Para wetland is an extensive area in the Tuamarina valley that has been identified as a wetland of international importance, and is very notable, and attractive when travelling on State Highway 1 between Blenheim and Picton.</u></li> </ul>
<b><u>Evaluation</u></b>	<p><u>Below Wash Bridge, the Wairau River and its margins have experienced modifications as a result of flood control works and colonisation of exotic marginal species, such as willow and gorse, which downplays the rivers degree of naturalness. Within this area and more particularly below the confluence of the Branch River, dramatic and extensive changes to the land use character of the landscape of the valley and the river margins over recent times have influenced the degree of the rivers naturalness. From the Wash Bridge downstream, the key features of the valley are the vistas that travellers are drawn to, of the fingers of the Dry Hills extending into the plains, the peaks and ridges of the Richmond Range and the Red Hills, and the exposed aggregate of the river bed and its braids. Consequently, the Wairau River from Wash Bridge to the sea is identified as a High Amenity Landscape &amp; Feature</u></p> <p><u>The values identified in this appendix were not considered to be sensitive to change at the time the Marlborough Landscape Study was undertaken, given the activities that take place within the landscape and the management applied through this Plan's zoning and associated provisions.</u></p>

<b><u>D: UPPER AWATERE VALLEY AND AWATERE RIVER</u></b>	
<b><u>Values</u></b>	<ul style="list-style-type: none"> <li>- <u>The upper Awatere Valley displays very high scenic values, where views towards the Inland Kaikouras, the mountainous terrain beyond and the eroding river terraces of the Awatere River are extremely impressive.</u></li> <li>- <u>High legibility of the river terraces.</u></li> <li>- <u>Distinctive gorge landform at Nina Brook provides a refuge for native species, including populations of rare broom species.</u></li> <li>- <u>The river is considered to provide important fish and bird habitat.</u></li> <li>- <u>Impressive long-distance views of a settled valley landscape from the majority of the</u></li> </ul>

	<p><u>Molesworth Road.</u></p> <ul style="list-style-type: none"> <li>- <u>The striking vertical cliffs that support the flat river terraces along parts of the Awatere River</u></li> </ul>
<b>Evaluation</b>	<p><u>This landscape areas principal value is associated with sensory attributes, predominantly along the river corridor and within the upper Awatere Valley. The striking river terraces add visual drama to the lower valley, while the valley begins to gradually constrict at Black Birch Stream when travelling southwards. Beyond Woodmans Bend, as the road steepens, the high peaks of the upland mountainous landscape provide become visible and provide a spectacular backdrop to the upper valley.</u></p> <p><u>The values identified in this appendix were not considered to be sensitive to change at the time the Marlborough Landscape Study was undertaken, given the activities that take place within the landscape and the management applied through this Plan's zoning and associated provisions.</u></p>

<b><u>E: LAKE GRASSMERE</u></b>	
<b>Values</b>	<ul style="list-style-type: none"> <li>- <u>Major feeding and roosting site for large numbers of waders such as the bar-tailed godwit, pied stilt and South Island pied oystercatcher and knot. Many species of migrants and vagrant waders have also been noted.</u></li> <li>- <u>Large numbers of waterfowl are also present seasonally, including grey teal, grey duck and introduced black swan.</u></li> <li>- <u>Saltmarsh turfs exist along the eastern margins of Lake Grassmere.</u></li> <li>- <u>Flat, open lake contained by surrounding hills.</u></li> <li>- <u>Spectrums of colours are evident in the series of salt drying ponds. Furthermore, drying salt piles evident at the end of summer are particularly noticeable due to the contrast between the white salt and the brown hills.</u></li> <li>- <u>The seasonal piling of salt acts as a temporary landmark to locals and visitors travelling on State Highway One and travelling on the train.</u></li> <li>- <u>The lake offers good bird-watching opportunities.</u></li> <li>- <u>A popular walk from Marfells Beach to Cape Campbell commences close to Lake Grassmere</u></li> </ul>
<b>Evaluation</b>	<p><u>Although part of Lake Grassmere is in industrial use for salt extraction, the lake as a whole and its immediate 'basin' is strongly memorable and retains a high level of visual coherence. The lake acts as a feature adjacent to State Highway One and displays high levels of seasonal interest at different stages of the salt-drying process. The site has an interesting history and is also popular for migratory birds due to its location next to the coast.</u></p> <p><u>The values identified in this appendix were not considered to be sensitive to change at the time the Marlborough Landscape Study was undertaken, given the activities that take place within the landscape and the management applied through this Plan's zoning and associated provisions.</u></p>

<b><u>F: WHARANUI COASTLINE</u></b>	
<b>Values</b>	<ul style="list-style-type: none"> <li>- <u>The relative complexity of the geology creates spectacular landforms and features, that are highly scenic, particularly along the coastline.</u></li> <li>- <u>The velvety dry brown hills contrast with the verdant valleys.</u></li> <li>- <u>A high level of openness is attained whilst travelling through this landscape, especially given the proximity to the coastline.</u></li> </ul>
<b>Evaluation</b>	<p><u>This High Amenity Landscape and Feature includes the southern-most part of Marlborough from the Waima River to Willawa Point. The relatively complex geology</u></p>

	<p><u>of this area creates spectacular landforms and features that are particularly scenic when travelling through this area either via road or by train. The close relationship with the rugged coastline adds a further dynamic to this constantly changing coastal landscape.</u></p> <p><u>State Highway 1 and the Main Trunk Railway were considered in the assessment of landscape in the Wharanui HAL. The continued presence and operation of this regionally significant infrastructure or its upgrade would not change the values of the high amenity landscape.</u></p> <p><u>The values identified in this appendix were not considered to be sensitive to change at the time the Marlborough Landscape Study was undertaken, given the activities that take place within the landscape and the management applied through this Plan's zoning and associated provisions.</u></p>
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## 2. Amend Appendix 1: Landscape 22 - The Limestone Coastline as follows:

<b>22. The Limestone Coastline</b>	
<b>Biophysical</b>	<ul style="list-style-type: none"> <li>- Geomorphology of limestone coastline includes several coastal geopreservation sites: Needles Point Cretaceous-Tertiary boundary, Flaxbourne River folds and thrusts, and the Chancet Rocks.</li> <li>- Broad and deeply incised mudstone shore platforms and offshore reefs characterise the marine environment around Cape Campbell.</li> <li>- Colonies of New Zealand fur seals at Chancet Rocks and the Needles.</li> <li>- Coastal platforms and ecological values of importance, with Marlborough endemic flora common, rocky areas (including the Marlborough rock daisy) and gullies.</li> <li>- All of these features are interlinked by beaches, cliffs and back dunes and hill country, which share the same geology and erosional and tectonic forces, culminating in an extremely impressive and legible coastline that clearly expresses its formative processes.</li> </ul>
<b>Perceptual</b>	<ul style="list-style-type: none"> <li>- Unencumbered, predominantly pastoral land retains a high level of visual coherence.</li> <li>- Highly expressive coastline from the slender Cape Campbell to Waima/Ure River.</li> <li>- Complex geology creates spectacular landforms and features that are particularly scenic along the coastline.</li> </ul>
<b>Associative</b>	<ul style="list-style-type: none"> <li>- A number of Māori archaeological sites are associated with this area, including two ancient pa sites on the coast, as well as a number of ovens and middens.</li> <li>- Possible European associations relating to the limeworks at Chancet.</li> <li>- High recreational values, particularly at Marfells Beach and Ward Beach.</li> <li>- <u>Popular areas for open ocean fishing.</u></li> </ul>
<b>Evaluation</b>	<p>Based on the above values, The Limestone Coastline has been identified as an ONL due to the exceptional biophysical and associative landscape values and very high perceptual landscape values.</p> <p>The Limestone Coastline provides the greatest visual drama in the south Marlborough landscape. The spectacular rocky outcrops of the Needles and Chancet Rocks along the Limestone Coastline south of Cape Campbell are extremely memorable and display very high levels of naturalness. The State Highway 1 coastal road from the Waima Bridge to the southern point of the District contains high scenic values.</p> <p>The coastline of this ONL is largely unmodified and very exposed. The area has remote values and <u>land</u> access is limited to a few locations, including Ward Beach and a small number of points south of the Waima River. <u>Access to the coastline from the coastal marine area is primarily by boat and the area is popular for fishing in the more exposed ocean waters.</u> Walks along the sandy shoreline to the impressive limestone outcrops of</p>

## 22. The Limestone Coastline

the Needles and Chancet Rocks are backed by steep terrain where views towards the open ocean are gained. Views from Cape Campbell lighthouse are spectacular, where panoramic vistas of the sweeping curve of Clifford Bay and the southern shores of the North Island are evident. Other than farm-related activity on the land, this coastline is unmodified, with no aquaculture or jetties/ wharves. The area, once visited, is extremely memorable.

Prominent reef areas in the north (including Cape Campbell), give way to extensive sand/gravel shores in the south and large offshore *Macrocystis* (kelp) beds are also present off this coastline. The coastal cliffs and escarpments have small low indigenous forest remnants and unusual, highly distinctive herbfields with nationally threatened species. The dunes and coastal flats also contain nationally threatened species. The Canterbury Gully dunefield, located just south of Cape Campbell, contains nationally threatened ecosystem types and plant species. The coastal scarps and flats have nationally significant ecosystems, including dunes and salt turfs, and good sequences of native coastal vegetation. Several areas are set aside for conservation of natural values through QEII National Trust covenants.

Modifications include: pastoral land, occasional fences, farm tracks, a gravel road leading to the lighthouse, a lighthouse and collection of small buildings (including a small overhead powerline), an airstrip, a small quarry, and the Ward beach buildings and road end. This area also includes the eastern extent of Marfells Beach Road. At Ward Beach, presence of machinery and some tracking across the beach resulting from the launch and retrieval of fishing boats and associated equipment.

### 3. Add a note to introduction to Appendix 1:

No liaison with Marlborough's tangata whenua iwi has taken place during the assessment of these values. This is a recognised gap in this appendix of values.

## **Volume 4:**

### **Landscape Overlays**

1. Add the four following High Amenity Landscapes to the Landscape Overlays, as set out below.



File Ref: C15091\_005\_A41\_HAL\_Wairau.mxd

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Date Sources:  
MDC Decisions

Projection: NZGD 2000 New Zealand Transverse Mercator



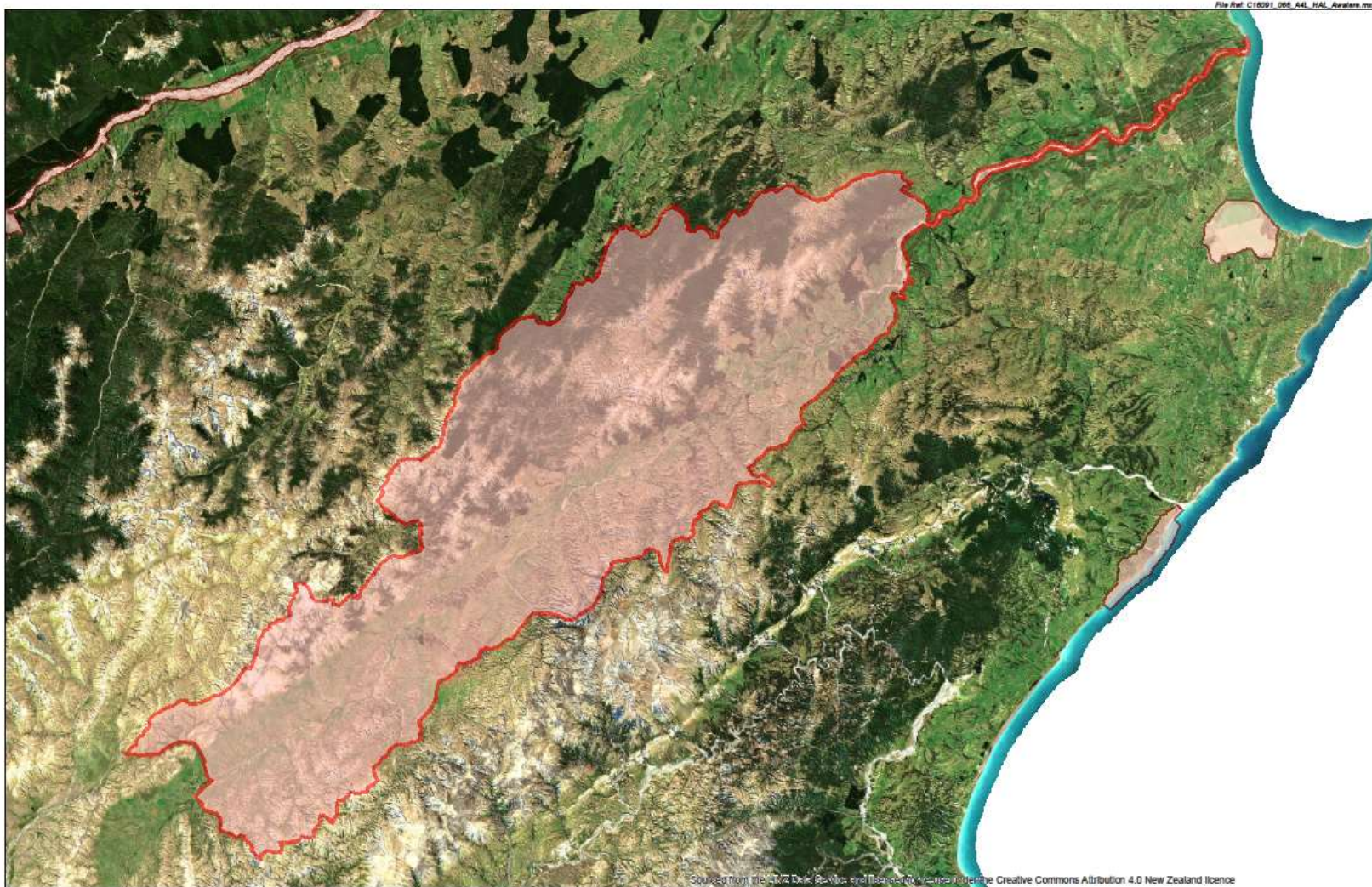
- LEGEND**
- MEP High Amenity Landscapes
  - MEP Adjacent High Amenity Landscapes

**MEP LANDSCAPE SUBMISSIONS**  
Wairau HAL

Date: 01 June 2021 | Revision: 0

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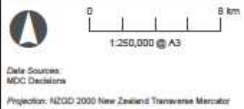
Project Manager: james.bentley@boffamiskell.co.nz | Drawn: BMC | Checked: JBe



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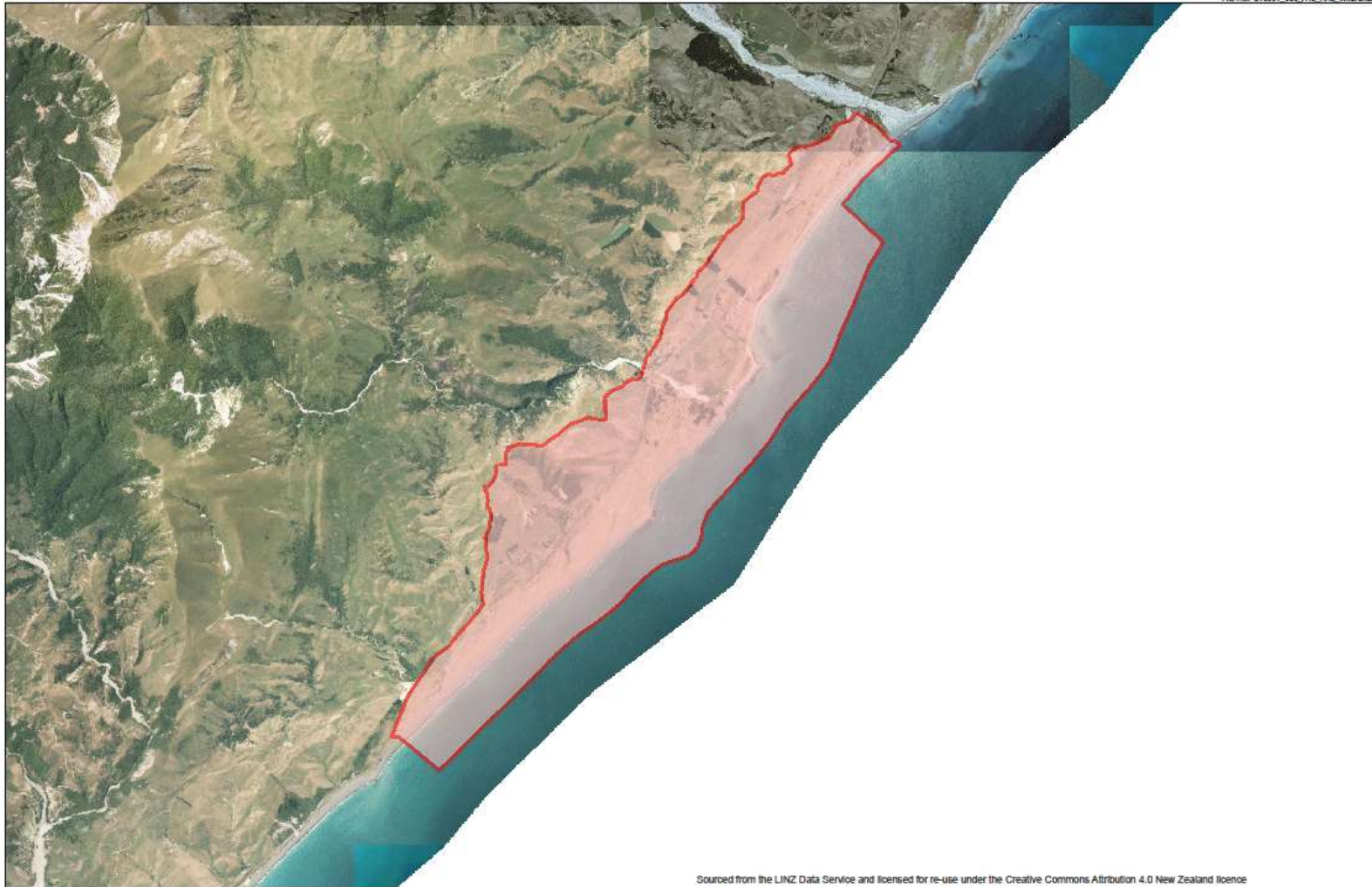


- LEGEND**
- ▬ MEP High Amenity Landscapes
  - MEP Adjacent High Amenity Landscapes

**MEP LANDSCAPE SUBMISSIONS**  
Awatere HAL

Date: 28 May 2021 | Revision: 0  
Plan prepared for MDC by Boffa Miskell Limited  
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File Ref: C16091\_065\_A46\_HAL\_Wharanui.mxd



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