

Memorandum

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Attention: The Marlborough Environment Plan Hearings Panel
 Organisation: c/o Marlborough District Council
 Date: 12 March 2018
 From: Maurice Dale, s42A Reporting Planner
 Message Ref: Topic 5: Natural Character and Landscape - Response to Panel Question on Natural Character Policy 6.2.3.
 Project No: C16091B

The s42A report on natural character issues, objectives, policies, and methods dated 20 November 2017 had recommended that natural character policy 6.2.3 be amended as follows:

Where natural character is classified as high or very high, avoid any reduction in the degree classification of natural character ~~of the coastal environment or freshwater bodies~~ to a lower classification.

As originally proposed, the policy would have meant that for areas with high or very high natural character, any reduction in the degree of natural character was to be *avoided*. That would have elevated the status of areas of high and very high natural character to the same level as those areas with outstanding natural character. That requirement was considered to be overly onerous, and in regard to the coastal environment, would not have given effect to policy 13(1)(b) of the NZCPS which only requires *significant* adverse effects on areas with less than outstanding natural character to be *avoided*.

The recommended amended wording requiring any reduction in the *classification* of natural character (e.g. from very high to high, or high to moderate) to be avoided, was considered to provide a more appropriate threshold as to what would be considered a *significant* adverse effect for the purposes implementing policy 6.2.2 and giving effect to policy 13(1)(b) of the NZCPS.

Evidence presented from Mr Baxter and Mr Ensor for the Minister of Conservation during the course of the hearing considered that this amended wording would mean that any activity having a *significant* adverse effects on natural character values, but which does not reduce the *classification* of the site below its current classification, would not be prevented. As such they considered the amended policy would not give effect to policy 13(1)(b) of the RMA.

Recognising that evidence, I therefore recommended in response that policy 6.2.3 of the proposed MEP be deleted.

The Panel questioned whether the deletion of the policy would have any wider implication for the MEP. I consider that the deletion of the policy would not leave any policy gap in the MEP, insofar that policies 6.2.1, 6.2.2 and 6.2.4 (as recommended to be amended) will adequately ensure the management of the adverse effects of subdivision, use and development with respect to the different natural character classifications in the MEP. Specifically –

- Policy 6.2.1 will ensure adverse effects on the values that contribute to those areas of the coastal environment with *outstanding* natural character are *avoided*, so as to give effect to policy 13(1)(a) of the NZCPS.
- Policy 6.2.2 will ensure *significant* adverse effects on the values that contribute to those areas of the coastal environment and lakes river and their margins with *high or very high natural character* are

avoided, and all other adverse effects are *avoided, remedied, or mitigated*. With respect to the coastal environment, this will give effect to policy 13(1)(b) of the NZCPS.

- Policy 6.2.4 will ensure that adverse effects on the elements, processes, and experiential qualities that contribute to natural character are had regard to when assessments against the requirements of policies 6.2.1 and 6.2.2 are made.

No wider implications in the management of the adverse effects of subdivision, use, and development on natural character are therefore anticipated from the deletion of policy 6.2.3.