



Proposed Marlborough Environment Plan

Topic 5: Natural Character – Technical Mapping

Hearing dates: 26 – 28 February and 1 March 2018

S42A Report Writer: James Bentley and Maurice Dale

Conflicts of Interest: None

Interim decision: None

(Note: A list of conflicts of interest which arose during the process are available to view on the Marlborough District Council Website)

List of Abbreviations	3
Structure of Decisions	4
Introduction	6
Appendix 2	6
Texts, Tables, Maps.....	11
Technical mapping, values and overlays	13
Coastal Natural Character Study into Coastal Natural Character Overlays 1-5	13
Requests with respect to specific CMA or CTA.....	15
Appendix 2: Coastal Marine Area C: Waihinau and Waitata Bays (which includes Hamilton Cove) and northern Waitata Reach Area	15
Appendix 2: Coastal Marine Area C: Pelorus Sound	19
Outstanding Natural Character 7: Maud Island tables	19
Coastal Terrestrial Area 3: Bulwer	19
Overlays	24
Appendix 2	24
Coastal Marine Area C: Northern Tennyson Inlet (including Camel Point, Canoe Bay, Fitzroy Bay, Savill Bay, Garne Bay, Hallam Cove).....	24
Coastal Marine Area C: Nydia Bay to Fairy Bay to Tawero Point	26
Coastal Marine Area E: Tory Channel	30
Coastal Marine Area F: Port Underwood.....	32
Coastal Marine Area F: General.....	32
Appendix 2: Coastal Marine Area H: Cloudy and Clifford Bays	36
Coastal Terrestrial Area 11: Wairau.....	38
Coastal Marine Area B: D’Urville Island-North Cook Strait	40
Coastal Marine Area B: Remaining D’Urville Island and North Cook Strait Area	43
Coastal Terrestrial Area 16: Cape Campbell	45
Coastal Marine Area C: Crail Bay-Clova Bay	46
Coastal Marine Area A: Symonds Hill	47
Coastal Marine Area C: Richmond and Ketu Bay areas	48
Coastal Marine Area C: Northern Tawhitinui Reach (Picnic Bay Area).....	49
Coastal Marine Area C: Forsyth Bay	50
Coastal Marine Area D: Queen Charlotte Sound	51
Coastal Marine Area D: Remaining Queen Charlotte Sound Area	52
Overlap with Natural Character Maps	53
Riparian Natural Character Management Area Overlay: Branch River	54

List of Abbreviations

BML	Boffa Miskell Limited
CMA	Coastal Marine Area
CTA	Coastal Terrestrial Area
HNC	High Natural Character
PMEP	Proposed Marlborough Environment Plan
MDC	Marlborough District Council
MHWS	Mean High Water Spring mark
MPI	Ministry for Primary Industries
MSRMP	Marlborough Sounds Resource Management Plan
NZCPS	New Zealand Coastal Policy Statement 2010
ONC	Outstanding Natural Character
ONF	Outstanding Natural Feature
ONL	Outstanding Natural Landscape
ONFL	Outstanding Natural Feature and Landscape
RMA	Resource Management Act 1991
WARMP	Wairau/Awatere Resource Management Plan

Submitter abbreviations

EDS	Environmental Defence Society Incorporated
DOC	Department of Conservation
FNHTB	Friends of Nelson Haven and Tasman Bay Incorporated
Fish and Game	Nelson Marlborough Fish and Game
Forest & Bird	Royal Forest and Bird Protection Society NZ
MFA	Marine Farming Association Incorporated
PMNZ	Port Marlborough New Zealand Limited

Structure of Decisions

1. It is important that the topic decision is read as a whole together with the tracked change version of the Plan. The decision on each topic contains the reasons for the Panel’s decisions. These comprise either adoption of the reasoning and recommendations of the original Section 42A Report or the replies to evidence, or a specific reasoning by the Panel¹.
2. The tracked change version of the relevant PMEP provisions forms an integral part of the decision. The source of the change in terms of the topic that the subject matter was dealt with is clearly identified in the track changes version of the plan. This records all amendments (additions and deletions) to the notified PMEP provisions made by the Panel.
3. Where the PMEP provisions **remain as notified**, it is because:
 - (a) The Panel has decided to retain the provision as notified for reasons set out in this decision; or
 - (b) The Panel adopted the reasoning and recommendation of the Section 42A Report Writer to retain the provision as notified as recommended in the Reply to Evidence; or
 - (c) The Panel adopted the reasoning and recommendation of the Section 42A Report to retain the provision as notified in the original Section 42A report.
4. Where there is a **change to a provision** within the plan it is because:
 - (a) The Panel has amended a provision for reasons set out in this decision in response to a submission point which the Section 42A report writer(s) does not recommend in their reports; or
 - (b) The Panel adopted the reasoning and recommendation of the Section 42A Report Writer to change the provision to that recommended in the Reply to Evidence; or
 - (c) The Panel adopted the reasoning and recommendation of the Section 42A Report Writer to change the provision to that recommended in the original Section 42A report;
or

¹ (The only exception to that approach relates to the Noise section of the Nuisance topic where the reasoning and recommendations in the responses to Minutes 54 and 59 may have been adopted, rather than the reasoning and recommendations in the Section 42A Report or the Reply to Evidence report. The reasons for that difference in that topic are dealt with in detail at the commencement of the Noise section of the Nuisance topic decision. In respect of that topic the approach to understanding of the individual submission point decisions addressed in paragraphs 13.3 to 13.5 below should be adjusted accordingly to apply references to the Section 42A Report and/or Reply to Evidence in those paragraphs as being references to the responses to Minutes 54 & 59 for that Nuisance topic.)

- (d) A consequential change has been necessary following on from a decision in either a), b) or c).
5. Where there is a **different recommendation** between the Section 42A Report and the Reply to Evidence (i.e., the recommendation by the Section 42A report writer(s) has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.
 6. There are limited circumstances where the Panel has taken the opportunity to give effect to national policy statements or implement national environmental standards. Where this occurs the relevant decision clearly sets out the nature of the change and the reason for the change.
 7. Finally, there are limited circumstances where the Panel has decided that **alternative relief** is more appropriate than that requested by the submitters, but still within the scope of the relief sought. This is recorded in the Panel's decision.

Technical Mapping, Values and Overlays

Introduction

8. Technical mapping, values and overlays relating to the mapping of natural character are dealt with as a suite of considerations based on technical mapping undertaken as part of the MEP development and in response to submissions and further submission relating to this topic. During the course of hearings a number of minutes were issued to the 42A Report Writer seeking additional information on key areas of this decision. The minutes will be referenced in the relevant sections of this decision. The decision should be read in conjunction with the identified minutes and the responses to those minutes.

Appendix 2

9. A number of submitters sought clarification regarding the use of “high”, “very high” and “outstanding” as many felt that the use of these terms was not applied consistently. The panel issued a number of minutes² seeking clarification from the report writer in response to this issue. These responses are outlined below.
10. In Minute 49, the Panel sought clarity on the methodology and use of descriptors in Appendix 2 to improve accuracy and for ease of reference. In response to this minute, the report writer considered the mapping solution for identifying areas of high, very high and outstanding natural character, and provided recommended amendments to Coastal Terrestrial Area 3: Bulwer (Level 4/5 Table)³
11. The Panel remained concerned and considered that clarity was still required in the Key Values column.
12. In Minute 55 the Panel sought that the remaining areas of the coastal environment be prepared in the same way as the Bulwer Coastal Terrestrial Area example outlined in the report writer’s response to Minute 49.
13. In response to minute 55, Mr Bentley undertook a review of each coastal marine area (CMA) and coastal terrestrial area (CTA) and provided a higher level of clarity regarding the rating and geographical extents. He also provided updated tables and maps referencing any potential sub-area that may also retain Outstanding Natural Character (ONC) and provided a reference to the relevant table/maps where it would be contained within PMEP Appendix 2 of Volume 3.

² Minutes 36, 47, 49 and 55

³ Response to Minute 49, 8 March 2019

14. For consistency, Mr Bentley also included the tables and maps relating to ONC areas. These ONC areas are numbered ONC1, ONC2 etc (and are in the same order as they appear in Appendix 2 Volume 3 of the PMP) as opposed to 1, 2, 3 etc, for clarity purposes. They also contain slight amendments by the Panel.
15. Through the process of updating the tables and maps, Mr Bentley further asked Peter Johnson of MDC to provide a legal status update to a number of mussel farms outlined in the tables.
16. Further, Mr Bentley added the words '*and noted modifications*' to the last column of the Schedule 2 tables. The last column now reads: '*Additional comments and noted modifications*' on the basis that this better reflects the type of comments listed in that column, where modifications were principally outlined.
17. The pages of the memorandum are arranged how he imagined it would be within the PMP, that is, with each table followed by a plan.
18. Furthermore, there was some confusion over the mapped extent of the sub-area referred to as 'Land West of Waitata Reach' within the Bulwer CTA. Further confusion could arise with other areas, especially when the tables that underpin the mapped extent are separate from the maps.
19. The report writer recommended that clearer mapping would be required concerning the Natural Character overlays, particularly in relation to the Marlborough Sounds. He considered that clearer maps illustrating the extent of the area (ideally with some topographical references) would help to orientate the plan user. The report writer added that attaching maps to the tables in Appendix 2 would assist. This would allow them both to be read together.
20. Mr Bentley also identified that the first set of tables in Appendix 2 related to Coastal Marine Areas (CMA), with each CMA there are typically sub-areas where parts of the CMA retain either high or very high levels of natural character. The mapped extent and numbers of sub-areas within each CMA vary, with some CMAs retaining many sub-areas, and some only having one. Each sub-area relates to the mapped extent of high or very high natural character within the maps of Volume 4 of the PMP.
21. Following the list of CMA tables is a list of tables that relate to the land, or Coastal Terrestrial Areas (CTA). As with the CMAs, each CTA typically includes a number of 'sub-areas'. Again, each sub-area relates to the mapped extent of high or very high natural character in the maps of Volume 4 of the PMP.

22. In response to submissions, some recommendations were made in the Section 42A Report to amend both the extent and classification of mapped natural character areas, as well as amendments to the 'values' in the table that underpin the mapped areas. These requests are addressed later in this decision.
23. The report writer provided an example of how this repackaging could appear in Volume 3, using the Bulwer CTA as an example. This consisted of the relevant table and then a map of the CTA depicting areas of high or very high natural character.⁴ The recommendations from the Section 42A Report were also incorporated. Importantly in the context of the Panel's concerns, each geographical area identified on the table with high or very high natural character was labelled on the map.
24. The report writer also addressed the possibility of an improved methodology for mapping and table descriptions for reasons of both accuracy and ease of reference in Appendix 2 of the PMEP.
25. The methodology recognised that, when mapped and appraised at a certain scale, the range and combination of what the Panel has determined are characteristics that contribute to an area's natural character, vary. Accordingly, some of the tables did not easily identify every area mapped on the accompanying plans.
26. To alleviate this concern, and to ensure that the user of the PMEP clearly understands the relationship between the tables and the maps, the report writer proposed (in his response to Minute 49) to use the maps as a geographical index to the values identified in the tables. To ensure that there was the utmost clarity, he recommended removing the high and very high colourations from the maps proposed to be added to Appendix 2 and to identify each geographical area relevant to the table row by separate colour. This methodology is clearly set out in the response to minutes 49 and 55. Removing the distinct colouration between high and very high would not change the identified status, as the high and very high values (now determined as characteristics by the Panel) that contribute to the area being identified in the first place will still be outlined in the table.
27. The report writer identified that only areas of high and very high natural character have been mapped. These mapped areas have been 'grouped' based on geographic areas of commonality. Within those geographic areas, some 'areas' retain a mix of both High and very high areas of natural character, while others are solely rated as either high or very high. These

⁴ Helpfully, the report writer also provided enlargement maps for ease of considering the detail.

mixed areas are identified only in the accompanying table, under a 'rating column' for each specific natural character area within a specified CTA or CMA.

28. The report writer's recommendation was to amend the natural character values and descriptions table for the Bulwer CTA. The Rating column was deleted. These amendments relate only to the tables, and the maps would remain the same as previously presented.⁵
29. In his final summing up of his proposed changes (recorded in the response to Minute 55), the report writer undertook a review of each CMA and CTA table to provide a higher level of clarity around the rating and geographical extents. Maps were also provided.
30. Also provided within the tables was reference to any potential sub-area that may also retain Outstanding Natural Character (ONC). References to the relevant table/maps where it would be contained within PMEP Appendix 2 of Volume 3 was also provided. For consistency, he also included the tables and maps relating to ONC areas. These ONC areas were numbered ONC1, ONC2, ONC3 etc as opposed to 1, 2, 3 etc, for clarity purposes and to make these areas distinct from areas of high or very high natural character.
31. Further, the words 'and noted modifications' have been added to the last column of the tables so it now reads 'Additional comments and noted modifications' which better reflects the type of comments that are listed in that column.

Consideration

32. As is clear from the exchange of minutes and responses to minutes the Panel's motivation was to ensure that there was a clear linkage between Appendix 2 and the Natural Character overlay maps. In other words, the Panel sought to ensure that the PMEP user could easily establish the mapped extent of the natural character characteristics identified in Appendix 2. The Panel therefore believes that the approach recommended in the responses to Minutes 36 and 49 are appropriate and will provide clarity.
33. The report writer emphasised that NZCPS Policy 13(2)(b) seeks only that areas of high and outstanding natural character are identified, while the methodology uses a seven-point scale, between very low and very high, with moderate in the middle. Only areas of high and very high have been identified and mapped in Appendix 2. Areas of outstanding natural character are mapped separately in the overlays in Volume 4.
34. Leaving in the 'rating' column only raised potential confusion rather than providing clarity. The Panel suggested two possible solutions:

⁵ Response to Minute 47 dated 21 January 2019.

- Deleting the Rating column – the reason being that as presently recommended that column itself possibly gives rise to potential lack of clarity as to which areas are rated as being of very high as distinct from high natural character.
- Replacing the Rating column with an amendment to the ‘Key Values’ column by adding, after the sub-header, the following statement:

Key Values-Characteristics

(High natural character characteristics will exist in all areas, but some areas will also contain characteristics of very high natural character as described in this column.)

35. The report writer agrees that the Panel’s preferred option, the second one⁶, is a sensible way forward. All mapped natural character areas are ‘at least high’, (which aligns with policy direction in Policy 13 of the NZCPS) therefore the written identification of characteristics outlining exactly what comprises the areas of Very High natural character and where they are located need to be more clearly identified within the Key Values column.
36. As a result of the Panel and the report writer’s iterative process, the Panel finds that the report writer:
- provided tables referencing areas of Outstanding Natural Character (ONC);
 - identified confusion in maps between high, very high and ONC;
 - identified sub-areas in coastal marine areas and coastal terrestrial areas;
 - identified confusion when separating tables from maps;
 - improved the methodology for describing maps and tables;
 - identified by separate colour each geographical area relevant to the table rows, and tightened up boundaries;
 - tidied up mapping line work;
 - deleted Ratings;
 - noted that only high and very high natural character areas have been mapped; ONC are separate.
37. The Panel believes that the approach recommended in the report writer’s responses to Minutes 36, 49 and 55 are appropriate and provide clarity.

⁶ Panel Minute 49, paragraph 9.

38. In the decision that follows, the response to Minute 55 is adopted in relation to the blue amendments which relate to technical descriptive aspects of the appendix tables. These additions are a consequence of the exchange between the Panel and the report writer and the additions complete the table content in the context of the matters in the various minutes. The response also contains in a black underline and strikethrough recommendations that were made in the Section 42A Report process. These are dealt with later in this decision by either acceptance of the reasoning and recommendation of the report or by separate decision of the Panel.

Decision

39. The response to Minute 55 is adopted for the purpose of the Panel’s decision on the format and layout of Appendix 2. In practical effect, this means that all of the notified Appendix 2 will be replaced with that set out in the response. The following amendments are made to Appendix 2 as a consequence:

- The tables in Appendix 2 are restructured according to the response to Minute 55.
- The maps and corresponding colour coding in the tables in the response to Minute 55 are also to be included in Appendix 2.
- The tables to Appendix 2 are amended by the addition of a new column titled ‘map reference’ which will include the map references contained in the response to Minute 55. This map reference corresponds to the number for each sub-area shown on the map now to be included with the schedule. The column titled ‘Rating’ is to be deleted.
- The tables to Appendix 2 are to be amended by adopting the blue text as contained in the response to Minute 55.

Texts, Tables, Maps

Use of the term ‘Values’

40. A definition of ‘natural character’ was provided in the Section 42A Report (Bentley) relating to the specific report on Natural Character, Technical Mapping, Values and Overlay, which was agreed at a DOC workshop in 2011, as follows:

Natural Character is the term used to describe the natural elements of all coastal environments. The degree or level of natural character within an environment depends on:

1. *the extent to which the natural elements, patterns and processes⁷ occur; and*
2. *the nature and extent of modification to the ecosystems and landscape/seascape.*

The degree of natural character is highest where there is least modification.

The effect of different types of modification upon natural character varies with context and may be perceived differently by different parts of the community.⁸

41. Dr Steven raised concerns regarding the concept of natural character in his evidence, stating:

A fundamental flaw of the Marlborough Coastal Natural Character study of 2014 is the absence of a clear, unambiguous definition of natural character - an awareness of what it is, and what it is not. In my opinion, the following simple definition is valid, and has sufficient utility for the purposes of section 6(a) RMA and NZCPS Policy 13:

‘Natural character is the expression of natural elements, natural patterns and natural processes in the landscape or coastal environment, rated according to the degree of modification through human agency.’⁹

42. Dr Steven goes on to state that neither the definition provided by the report writer, or those identified in the NZCPS and RMA¹⁰ include reference to ‘values’. The use of the term in the context of describing location-specific natural character characteristics within the Appendix is misleading.

Consideration

43. The Panel agrees with Dr Steven that inclusion of the word ‘value’ in an analysis of the natural character of the coastal environment blurs the clear distinction between a landscape and natural character assessment.¹¹ Policy 13(2) of the NZCPS emphasises the importance of this distinction. The Panel have determined therefore to delete the word ‘value’ and substitute the word ‘characteristic’. The word ‘characteristic’ best reflects the intrinsic nature of biotic and abiotic elements, patterns and processes.¹²

⁷ For the purposes of interpreting the NZCPS 2010 Policy 13.2, ‘elements, patterns and processes’ means: biophysical, ecological, geological and geomorphological aspects; natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; and the natural movement of water and sediment.

⁸ NZCPS 2010 Guidance Note Policy 13: Preservation of natural character, DOC, page 11.

⁹ FNHTB, Michael Steven Evidence, paragraph 73.

¹⁰ Section 6 RMA, matters of national importance; and NZCPS Policy 13.2

¹¹ FNHTB, Michael Steven Evidence, paragraphs 27-44.

¹² FNHTB, Michael Steven Evidence, page 21, paragraph 75.1.

Decision

44. The word 'value/s' is deleted and replaced by the word 'characteristic/s' within Chapter 6, with a consequential amendment to Appendix 2.

Technical mapping, values and overlays

Coastal Natural Character Study into Coastal Natural Character Overlays 1-5¹³

General submissions

45. Several submitters query the seaward extent of the natural character overlay, stating there is no justification for this to extend so far into Cook Strait and seeking that it be reduced to only include snorkelling or recreational diving depths;¹⁴ others state the maps are confusing and seek that natural character be extended as far as the relevant geographical area;¹⁵ another requests the deletion of the coastal natural character overlays from the planning maps, or to amend the table setting out changes to boundaries which are relatively minor and ensuring the existing marine farms are not encumbered;¹⁶ another submitter points out that several hard copies of notified character maps were omitted including Melville Cove, Beatrix Bay and Maud Island;¹⁷ that the maps be updated and affected parties be given adequate time to make a submission.¹⁸

Section 42A Report

46. The report writer emphasises that recognising the marine component is a pivotal feature in defining the natural character of the coastal environment (underwater features and activities are known). But in terms of the seaward extent of mapping, information on seabed ecology is greatest close to shore and decreases appreciably with distance offshore.
47. Consequently, the Marlborough Coastal study focused on all enclosed waters of the Marlborough Sounds - the Outer Marlborough Sounds bounded by the main headlands and offshore islands and stacks, and out to 2 kilometres offshore from the coast including offshore islands and stacks around the Outer Sounds.
48. Deletion of mapping was not considered as an option as the report writer considers it gives more certainty to the users.¹⁹ Additionally, NZCPS Policy 13(1)(c) directs local authorities to 'assess the natural high (MDC blue tone), very high (MDC pink tone) and outstanding (MDC

¹³ Section 42A Report, General Mapping, pages 23-24.

¹⁴ Aquaculture NZ (401), MFA (426). This approach is supported by the commentary in *Natural Character of the Marlborough Coast* (MDC, 2014).

¹⁵ Friends NHTB (716).

¹⁶ Sanford Ltd (1140).

¹⁷ Slade, King and King, Port Gore Marine Farm Partnership (1152.1-1152.7).

¹⁸ Topic 5: Natural Character – Technical Mapping, Values and Overlays.

¹⁹ Section 42A Report, page 23.

pink cross hatch) character of the coastal environment of the region or district by mapping or otherwise identifying at least high natural character.

49. The report writer considers that in the hard copies of the PMEP Volume 4 Maps (Coastal Natural Character Maps 1-5) some colours in some areas are blurred and hard to read the distinction between land and sea (land - light grey, sea - white). The colours used and the scale used also make distinctions difficult. Further, the maps (overlays) do not join together and the gaps are the basis of concerns.
50. In his general mapping discussion the report writer does not agree with one submitter who requests that natural character mapping is not amended due to the specific Policy 13(1)(c) in the NZCPS. That is one of the three options given to Council for identification.
51. The report writer recommends:
 - Coastal Natural Character Overlay Maps 1-5 maps within Volume 4 PMEP be amended to better articulate the maps (more refined maps and colouration) and addressing the mapping gaps.
 - Reproduce the maps at a larger scale with more distinct colour differentiation between high, very high and outstanding natural character.²⁰

Consideration

52. Given that each sub-area will now be mapped separately (see earlier decision) in Appendix 2, the Panel consider that some of the recommendations of the report writer in the original Section 42A report and Right of Reply are no longer relevant.
53. The Panel noted that the report writer is now recommending that areas of outstanding natural character be separately identified to the remaining content of Appendix 2. The Panel agrees with this approach as a means of providing greater clarity to plan users. The amended approach also recognises that a different methodology was applied to identify areas of outstanding natural character.
54. The Panel also noted a clerical error with a missing band of coastal natural character between Coastal Natural Character 1 and 2 (on the top); and 3 and 4 (underneath).

Decision

55. The missing coverage in Volume 4 Overlays Coastal Natural Character 1 and 2, 3 and 4 identified above, is rectified.

²⁰ Section 42A Report, pages 23-29.

56. Areas of ONC are mapped separately in the overlays to areas of High and Very High natural character.

Requests with respect to specific CMA or CTA

57. The remainder of this decision addresses requests for changes to Appendix 2 of Volume 3 and/or the Natural Character overlays in Volume 4. The Panel has generally relied upon the Section 42A Report and the Right of Reply to determine these requests. The Section 42A report also had an appended map book illustrating the effect of recommendations from a mapping perspective. For the avoidance of doubt, references to figures from this point on are references to the figures contained in the map book.
58. As set out earlier in this decision, Schedule 2 is to be restructured. Changes to the content of the tables in Appendix 2 as a result of decisions on specific submissions utilise the restructured format of Appendix 2. However, where applicable, reference is also provided to the tables set out in the notified Plan in order to allow for the tracking of the effect of decisions between the two versions of Appendix 2.

Appendix 2: Coastal Marine Area C: Waihinau and Waitata Bays (which includes Hamilton Cove) and northern Waitata Reach Area²¹

59. A number of submitters requested removal of the natural character overlay from close to their property or marine farm (with the exception of one submission which relates more directly to landscape).²²

Section 42A Report

60. This part of Pelorus Sound contains large areas of modification to both terrestrial and marine environments. Much of this modification is associated with land use activities such as grazing, commercial forestry, and structures predominantly buildings, power lines and tracks. Within the marine environment Waitata and Waihinau Bays contain aquaculture (mussel and salmon farming), moorings, jetties and slipways.
61. Any limited areas that remain are high/very high areas of natural character relating to advanced regeneration of previously cleared land. These areas around White Horse Rocks, along the southern and eastern shores of Hamilton Cove, and all of Kaitira Headland have

²¹ Section 42A Report, pages 37-40.

²² Aquaculture New Zealand (401.257), Marine Farming Association (426.248), Aroma Aquaculture Ltd (546.8 and 13), Judy and John Hellstrom (688.38), Goulding Trustees Limited (750.4-5), Marine Farm Management Ltd (958.12, 13 and 27), Marlborough Aquaculture Ltd (959.2), The New Zealand King Salmon Company Limited (997.4, 5 and 7), Rob Curtis (1056/1, 2 and 4), Richard F Paine (1060.9-11), Sanford Ltd (1140.108, 110), Shellfish Marine Farms Ltd (1150.3-5), St George Ltd (1160.3-4).

been mapped as such. Areas of very high natural character are limited to the Yellow Cliffs which extend southwards past Treble Tree.

62. The report writer confirms there is no mapping close to marine farms 8098-8099 in Waitata Bay principally due to the modifications. The updated MPI maps (Figures 1 and 2)²³ indicate reasonably significant amounts of dredging having occurred within Waitata Bay and Central Waitata Reach.²⁴ Reef Point/Yellow Cliff and the regenerating bush above Hamilton Cove are considered appropriately mapped as high natural character. This high rating should continue toward Turner Bay. MFA requested a review of the whole area so while Goulding Trustees Limited²⁵ and Sanford Limited²⁶ request removal of areas of “high natural character” mapping, the report writer considers this small area of land as being within the scope of the review and to be appropriately mapped as high natural character.
63. At White Horse Rock/Burnt Point the terrestrial headland is relatively advanced regenerating bush and supports no structures or modifications, other than wilding pines. The salmon farm located immediately offshore prevents the foreshore from also being considered high.
64. The marine component north of West Entry Point is mapped as high natural character, but the small peninsula is not, due to its pine tree domination. The mapped high natural character area at this point reflects the generally high level of naturalness of the marine environment, despite the presence of the occasional marine farm.
65. On reconsideration of this whole area, the report writer is confident the existing mapping represents the natural character identified at the scales discussed, apart from a small amendment within the terrestrial component of Hamilton Cove currently not mapped as high natural character. He recommends an extension to an area of high natural character to include the northern point of the bay up to the ridge that divides Hamilton Cove from Turner Bay. His recommendation is to amend the natural character mapping within Hamilton Cove as depicted on Figure E: Natural Character Mapping Change 5: Hamilton Cove.

Consideration

66. The Panel agrees with the report writer’s assessments and recommendations. Figure E: Hamilton Cove clearly depicts the modified/non-modified areas of Hamilton Cove. The recommendations of the report writer in that area are accepted.

²³ Section 42A Report, Natural Character Mapping Recommendations

²⁴ Section 42A Report, page 38.

²⁵ (750.3-5).

²⁶ (1140.108, 110).

67. The report writer also recommends an amendment to the Coastal Area 3: Bulwer table to be undertaken to expressly recognise the mapped area on what is currently listed as ‘Land to the west of Waitata Reach’ as follows: White Horse Rock, Hamilton Cove and Yellow Cliffs.
68. Due to the amendments made as a result of the report writer’s response to the Panel’s Minute 55, this table has been split (into 3A, 3E and 3F) as a result, and new wording has been inserted as part of the methodology changes.

Decision

69. The table is split into the following 3 tables (3A, 3E, 3F):

Coastal Terrestrial Area 3: Bulwer (Level 4/5 Table)²⁷

Map Reference	Sub Area	Key Characteristics	Additional Comments and noted modifications
3A	Land to west of Waitata Reach Eastern facing slopes extending from Reef Point Treble Tree to Bucklands Bay	<p>Whilst some land has been cleared for pasture, there are limited structures on the land, especially around northern Port Ligar and land west of Waitata Reach.</p> <p><u>Advancing regenerating headlands and embayments holding very high biotic and abiotic values extending from ridge to foreshore throughout much of this area with noticeable lack of modification.</u></p> <p>Of the remaining Much of the indigenous forest holding very high natural character values characteristics within the Area, much appears on more elevated slopes, such as on (Mt. Shewell, Mt. Drew, Bobs Peak, Okuri Peak), however a but with substantial tracts appears at lower coastal altitudes at, especially east and south aspects (Apau Channel, Fitzroy Bay).</p> <p>Very High perceived naturalness values characteristics.</p> <p>Advancing regeneration of vegetation on lower slopes east of Picnic Bay and east of Woodlands.</p>	<p>Many bays contain houses, jetties and wharves</p> <p><u>Modifications within this area include:</u> Occasional area of wilding pines present, Tui Nature Lodge structures and small amount of tracking. No foreshore structures apart two from mussel farms at Treble Tree and two mooring buoys (one at Woodlands Bay and one at Bucklands Bay)</p>

Note:

‘3A’ is taken from Section 42A Report (page 42): Coastal Terrestrial Area 3: Bulwer (Level 4/5 Table)

²⁷ PMEP Volume 3 Appendix 2, page 11.

Coastal Terrestrial Area 3: Bulwer (Level 4/5 Table)²⁸

Map Reference	Sub Area	Key Characteristics	Additional Comments and noted modifications
3E	Land to west of Waitata Reach <u>White Horse Rock, Hamilton Cove, Yellow Cliffs</u>	<p>Whilst some land has been cleared for pasture, there are limited structures on the land, especially around northern Port Ligar and land west of Waitata Reach, including <u>White Horse Rock, Yellow Cliffs and Hamilton Cove.</u></p> <p><u>Advancing regenerating headlands and embayments extending from ridge to foreshore around Hamilton Cove and White Horse Rock.</u></p> <p><u>Very high abiotic and biotic natural character characteristics at Yellow Cliffs due to lack of modification.</u></p> <p>Of the remaining indigenous forests within the Area, much appears on more elevated slopes (Mt. Shewell, Mt. Drew, Bobs Peak, Okuri Peak), but with substantial tracts at lower coastal altitudes, especially east and south aspects (Apua Channel, Fitzroy Bay).</p> <p><u>Very High perceived naturalness values characteristics experienced throughout.</u></p>	<p>Many bays contain houses, jetties and wharves</p> <p><u>Modifications within Waihinau Bay and Waitata Bay limit extent of mapping to those identified. Modifications within these mapped areas are restricted to several jetties, a small number of private residences, powerlines and tracks. Where aquaculture is present, this has limited the extent of mapping to the terrestrial area only.</u></p>

Note:

'3E' is taken from Section 42A Report (page 39): Coastal Terrestrial Area 3: Bulwer (Level 4/5 Table)

Appendix 2 - Coastal Terrestrial Area 3: Bulwer (Level 4/5 Table)²⁹

Map Reference	Sub Area	Key Characteristics	Additional Comments and noted modifications
3F	Land to west of Waitata Reach <u>Fitzroy Bay Area, French Pass, Okuri Bay, and land at the head of Squally Cove</u>	<p>Whilst some land has been cleared for pasture, there are limited structures on <u>within the mapped area.</u> land, especially around northern Port Ligar and land west of Waitata Reach.</p> <p><u>Advancing regenerating headlands, slopes and embayments extending from ridge to foreshore and holding very high levels of natural character, noticeably from Bobs Peak and Okuri Peak with substantial tracts at lower coastal altitudes</u> <u>around northern Hallam Cove, Garne Bay, Savill Bay, northern Elaine Bay and southern Okuri Bay.</u></p> <p><u>Smaller 'pockets' of coastal vegetation retaining high levels of natural character are also present around the French Pass</u></p>	<p>Many bays contain houses, jetties and wharves</p> <p><u>Modifications within these mapped areas are restricted to one jetty in Savill Bay, several private residences in Canoe Bay, Garne Bay, small tracks extending from the French Pass Rd into Canoe Bay, Savill Bay and Garne Bay. Agriculture and forestry have restricted mapping</u></p>

²⁸ Report writer, Response to Panel's Minute 55, page 20.

²⁹ Report writer, Response to Panel's Minute 55, page 20.

	<p><u>settlement, parts of the western slopes of Wairangi Bay and the eastern slopes of Whakakitenga Bay.</u></p> <p>Of the remaining indigenous forests within the Area, much appears on more elevated slopes (Mt. Shewell, Mt. Drew, Bobs Peak, Okuri Peak), but with substantial tracts at lower coastal altitudes, especially east and south aspects (Apua Channel, Fitzroy Bay).</p> <p>Very High perceived naturalness values <u>characteristics</u> around the slopes extending from ridge to shore at northern Hallam Cove, Garne Bay, Savill Bay, northern Elaine Bay and southern Okuri Bay</p>	<p><u>to parts of Hallam Cove and Savill Bay.</u></p> <p><u>Aquaculture has limited the extent of mapping in Hallam Cove, Canoe Bay and around Camel Point to Elaine Bay</u></p>
--	--	--

Note:

‘3F’ is taken from Section 42A Report (page 47-48): Coastal Terrestrial Area 3: Bulwer (Level 4/5 Table).

Coastal Natural Character Overlay

70. Amend the natural character mapping within Hamilton Cove to add an additional area of high natural character as depicted on Figure E: Hamilton Cove of the Mapping Recommendations document.

Appendix 2: Coastal Marine Area C: Pelorus Sound

Outstanding Natural Character 7: Maud Island tables³⁰

Coastal Terrestrial Area 3: Bulwer

71. A separate table is sought for Treble Tree and Maud Island Area as well as all the others in Table 1: Smaller landscapes nested within the broader Outer and Inner Sounds Landscapes.³¹

Treble Tree and Maud Island Area

72. Several submitters³² seek a review of the areas identified and mapped as having high natural character in this part of the Marlborough Sounds. These submitters request an extension of the overlay, whilst two others request its removal, especially if relating to marine farms.³³
73. One of these submitters seeks an amendment over Maud Island so that it does not extend over coastal waters (that is, boundary as MHWS); deletion of the coastal parts of the High Natural Character around Wilson Bay/Spencer Point; deletion of the high natural character zone at or near Mt Shewell.

³⁰ Section 42A Report, pages 40-43.

³¹ Report writer, Response to Panel’s Minute 55, page 2.

³² Tui Nature Reserve (179.2), DOC (479.269), FNHTB (716.203, 716.204).

³³ Treble Tree (1199.4), United Fisheries Holdings Ltd (1204.3).

Section 42A Report

74. The report writer identifies that parts of this area retain very notable areas of naturalness such as Maud Island. The tract of land extending from Reef Point in the north to Bucklands Bay in the south is a significantly advanced area of regenerating indigenous bush, lacking any form of structures other than small areas of wilding pines, a lodge structure on the ridge, and a small amount of tracking. A consented mussel farm exists at Treble Tree and two mooring buoys, one at Woodlands Bay and one at Bucklands Bay. There has been an abundance of dredging in the area too, and this is reflected in Image 7 [*sic* 6] and Figures 1 and 2.³⁴
75. There is very limited structural modification apparent in Apuau Channel. FNHTB request that the outstanding natural character area of the Outer Sounds and Tasman Bay be expanded; in this coastal marine area FNHTB suggests this area to include all of Maud Island and Mt Shewell be integrated with the area of outstanding natural character. A further request is that the boundary of the outstanding natural character include a distance of not less than 500 metres from MHWS as being within the outstanding natural character area. The report writer therefore agrees with FNHTB that an extension of the outstanding natural character is appropriate.
76. The report writer agrees with FNHTB that an extension of the outstanding natural character is appropriate. He also considers whether all or parts of the adjacent mainland may be outstanding. There is mature indigenous forestry extending from the upper slopes of the ridge between Mt Shewell and Mt Drew. This contributes to the naturalness of Waiona Bay. Part of this extends down to the coast. Based on these aspects, there is scope to extend part of the ONC from the head of Waiona Bay to the ridgeline.
77. The report writer does not consider that the consent for the one marine farm at Treble Tree would significantly affect the mapping at the scale at which the marine environment has been mapped.
78. The report writer then considers whether all or parts of the adjacent mainland may be outstanding. There is mature indigenous forestry extending from the upper slopes of the ridge between Mt Shewell and Mt Drew. This contributes to the naturalness of Waiona Bay. Part of this extends down to the coast. Based on these aspects, there is scope to extend part of the ONC from the head of Waiona Bay to the ridgeline.

³⁴ Figure 6 see Note 3 Natural Character Mapping Recommendations Figure 1: Scallop Dredging Catch Intensity; Figure 2: Trawl Fishing Events.

79. Having come to these conclusions, it is recommended that amendments to the identified areas expressly recognise the newly mapped area that are more specific than what is currently listed as 'Land to the west of Waitata Reach'.³⁵
80. In an addendum to the Section 42A Report, the report writer became aware that two additional submissions had been overlooked. They both related to natural character mapping around the waters of Maud Island, Wilson Bay/Spencer Point and close to Mt Shewell.³⁶
81. Sanford request the following:
- amend the classification of high natural character over Maud Island so that it does not extend to the extent illustrated in the natural character overlays;
 - delete the coastal parts of the very high natural character around Wilson Bay/Spencer Point;
 - delete the high natural character zone at and near Mt Shewell.
82. All three requests mentioned above appear within Pelorus Sound Coastal Marine Area C, and each within different sub-areas of the Sounds as mapped on the Technical Mapping, Values, Overlays Report (excerpt of plan included) as follows:
- Sub Area 5: Coastal Marine Area C: Treble Tree and Maud Island Area
 - Sub Area 9: Coastal Marine Area C: Northern Tawhitinui Reach (Picnic Bay Area)
 - Sub Area 11: Coastal Marine Area C: Nydia Bay to Fairy Bay to Tawero Point.
83. In respect of the waters around Maud Island and limited modification with Apuau Island, the report writer reiterated what was in his initial assessment, concluding that these waters around Maud Island should remain as high natural character and that the natural character overlay be extended as set out in his original assessment.
84. In terms of Coastal Marine Area C: Northern Tawhitinui Reach (Picnic Bay Area), the report writer refers to his original report³⁷ where he recommended that the area of high natural character east of Picnic Bay not be mapped as high natural character based on the extent of the area's modification, but that the upper part of Mt Shewell be considered very high. This is reflected on Figure G: Natural Character Mapping Change 7: Northern Tawhitinui Reach.

³⁵ Section 42A Report, pages 40-41.

³⁶ Sanford Ltd (1140.112-113).

³⁷ Section 42A Report, page 45.

85. With respect to Coastal Marine Area C5: Nydia Bay to Fairy Bay to Tawero Point and Wilson Bay, the report writer had focused on the areas of very high natural character mapped at Level 4 scale and whilst there are small areas of modification, these have not directly affected the broad mapping of this coastal stretch to the degree that these areas should be excluded.

Consideration and decision

86. The Panel has considered the submissions seeking reduction of the high natural character areas and the report writer’s recommendations to amend the natural character mapping of Apuau Channel and part of the terrestrial environment. The Panel accepts the report writer’s recommendations. Refer to Figure F: Natural Character Mapping Change 6; Treble Tree and Maud Island Area.³⁸
87. Amend the area of high natural character east of Picnic Bay to not be mapped as having high natural character based on its level of modification and that the upper part of Mt Shewell should be considered very high: refer Figure F: Treble Tree and Maud Island Area.
88. Amendments to the Coastal Marine Area C: Pelorus Sound, Coastal Terrestrial Area 3: Bulwer and ONC 7: Maud Island tables be undertaken, to expressly recognise the newly mapped area which is more specific than what is currently listed as ‘Land to the west of Waitata Reach’.

Coastal Marine Area C: Pelorus Sound (Level 4/5 Table)³⁹

Map Reference	Sub Area	Key Characteristics	Additional Comments and noted modifications
C2	Maud Island to Yellow Cliffs, including Apuau Channel	<p>Near-shore areas and much of Apuau Channel, including Waiona Bay, retain high natural values.</p> <p>Sheltered indented coastline with multiple aspects.</p> <p><u>Apuau Channel, with its deep channel habitats and moderate currents, separates Maud Island from the mainland.</u></p> <ul style="list-style-type: none"> – Tom Shand Scientific Reserve (Maud Island) and Deep Bay Scenic Reserve on the opposite mainland. separated by Apuau Channel. <p>An Outstanding Natural Character overlay</p>	<p>Commercial scallop dredging in Tawhitinui Reach and Waitata Reach, <u>but mostly absent between Maud Island and the mainland.</u></p> <p>Three marine farms near Treble Tree approved refused for the culture of sponges and seaweeds with</p>

³⁸ See note 15 Figure F: Treble Tree and Maud Island Area: Mapping Recommendations.

³⁹ James Bentley, Response to Minute 55, page 8.

		applies to this sub-area. Refer to Table ONC7 and accompanying Maps for further information.	limited effect on seabed values
--	--	--	---------------------------------

Note:

'C2' is taken from Section 42A Report (page 41): Coastal Marine Area C: Pelorus Sound (Level 4/5 Table) and from information provided by Marlborough District Council contained within Appendix 1.

Overlays

Appendix 2

Coastal Marine Area C: Northern Tennyson Inlet (including Camel Point, Canoe Bay, Fitzroy Bay, Savill Bay, Garne Bay, Hallam Cove)⁴⁰

89. Fifteen submitters request removal of the natural character overlay from close to their farms or their land on current zoning, or if the mapping is correct, a record that aquaculture will not affect the relevant values.⁴¹ One submitter requests that the very high natural character overlay is removed from the Port Landing Zone at Elaine Bay due to the existing modifications present.⁴²

Section 42A Report

90. The report identifies that the northern part of Tennyson Inlet and eastern Tawhitinui Reach generally hold high levels of natural character. Where there are generally limited areas of modification, these have been excluded from any mapping.

91. While the northern part of Tennyson Inlet does not hold the same characteristics as the remaining parts of Tennyson Inlet, the report writer considers there are areas justifiably notable for their very high levels of natural character. These areas include parts of northern Elaine Bay and much of the vegetated slopes above Fitzroy Bay and Hallam Cove.

92. Within the marine environment there are numerous marine farms which, to varying degrees, have affected how the marine environment is mapped. A small area mapped high extends from Long Reef Point northwards through the central channel of Hallam Cove to a point just south of Cissy Bay. This area includes much of Fitzroy Bay, all of Savill Bay, Garne Bay and part of Hallam Cove.

93. The only evidence of development in this area are two areas of marine farms located in southern Fitzroy Bay and Garne Bay apart from a single jetty and two mooring buoys in Savill Bay. On land there are few built structures in Garne Bay and Savill Bay, an area of pine trees in Garne Bay and a small grazed area in Savill Bay, but these appear subservient to the broader mapping.

⁴⁰ Section 42A Report, pages 46-48.

⁴¹ Section 42A Report, page 46. List of marine farming and fishing interests.

⁴² PMNZ (433.212).

94. Regarding the Port Landing Zone at Elaine Bay, the very high natural character mapping there should be realigned to follow the outer edge of the zone, principally due to the localised existing modifications in the bay.⁴³ The report writer consequently recommends:
- Removal of the very high natural character overlay in the small area of Savill Bay as shown on Figure H: Savill Bay, Northern Tennyson Inlet and Elaine Bay of the Mapping Recommendations document.
 - Removal of the very high natural character overlay from the small strip of coastal marine area south of Camel Point as shown on Figure H: Savill Bay, Northern Tennyson Inlet and Elaine Bay of the Mapping Recommendations document.
 - Removal of the very high natural character overlay from Port Landing Zone at Elaine Bay as shown on Figure H of the Mapping Recommendations document.
95. South of Camel Point is an area of outstanding natural character which includes the bulk of Tennyson Inlet and extends over the ridge to Nydia Bay. The alignment of this northern-most mapping extends through marine farm 8203 in error. A minor mapping change is required to be made to exclude this farm from the outstanding and very high natural character mapped area here.⁴⁴
96. Based on the recommendation of the report writer, there are three small overlay mapping changes required to meet the submissions – one around the more modified area of Savill Bay (where the area of pasture is to be removed from the very high mapping), one south of Camel Point, and one to the area around Elaine Bay.⁴⁵ These are reflected on Figure H: Natural Character Mapping Change 8: Savill Bay, Northern Tennyson Inlet and Elaine Bay.⁴⁶

Decision

97. Amend the natural character mapping for Savill Bay, Northern Tennyson Inlet and Elaine Bay in accordance with Figure H of the Mapping Recommendations document, including:
- Removal of the very high natural character overlay in the small area of Savill Bay as shown on Figure H: Savill Bay, Northern Tennyson Inlet and Elaine Bay of the Mapping Recommendations document.

⁴³ Section 42A Report, pages 46-47.

⁴⁴ Potential zone change Topic 11.

⁴⁵ Coastal Natural Character Overlay 1/3.

⁴⁶ Section 42A Report, pages 46-47.

- Removal of the very high natural character overlay from the small strip of coastal marine area south of Camel Point as shown on Figure H: Savill Bay, Northern Tennyson Inlet and Elaine Bay of the Mapping Recommendations.
- Removal of the very high natural character overlay from Port Landing Zone at Elaine Bay as shown on Figure H: Savill Bay, Northern Tennyson Inlet and Elaine Bay of the Mapping Recommendations.

Coastal Marine Area C: Nydia Bay to Fairy Bay to Tawero Point⁴⁷

98. Multiple submitters request removal of the natural character overlay from close to their marine farms or their land. A constant theme in the alternative is a request that the PMEP recognises that the overlay does not affect relevant values even with aquaculture present.
99. One submitter whose submission was initially overlooked requests deletion of the coastal parts of very high natural character around Wilson Bay/Spencer Point.⁴⁸ Other submitters also requested similarly with Submitters 842 and 1160 also seeking similar relief in terms of considering the very high natural character of the seascape south of Tawero Point and Wilson Bay.⁴⁹

Section 42A Report

100. The Section 42A Report identifies this stretch of coastal land and waters in the Inner Sounds as containing some of the most intact and significant stands of original forest in the Marlborough Sounds. It also has some of the longest unmodified parts of the coastal environment within the Inner Sounds. Most of the area, along with tracts of Tennyson Inlet, has been identified as outstanding natural character. This exceptional tract of inland indigenous forest, displaying a sequence of vegetation types from mountain top to shore, is rare nationally.
101. The more modified parts of inner Nydia Bay or North West Bay have been excluded from the outstanding overlay but still hold very high levels of natural character in the marine environment and areas of high natural character within the terrestrial part of North West Bay.
102. The mapping of high natural character in Kaiuma Bay reflects part of the large estuarine area, the extensive saltmarsh beds, diverse avifauna and lack of modifications in the waterbody. The marine farm in Kaiuma Bay has been identified in Appendix 2 but does not detract from the broader Level 4 mapping of the marine environment.

⁴⁷ Section 42A Report, pages 48-50.

⁴⁸ Sanford Ltd (1140.113).

⁴⁹ Section 42A Report, Addendum, 19 February 2018.

103. In his addendum, the report writer identifies the focus of his initial discussion on the very high levels of natural character within the coastal marine area mapped at Level 4/3.⁵⁰

Consideration

104. Within the broad level mapping of the marine environment there are small areas of modification that have not directly affected the broad mapping of this stretch of water that should be excluded. This involves the isolated marine farms in Fairy Bay, Wilson Bay, Kaiuma Bay, jetties and other foreshore development. The report writer’s recommendation is that no change occurs to the natural character mapping around the coastal parts of the very high natural character of Wilson Bay/Spencer Point.

105. The existing modifications have been taken into account in terms of the mapping, leading to greater clarity, and they Panel has decided they should be included within the tables in Appendix 2, for the Level 4/5 table for Coastal Marine Area C: Pelorus Sound (sub-area Nydia Bay-Tawero Point), the Level 4/5 table for Coastal Terrestrial Area 6: Nydia and the Level 4/5 table for Coastal Terrestrial Area 3: Bulwer.

106. The Panel has decided these modifications are to be inserted into the existing tables.⁵¹

Decision

107. Appendix 2 is amended as follows:

Appendix 2 - Coastal Marine Area C: Pelorus Sound (Level 4/5 Table)⁵²

Map Reference	Sub Area	Key Characteristics	Additional Comments and noted modifications
C5	Nydia Bay – Tawero Point	<p>Largely unmodified section of coast extending over many kilometres from the head of Nydia Bay along the western side of Pelorus Sound to Tawero Point holding very high levels of natural character.</p> <ul style="list-style-type: none"> - Several small bays. - Mostly sheltered but exposed to a wide range of tidal flow conditions including high flow communities. - Large sections of this coast are backed by scenic reserves. <p>An Outstanding Natural Character overlay applies to this sub-area. Refer to Table</p>	<p>Two small areas of mussel farms (Fairy Bay and west of Tawero Point).</p> <p><u>A number of moorings, jetties, boatsheds and private residences located within Fairy Bay and North West Bay.</u></p>

⁵⁰ Section 42A Report, Addendum, page 4.

⁵¹ Section 42A Report, page 49.

⁵² PMEP Volume 3 Appendix 2, page 3.

		ONC8 and accompanying Maps for further information.	
--	--	---	--

Coastal Terrestrial Area 6: Nydia (Level 4/5 Table)⁵³

Map Reference	Sub Area	Key Characteristics	Additional Comments and noted modifications
6A	Tennyson Inlet and northern slopes of Nydia Bay area (to Opouri Saddle), including Tarakaipa Island, Tawhitinui Island and surrounding small islands and rocks;	<p>Original forests on lower altitude hillslopes and toeslopes, and coastal forests are largely intact in Tennyson Inlet, and Nydia Bay to Fairy Bay all holding very high abiotic and biotic values.</p> <p>Small areas of alluvial forests and beach communities are still intact in Tennyson Inlet and Nydia Bay and contribute significantly to the biodiversity and very high levels of natural character of to the area.</p> <p>Tennyson Inlet and Nydia Bay supports some of the largest tracts of lowland and coastal forests in Marlborough. These are largely intact altitudinal sequences of primary forest, extending from ridgetops to seafloor and are therefore nationally important.</p> <p>There are nationally threatened plants on the Tennyson Inlet islands.</p> <p>Tennyson Inlet and parts of Nydia Bay retain extremely very high experiential values attributes, due mainly to its unmodified indigenous vegetation cover that extends from the shore line to the ridges and peaks that contain the inlet.</p> <p>Some areas of high natural character are located within the very high levels of natural character. Those areas of high natural character are due to concentrations modifications associated with roads, tracks, buildings, powerlines, plantation forestry and grazed land. These are restricted to the western and northern slopes of Tuna Bay and Penzance Bay and the mid and upper slopes of North West Bay.</p> <p>An Outstanding Natural Character overlay applies to this sub-area. Refer to Table ONC8 and accompanying Maps for further information.</p>	<p>Some modification around Tuna Bay, Penzance Bay and North West Bay restricts those areas to High Natural Character.</p> <p>Modification to Fairy Bay is limited and restricted to several jetties and a small number of houses. Modifications to North West Bay include: numerous jetties, boatsheds, private residences, powerlines and tracks.</p> <p>Greater levels of modification at Tuna Bay, Harvey Bay and Duncan Bay are not included within the mapping.</p>

⁵³ PMEP Volume 3 Appendix 2, page 12.

Map Reference	Sub Area	Key Characteristics	Additional Comments and noted modifications
6B	<u>Southern and eastern parts Opouri Saddle southwards to Kaiuma Point and Hikapu Reach; and the land associated with eastern Pelorus Sound (extending from Marys Bay to the slopes above Double Bay)</u>	<p><u>Continuation of the upland coastal forests from northern Nydia Bay from Opouri Saddle to Kaiuma Bay holding very high abiotic and biotic values.</u></p> <p>Extensive upland forest <u>holding very high levels of natural character from</u> the shores of northern Yncyca Bay to the upper slopes of the ridges and peaks extending south., although</p> <p><u>Some regenerating of indigenous vegetation to lower slopes around Kaiuma Bay and Hikapu Reach.</u></p> <p>High experiential values <u>attributes.</u></p>	<p><u>More modified parts of the lower slopes and foreshore excluded from mapping. Those areas included within the high natural character areas include Kaiuma Bay Road, power lines, tracks, occasional buildings and occasional foreshore structures (i.e. jetties).</u></p>

Note:

'6A' is taken from Section 42A Report (page 49/50): Coastal Terrestrial Area 6: Nydia (Level 4/5 Table)

Coastal Terrestrial Area 3: Bulwer (Level 4/5 Table)⁵⁴

Map Reference	Sub Area	Key Characteristics	Additional Comments and noted modifications
3D	North West Bay	<p><u>Indigenous forested peninsula at Stafford Point with advanced regenerating vegetation on the upper steep and mid slopes of Miro Bay holds very high natural character values.</u></p> <p><u>High perceived naturalness values characteristics attributes due to lack of structures and regenerating vegetation evident around mid and upper slopes of Miro Bay, within northern North West Bay.</u></p>	<p>Modification to the immediate north</p> <p><u>Modification to lower slopes of to Miro Bay and Wilson Bay include: numerous jetties, boatsheds, private residences, powerlines and tracks.</u></p>

Note:

'3D' is taken from Section 42A Report (page 50): Coastal Terrestrial Area 3: Bulwer (Level 4/5 Table)

⁵⁴ Report Writer, Response to Panel's Minute 55, page 19.

Coastal Marine Area E: Tory Channel⁵⁵

108. All the submitters to this area request changes that the modification of natural character mapping occur from the vicinity of marine farm 8405; that more accurate mapping of Tory Channel occurs;⁵⁶ that salmon and marine farms do not adversely affect values; that the overlay be removed altogether; that both the terrestrial and marine component of the coastal environment be mapped together.⁵⁷

Section 42A Report

109. The report writer considers the marine environment has been identified and mapped as retaining high levels of natural character despite modifications from aquaculture and adjacent land use activities. In the coastal study into the Natural Character of the Marlborough Coast ('Marlborough coastal study'),⁵⁸ Coastal Marine Area E: Tory Channel is described as retaining relatively unique characteristics not found anywhere else in the Marlborough Sounds. It confirms significant marine ecology sites have been identified 'distinguished by the high current communities'. This is reflected in a review report entitled *Expert panel review of selected marine sites surveyed in 2016-17*.⁵⁹
110. Modifications which include all mussel farms and two existing salmon farms are excluded from the high natural character mapping; a small mapping change next to the Clay Point salmon farm is recommended where the high overlay retains a small overlay within the extent of the farm. The inclusion of an isolated farm in Hitaua Bay does not affect the underlying mapping. While it does have an adverse effect on natural character at the broader level at which the Channel is mapped (Level 4), this does not justify the overlay's removal.
111. In terms of Onapua Bay, due to the extent of modification to this bay due to commercial forestry including sedimentation, runoff and biodiversity linkages, this is requested to be declassified from high to no rating. It is recommended nevertheless to retain part of the high natural character area as it relates to the adjacent scenic reserve in the northeast of the bay.
112. As a result, three small mapping changes are recommended to the marine environment: the first is to recognise the adverse effects of the recently consented Ngamahau salmon farm (remove high natural character); the second realigns the high natural character to the Clay

⁵⁵ Section 42A Report, pages 57-58.

⁵⁶ Tory Channel Aquaculture Ltd (1197).

⁵⁷ Salvador Delgado Oro Laprida (218.6-7), Apex Marine Farm Ltd (544.6-7), Lloyd Sampson David (890.6), New Zealand King Salmon Ltd (997.8-9), Richard F Paine (1197.1).

⁵⁸ *Natural Character of the Marlborough Coast: Defining and Mapping the Marlborough Coastal Environment*, MDC, June 2014. Section D, pages 84-85.

⁵⁹ Davidson Environmental (R Davidson et al) October 2017.

Point salmon farm (Tokakaroro Point to Te Uira-Karapa Point); the third reflects the impact that commercial forestry has had on the water quality of Onapua Bay by removing high natural character mapping. This is depicted on [Figure L: Natural Character Mapping Change 12: Tory Channel](#)⁶⁰ with a recommended amendment to the Level 4/5 Table accordingly.

Consideration

113. The Panel noted that the report writer acknowledges that the approach taken in the Marlborough coastal study has been to separate the terrestrial environment from the marine environment.⁶¹ It was apparent that this puts a focus on modifications to the marine environment, particularly from aquaculture.

114. The Panel also took into account that the recent Court of Appeal case *Man o War Station Limited* implies that where development is legally established adverse effects do not unduly impinge on natural character.⁶²

Decision

115. Coastal Marine Area E: Tory Channel is amended as follows:

Coastal Marine Area E: Tory Channel (Level 4/5 Table)⁶³

Map Reference	Sub Area	Key Characteristics	Additional Comments and noted modifications
E2 ⁶⁴	Tory Channel (excluding centrally located marine farming areas)	<p>Narrow deep channel dominated by strong tidal flows, sheltered wave climate and proximity to Cook Strait.</p> <ul style="list-style-type: none"> - Shallow side bays. - Numerous ecologically significant marine sites distinguished by high current communities. - Unique natural character area as a whole. - <u>Backed by regenerating scrub/forest and scenic reserve in some places.</u> - <u>High experiential attributes in some places due to a relative lack of modification within the context of Tory Channel.</u> 	<p>The main marine farming areas in Tory Channel and <u>much of Onapua Bay backed by plantation forestry</u> are excluded.</p> <p>Ferry wash continues to have an effect but is limited to exposed intertidal shores.</p> <p>Undaria is widespread in shallow waters but</p>

⁶⁰ Section 42A Report, page 58.

⁶¹ *Natural Character of the Marlborough Coast: Defining and Mapping the Marlborough Coastal Environment*, MDC, June 2014.

⁶² *Man O War Station Limited v Auckland Council* [2017] NZCA at [24].

⁶³ PMP Volume 3 Appendix 2, page 5.

⁶⁴ Report writer, Response to Panel’s Minute 55, page 10.

Map Reference	Sub Area	Key Characteristics	Additional Comments and noted modifications
		- Adjoins Coastal Marine Area G.	is not considered to affect wider trophic/community structure and function significantly. Strong currents minimise sedimentation impacts along the main channel.

Note:

'E2' is taken from Section 42A Report (page 58/59): Coastal Marine Area E: Tory Channel (Level 4/5 Table)

Coastal Natural Character Overlay

- Remove High Natural Character overlay around Ngamahau and Clay Point salmon farms as shown on Figure L: Port Underwood of the Mapping Recommendations document.
- Remove High Natural Character overlay from coastal marine in Onapua Bay as shown on Figure L: Tory Channel of the Mapping Recommendations document.

Coastal Marine Area F: Port Underwood⁶⁵

Coastal Marine Area F: General

116. Currently Appendix 2 page 5 identifies that there are no specific areas within Coastal Marine Area F with high, very high or outstanding coastal natural character values.
117. Two submitters support the current absence of mapping in Port Underwood.⁶⁶ The other submissions for this area generally request greater refinement to and provision of the identification and mapping to the marine environment.⁶⁷
118. Submitters Kenneth R and Sara M Roush, and the Port Underwood Association request a mapping change: that the boundary between Coastal Marine Areas G and F at the entrance to Port Underwood should be a straight line between inside Robertson Point and Ocean Point

⁶⁵ Section 42A Report, pages 59-60.

⁶⁶ Lloyd Sampson David (890.6), New Zealand Forest Product Holdings Ltd (995.48).

⁶⁷ DOC (479.269), KR and Sara M Roush (845.20, .21, .23), Port Underwood Association (1042.19, .20, .23).

(the southern headland of Ocean Bay). The submitters consider the boundary suggested is a demarcation of the biogeographic difference between the open waters of Cook Strait and the enclosed waters of Port Underwood. This correction will change the natural character rating to very high in the marine area between the unnamed coast and Ocean Point.

119. Currently the maps indicate this boundary be from Robertson Point at the southeastern extent of Port Underwood to an unnamed point just north of Rangitane Bay. Also, the submission of Mr and Mrs Roush requests a small area of Pipi Bay be included as being of high marine natural character.
120. These submitters also seek that Coastal Marine Area F receive closer inspection and mapping at Levels 4/5. Particular attention may be given the inside area around Robertson Point, the area around Horahora Kakahu, the Knobbies, and the western coast of Port Underwood from Oyster Bay southward (detailed natural attributes given).

Section 42A Report⁶⁸

121. Originally, the division between the marine environments of Coastal Marine Area F and the broader Coastal Marine Area G extended from Robertson Point at the southeastern extent of Port Underwood across the water to a point just north of Rangitane Bay. This delineation identified a mapping error by Boffa Miskell which was involved in the original delineation of the coastal areas. The correct delineation should have been between Robertson Point and Ocean Point (the southern headland of Ocean Bay), as identified by submitters. This change to these two biogeographic areas is accepted by the report writer (referencing the difference between the open waters of Cook Strait and the enclosed waters of Port Underwood). This correction changes the natural character rating to very high in the marine area between the unnamed point north of Rangitane Bay on the coast and Ocean Point, which satisfies the concerns of the relevant submitters, and will fall within Coastal Marine Area G.
122. Both the submitters also seek mapping of Port Underwood at a refined scale. The report writer concluded on reconsideration that a small section of coast extending from Ocean Bay through to Willawa Point in the north could be recommended as an area of high marine natural character.⁶⁹ This is reflective of the lack of structures along this coastline and due to the regenerating nature of much of the terrestrial environment in this part of Port Underwood. The overlay of this area is suggested to extend into the water by 200 metres.

⁶⁸ Section 42A Report, pages 59-60.

⁶⁹ Section 42A Report, pages 59-60.

123. The balance of the Port Underwood’s marine environment, however, receives high amounts of trawling and coupled with the frequency of aquaculture and other related modifications, has resulted in the remainder of the water being considered to be less than high natural character.

Consideration

124. Mr Andrew Baxter for the Minister of Conservation provided evidence accepting that the biogeographic change be included, but the boundary be located outside Pipi Bay as assessments done on the biogeographic basis use that boundary. This aligns with the biogeographic zoning in Davidson et al (2011)⁷⁰ that the marine natural character assessments were founded on. This view is supported by the report writer.⁷¹
125. Mr Baxter mentions in regard to the marine area at Pipi Bay, broad areas assessed as high or very high natural character value may contain areas of moderate or low natural character value at a finer scale.
126. A good example of this situation is the Port Underwood Association’s suggestion to map a small area off Pipi Bay and around nearby Horahora Kakahu Island as ‘high’ natural character. While this area could be mapped as high at a finer mapping scale, to do so in the Marlborough Environment Plan could imply a scale of mapping elsewhere that does not exist.⁷²
127. On the western side of Port Underwood the Section 42A Report’s recommendation to take the line to the southern point of Ocean Bay accepted on the basis of the Minister’s evidence.⁷³ The area is one of the least modified areas in Port Underwood.

Decision

128. Adjust the boundary for very high natural character so that the northern boundary is a line between Robertson Point and the southern part of Ocean Point: see Figure M: Port Underwood Mapping Recommendations document.
129. The demarcation between this Coastal Marine Area and Coastal Marine Area G is amended to accurately record the correct biogeographic region, as outlined.

⁷⁰ Minister of Conservation, Andrew Baxter, Summary of Evidence, pages 4-5, paragraph 20 citing Davidson R, Duffy C, Gaze P, Baxter A; DuFresne S, Courtney S, Hamill P (2011) *Ecologically significant marine sites in Marlborough New Zealand*. Published by Marlborough District Council.

⁷¹ Section 42A Report, Reply to Evidence, page 9.

⁷² Minister of Conservation, Andrew Baxter Evidence, paragraph 15, bullet point 4, pages 3-4.

⁷³ Section 42A Report, page 59.

130. Add a new area of high natural character on the west side of Port Underwood, from the foreshore extending out to 200 metres, from Ocean Bay to Willawa Point in the north, reflected on Figure M: Natural Character Mapping Change 13: Port Underwood.
131. Amend the boundary between Coastal Marine Area F and Coastal Marine Area G (and therefore extend Very High Natural Character to additional area (Coastal Marine Area G)) as shown on Figure M: Port Underwood of the Mapping Recommendations document.
132. The associated table is amended as follows:

Coastal Marine Area F: Port Underwood (Level 4/5 Table)⁷⁴

Map Reference	Sub Area	Key Characteristics	Additional Comments and noted modifications
F1	Ocean Bay to Willawa Point	<p><u>Largely undeveloped semi-exposed rocky coast.</u></p> <p><u>Influenced by southerly swells and periods of relatively high sedimentation, especially when the Wairau River floods.</u></p> <p><u>Reef communities, including a range of macroalgae, fringe the shoreline.</u></p> <p><u>This area is one of the least modified areas of Port Underwood. Aquaculture is absent.</u></p> <p><u>The adjacent terrestrial environment retains a mosaic of land use activities, ranging from forestry and pasture to areas of regenerating scrub and bush. Much of the coastal fringe seawards of the Port Underwood Road is regenerating scrub.</u></p> <p><u>This section of coast is continuous with a similar but more exposed rocky coast from Ocean Bay to Rarangi.</u></p> <p><u>High experiential values attributes due to a relative lack of modification within the context of Port Underwood.</u></p> <p><u>Adjoins Coastal Marine Area G.</u></p>	<p><u>Trawling offshore through parts of Port Underwood.</u></p> <p><u>Despite episodic high levels of sedimentation, moderate-strong wave action will mitigate adverse effects close to shore through resuspension and dispersal of sediments.</u></p>

Note:

‘F1’ is taken from Section 42A Report (page 60): Coastal Marine Area F: Port Underwood (Level 4/5 Table)

⁷⁴ PMEP, Volume 3, Appendix 2, page 5.

133. An adjustment to the boundary of Coastal Natural Character Overlay Area 4 has already been carried out earlier under Appendix 2 Natural Character Characteristics. The overlay mapping boundary is adjusted for 'very high' natural character so that the northern boundary is a line between Robinson Point and Ocean Point. The relevant adjustments may be seen on Figure M: Port Underwood of the Mapping Recommendations document.

Appendix 2: Coastal Marine Area H: Cloudy and Clifford Bays⁷⁵

134. One submitter supports the high remote values mentioned for Cloudy and Clifford Bays and opposes commercial trawling and dredging within 500 metres of the foreshore.⁷⁶ The other submitters request the removal of the natural character overlay (Map 5) or within the saltworks zoning, or record that aquaculture will not affect these values;⁷⁷ or removal of the reference 'high remote values' from the property of MJH and RL Davidson Trust (243 Renners Road).⁷⁸

Section 42A Report

135. No natural overlay is proposed for 243 Renners Road. The report writer was not aware of an overlay proposed for this area. One is applied to the 2 kilometre width of very high [Level 4] mapping that extends along the entire coastline from Whites Bay to Cape Campbell in the south. There is some modification otherwise, given the amount of trawling that has occurred in Cloudy Bay.
136. The saltworks at Lake Grassmere do not affect the very high coastal Level 4 mapping. There is some modification where the saltworks edge separates the lake from the marine environment, but this does not affect the values in this area which are in the coastal marine area. No change here is recommended.
137. Reference is made to a large salmon farm approved south of the Awatere River mouth which will alter seabed values of the site once operational. This is excluded from high natural character mapping because it will alter the naturalness along this coastline.
138. The report writer's recommendation is to remove 'high' from the 'remote values' from the property at 243 Renners Road.⁷⁹

⁷⁵ Section 42A Report, pages 62-63.

⁷⁶ Chris Kirk (291.1).

⁷⁷ , Dominion Salt Limited (355.20), Clifford Bay Marine Farms Ltd (691.1, 691.2).

⁷⁸ MH and RL Davidson Family Trust (932.2).

⁷⁹ Section 42A Report, pages 62-63.

Consideration

139. Reference is made to marine farm 8001 in Clifford Bay to delete the word ‘high’ from key values within the associated table (see below). As a result of the report writer’s assessment of Coastal Marine Area H, this area is divided into H1 (Cloudy and Clifford Bays) and H2 (Wairau Lagoons).⁸⁰

Decision

140. The table Coastal Marine Area H is amended as follows:

Map Reference	Sub Area	Key Characteristics	Additional Comments and noted modifications
H1	Cloudy and Clifford Bays and (including Wairau Lagoons and Lake Grassmere).	<p>Largely unmodified and mostly exposed east coast South Island coastal environment extending over tens of kilometres from Rarangi to Cape Campbell. Very High levels of natural character.</p> <p>Extensive sand/gravel shores.</p> <p>Cape Campbell reef systems and patchy offshore Macrocystis beds.</p> <p>Adjoins Coastal Marine Areas G and I.</p> <p>High Remote values attributes.</p> <p>Outstanding Natural Character overlays apply to this sub-area. Refer to Table ONC14 and ONC15 and accompanying Maps for further information.</p>	<p>Certain offshore areas are commercially trawled; those grounds closer to shore are expected to be reasonably resilient to the effects of trawling.</p> <p>Effects of the Blenheim sewage discharge on the outer coast are considered minor.</p> <p>A large marine farm approved granted south of the Awatere River mouth, which will alter seabed values at the site once it becomes operational, is excluded.</p>
H2	Wairau Lagoons	<p>Large tidal lagoons and extensive salt marsh beds.</p> <ul style="list-style-type: none"> - Diverse avifauna. - An ecologically significant marine site. - Despite modifications, this large estuarine complex retains many of its natural qualities. - High remote values attributes. 	<p>The estuary has been modified through historic stop-banking and alterations to river flows.</p> <p>The Blenheim sewage outfall discharges into the mouth of the Wairau River on the outgoing tide.</p>

⁸⁰ Report writer, response to Panel’s Minute 55, page 15.

		<p>An Outstanding Natural Character overlay applies to this sub-area. Refer to Table ONC14 and accompanying Maps for further information.</p>	
--	--	---	--

Note:

‘H1’ is taken from Section 42A Report (page 63): Coastal Marine Area H: Cloudy and Clifford Bays (Level 4/5 Table) and from information provided by Marlborough District Council about the Wairau Lagoons contained within Appendix 1.

Coastal Natural Character Overlay

141. Remove ‘High’ from ‘remote high values’ in Coastal Marine Area H Cloudy and Clifford Bays as shown on Figure O: Cape Campbell of the Mapping Recommendations document.
142. Remove High Natural Character overlay from coastal marine in Onapua Bay as shown on Figure L: Tory Channel of the Mapping Recommendations document.

Coastal Terrestrial Area 11: Wairau⁸¹

143. There was one submitter to this provision⁸² requesting the mapping on the Rarangi beach ridges and swamp complex be upgraded as part of formally recognising and protecting these endangered areas.
144. Within the proposed zoning maps areas of Significant Wetland have been determined, and specifically, these are associated with the Rarangi beach ridges. These wetlands are long, elongated strips that form part of a broader beach ridge and swamp complex.⁸³
145. While much of the beach ridges and swamp complex have been modified and drained, fragments of areas to the north have already been identified as reasonably intact.
146. The report writer recommends that these additional areas identified as significant wetlands within the coastal environment are mapped as areas holding high natural character.⁸⁴ The report writer also recommends updating the accompanying table of values.

Decision

147. Figure N: Natural Character Mapping Change 14: Rarangi is added into areas of high natural character to the unmapped area. The associated amended table of values is as follows:

⁸¹ Section 42A Report, pages 63-64.

⁸² Rarangi District Residents Association (1089.32).

⁸³ Refer Marlborough Environment Plan Technical Mapping Overlay. Natural Character Recommendations. Figure 12: Rarangi Mapping Change 14.

⁸⁴ Section 42A Report, pages 63-64.

Coastal Terrestrial Area 11: Wairau (Level 4/5 Table)

Map Reference	Sub Area	Key Characteristics	Additional Comments and noted modifications
11A	Wairau Lagoons and boulder bank	<p>The river mouth lagoon–estuary, bird’s foot delta, and fringing wetlands and islands are some of the country’s best examples and provide extensive wildlife habitat.</p> <p>The whole wetland ecosystem is of national importance for wading birds (including migratory species), waterfowl and other wetland birds and is equally outstanding for freshwater and estuarine fauna.</p> <p>Boulder Bank/Wairau Bar is a nationally important landform.</p> <p>Open and expansive nature of the lagoons retains high levels of perceived naturalness.</p> <p><u>An Outstanding Natural Character overlay applies to this sub-area. Refer to Table ONC14 and accompanying Maps for further information.</u></p>	<p>The estuary has been modified through historical stop-banking and alterations to river flows.</p> <p>The Blenheim sewage outfall discharges into the mouth of the Wairau River on the outgoing tide.</p>
11B	Rarangi-Wairau Bar beach ridge system	<p>Nationally important landform: a sequence of beach ridges and swales created by tectonic uplift events.</p> <p>Remnant native vegetation: forest, treeland, dry shrubland and wetland.</p> <p><u>Recognised as a significant wetland in the Marlborough District.</u></p>	<p>Areas of housing and land use modifications have eroded the legibility of some of these ridge systems.</p>

Note:

‘11B’ is taken from Section 42A Report (page 64): Coastal Terrestrial Area 11: Wairau (Level 4/5 Table)

Coastal Natural Character Overlay

148. It is appropriate to apply a High Natural Character overlay to beach ridges and wetlands at Rarangi as shown on Figure N: Rarangi Mapping Recommendations document.

Coastal Marine Area B: D’Urville Island-North Cook Strait⁸⁵

South of Port Gore

149. Many submissions fully support the natural character overlay in and around Port Gore or sought to extend it. One submitter considers Melville Cove should be ‘very high’.⁸⁶ A few submitters request the natural character mapping be removed from these parts of this area. Most submitters want to ensure that the current activities they undertake in the area will not be affected by the overlay.⁸⁷

Coastal Marine Area B: Port Gore Area

150. Port Gore Group requests that parts of the southern side of Port Gore to the sea, the ridge and its eastern side between Puzzle Peak and Cape Lambert (back to Hunia), the eastern side of the Alligator headland, all the waters of Waitui Bay and Port Gore except Melville Cove, all of East Bay and northern Arapaoa Island be mapped as Outstanding Natural Character.⁸⁸

Section 42A Report

151. Within the Section 42A Report some of these details outlined in the submissions were accepted as a recommendation, such as an increase in the ONF/ONL mapping in East Bay.⁸⁹
152. At the hearing, Mr Marchant, Port Gore Group further queried the natural character mapping in Inner Port Gore and out to Alligator Head and provided a map to illustrate the regeneration of vegetation specifically on the land stretching from Hunia to Alligator Head.⁹⁰
153. Within the Marlborough coastal study, most of the terrestrial environment is either identified and mapped as high or very high natural character, with only parts of the more modified pastoral grazing areas being considered as ‘less than high’ and therefore not mapped. Those parts that retain less than a high terrestrial rating include the southern part of Cape Lambert (at Pig Bay), the Hunia Peninsula and parts of the lower slopes of Melville Cove. Within the marine environment, outer Port Gore is identified and mapped as very high natural character with the remainder of Port Gore (excluding Melville Cove) being mapped as High. Melville Cove is not mapped as High due to the concentration of aquaculture in this bay.
154. In terms of outstanding natural character, this includes the majority of the Cape Jackson Peninsula, the upper heavily vegetated areas of Mt. Furneaux to Puzzle Peak and the northern most part of Cape Lambert. Much of the outer waters are considered to be outstanding.

⁸⁵ Section 42A Report, pages 27-29.

⁸⁶ Kristen Gerald (177.2-3), Port Gore Group (468.3-5), Karen Marchant (493.5), Friends NHTB (716.203-4)

⁸⁷ Aroma Aquaculture Ltd (546.9-13), David Quintin Hogg (668.1-2), Slade, King and King and Port Gore Marine Farm Partnership (1152.2-7).

⁸⁸ Port Gore Group (468.3-5).

⁸⁹ Section 42A Report, pages 27-29.

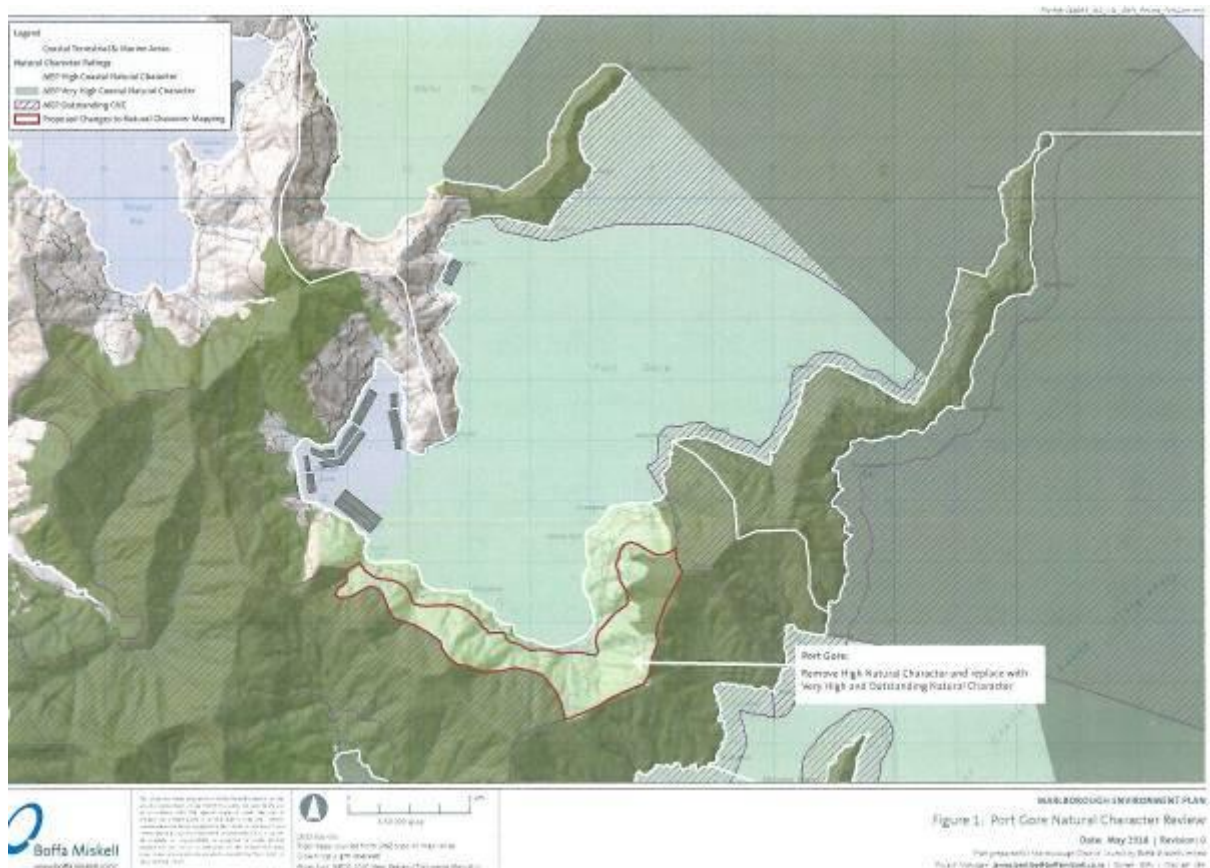
⁹⁰ Cliff Marchant (468.4), Evidence Statement.

155. Limits to the extension of the outstanding natural character area in the marine environment have been determined by the amount of trawling and dredging that has and continues to occur in these waters. This was an important source of information at the time the natural character areas in the marine environment were mapped. Since this area was mapped, MPI have updated their information regarding dredging, trawling and commercial fishing in the area, and these are contained within Figures 1-3. Within Port Gore (that is, between Cape Lambert and Cape Jackson) there are no discernible changes observed concerning these marine-based activities since the area was mapped in 2014.
156. As a result of the Port Gore Group's intervention, the report writer considered there could be some refinement of the natural character mapping of terrestrial Inner Port Gore identifying some areas of high, very high and outstanding natural character. The marine component had been mapped at a broader scale and historical mapping had prevented this from rating higher than high (notwithstanding the fact that with a finer scale of mapping, there are likely to be very high levels of natural character).⁹¹ Beyond these two embayments the broader stretch of coastal waters extends and connects areas of outstanding natural character.
157. The report writer indicated that he specifically reviewed the area around Pig Bay where two farms at the time of the PMEP was notified, and were subject to an appeal to the Environment Court (ENV 2016-CHC-40/41) brought by MFA for renewal of consents for a further term of 20 years. This suggested further amendment would therefore be determined by the outcome of that appeal.
158. A review was requested by James Bentley by the Panel, by way of minute,⁹² the result being as follows:
- Within the notified MEP much of the terrestrial lower slopes at the central and western ends of Inner Port Gore, as well as virtually all of the upper slopes and ridge, were illustrated as holding high levels of natural character.
 - Much of the very high areas of natural character are holding outstanding natural character characteristics.
 - The mid and lower slopes have now actively regenerated into native bush.
 - The lower slopes still retain some form of modification in the form of an access track, power line and some small houses.

⁹¹ PMEP Natural Character Mapping Recommendations. Section 42A Report, Reply to Evidence, pages 6-7.

⁹² Memorandum 19 Hearing Panel to report writer.

159. Regeneration of native bush to part of the mid and lower slopes appears seamless and difficult to differentiate. The result has been that the extent of very high and outstanding natural character be extended to include much of the mid and part of the lower slopes. The remaining areas where modification is apparent remains as high.
160. Mr Bentley produced a map Figure 1: Port Gore Natural Character Review illustrating where the high natural character mapping be replaced with that of very high and outstanding natural character.



161. The report writer indicated on Figure B: Pig Bay Mapping Recommendations document that should the Environment Court find against MFA, he would recommend the proposed extension of outstanding natural character as the amendment would be determined by the appeal.
162. Greater level of scrutiny of natural character was accorded Pig Bay/Te Anamāhanga Bay by the Environment Court. At the beginning of 2018 the Court found the overall rankings of Pig Bay and Port Gore as a whole had high natural character (HNC) rather than ONC. The Court also assessed the proposal in the context of a much wider scale from the Outer Sounds extending out to the wild waters of Cook Strait in order to place the local Pig Bay landscape within its

Outer Sounds landscape context which is characterised as part of an Outer Sounds ONL.⁹³ After a detailed examination of the relevant natural character legislation, the character and amenity values – the Court found consenting the mussel farms for a further 20 years would have a significant adverse effect on the natural character to the waters of Pig Bay and Port Gore to which the appellant’s witness had given only limited consideration. The Court’s finding in terms of s 6(a) RMA, the related NZCPS and Sounds plan and relevant provisions of the PMEP, is that the Outer Sounds as mapped in the PMEP (of which both Cape Lambert and its embayment, Pig Bay, are a part) is an ONL. Cape Lambert including Pig Bay is an ONF. These ONF and ONL encompass both land and waters including the headlands to Pig Bay. The proposals would degrade several key identified values of the ONF/ONL at Pig Bay.⁹⁴

163. On this basis the report writer recommends that Figure B: Pig Bay illustrates the extent of the change to natural character mapping that should occur.

Consideration

164. Given the greater level of scrutiny available from the Environment Court decision relating to the area of Pig Bay, together with the recommendation above, the Panel is satisfied the extent of natural character should be extended in the area as set out in Figure B: Pig Bay with a subsequent amendment to Overlay Coastal Natural Character 4.

Decision

165. Extend the Outstanding Character overlay to Pig Bay as set out in Figure B: Pig Bay in the Mapping Recommendations document.

Coastal Marine Area B: Remaining D’Urville Island and North Cook Strait Area⁹⁵

166. These submitters request changes to the mapping of the marine and terrestrial natural character areas in the Outer Sounds including northern parts of D’Urville Island. Much of this area retains high, very high and outstanding levels of natural character.

167. In more detail submitters seek:

168. There is insufficient justification for the seaward extent of the outstanding/very high/high natural character ratings extending so far offshore into Cook Strait – there should be a reduction in the overlay.⁹⁶ The western inner part of Waitui Bay should have its classification downgraded to reflect the existing levels of activity occurring in that part of the bay, in

⁹³ See *Clearwater Mussels Limited v Marlborough District Council* Decision No [2018] NZEnvC 88 for an Environment Court analysis of Port Gore’s landscapes.

⁹⁴ Ibid at [232].

⁹⁵ Section 42A Report, pages 30-31.

⁹⁶ Aquaculture NZ (401.253-4).

particular farming confined to that area and to enable some limited aquaculture to occur on the western part of the bay.⁹⁷ The outstanding natural character of the Outer Sounds and eastern Tasman Bay be expanded in the CMA to include all of Trio Island, Chetwode Islands and Titi Island be integrated in the outstanding natural character of North D'Urville and Port Gore, and to adjust the boundary of this natural character to include a distance of not less than 500 metres from MHW as being within the Outstanding Natural Character area. A review of Coastal Terrestrial Area 2 (Cook Strait) recognising existing levels of activity and modification particularly north of Te Akaroa where there is existing forestry and aquaculture, and Pelorus Heads and Bulwer (particularly the area on the southern side of its entrance (between two salmon farms)).⁹⁸ Removal of the very high natural character as it extends seawards from Kaitira Point (East Entry Point).⁹⁹

Section 42A Report

169. The report identifies that:

- The marine environment of Waitui Bay is mapped as high. Most the land is farmed, apart from the eastern part of the bay which is under DOC management, and is too steep to farm. This part of the bay, along with part of the coastal waters, is mapped as very high as well as retaining outstanding levels of natural character. There are no structures in Waitui Bay, on the water or the land. The only modification on the land results from farming. Nevertheless, when referencing Figures 1-3,¹⁰⁰ some trawling and fishing have occurred within the central bay. Nevertheless, the report writer maintains that the mapping is correct in Waitui Bay.
- In terms of expanding the existing mapping of outstanding natural character from Port Gore to D'Urville Island, currently the water is classified as high natural character with areas of outstanding natural character at both ends. But MPI information from the website indicates that trawling occurs off Cape Lambert and that a change is required so that the extent of outstanding and high natural character overlays north of Cape Lambert should reflect this. This will result in these waters being only high and not outstanding.
- The content of Coastal Terrestrial Area 2 (Cook Strait) is at the Level 3 assessment scale. At the Level 4 and 5 scale, further details are outlined. Modifications have been

⁹⁷ Waitui Holdings Ltd (486.2-3).

⁹⁸ Marlborough Aquaculture Ltd (959.2-3).

⁹⁹ Sanford Ltd (1140.108, 110).

¹⁰⁰ Figure 1: Scallop Dredging Catch Intensity; Figure 2: Trawl Fishing Events; Figure 3: Set Net Fishing Events, Natural Character Mapping Recommendations.

identified and areas retaining commercial forestry (such as Te Akaroa) have not been included in the land mapping. Within the marine environment, the mapping occurred at the Level 4 scale, where smaller modifications (such as isolated areas of aquaculture (at Blow Hole Point for example) do not sufficiently degrade the marine environment when assessed at that scale. Based on this, the report writer maintains the mapping as currently proposed.¹⁰¹

170. The report writer's recommendations are that changes are made to the outstanding and very high marine mapping considering the information now relating to dredging and trawling. He identifies these are contained on Figure C: Cook Strait.
171. Regarding the remaining requests, the report writer confirms that no further changes should occur to the natural character overlay in this area.

Consideration

172. The Panel considered the content of this recommendation from the report writer justifies the amendment as set out above. This is clearly identified in Figure C: Natural Character Mapping Change 3: Cook Strait. Otherwise the Panel concurs with the retention of the mapped area in the PMEP.

Decision

173. Replace Very High Natural Character overlay with High Natural Character overlay as shown on Figure C: Cook Strait of the Mapping Recommendations document.

Coastal Terrestrial Area 16: Cape Campbell¹⁰²

174. The submitter here requests that the natural character mapping on the property be removed around a future house site at Mussel Point which it has identified for 30 years.¹⁰³

Section 42A Report

175. After ground truthing the site, the report identifies that the small area in question currently supports a small structure and is predominantly in grass.¹⁰⁴ This can be seen in the Mapping Recommendations document Figure O: Cape Campbell, marked up in a red square.
176. The report writer accepts that this site does not rate as highly as the remainder of the coastal environment where substantial parts of grassland are being reclaimed by coastal species. He recommends removing the natural character overlay on this small section based on its below-high rating for naturalness.

¹⁰¹ Section 42A Report, page 31.

¹⁰² Section 42A Report, page 64.

¹⁰³ Cape Campbell Farm Ltd (358.1).

¹⁰⁴ Section 42A Report, page 64.

Consideration

177. After hearing evidence from the property owner the Panel accepts the identified small area of land from Coastal Terrestrial Area 16 should be removed from the recommended overlay map Figure O: Cape Campbell as identified.

Decision

- Remove the 'house site' area from natural character coverage as per landscape overlay as shown on Figure O: Cape Campbell of the Mapping Recommendations document.
- Accept the report writer's table 16. Coastal Terrestrial Area 16: Campbell.¹⁰⁵

Coastal Marine Area C: Crail Bay-Clova Bay

178. All of the multiple submitters request removal of the natural character overlay from close to their farms or land in this area. In particular, Mr Dallas Hemphill requested that the natural character overlay on the land in the vicinity of his property is ground-truthed. He considers the land facing Crail Bay (an area currently mapped as 'high') is heavily modified and not reflective of the commentary concerning the terrestrial commentary contained within adjacent Coastal Terrestrial Area 6: Nydia. In the course of his presentation, Mr Hemphill presented a Crail Bay ridges map suggesting the areas where refinement could be made.¹⁰⁶

Section 42A Report

179. Mr Bentley recommended to the Panel that he review this area and remove the high natural character rating from areas of the pine plantations by way of a desktop exercise. This was formally requested by the Panel in Minute 19.
180. In spite of much of the terrestrial eastern-facing slopes of Crail Bay being illustrated as high levels of indigenous regeneration with much of the land now returned, modifications are still apparent in the form of commercial forestry, areas of scrub, tracks and buildings.
181. As a result of this exercise, Mr Bentley agreed that small parts of the property containing pine plantations do not reach the 'high' natural character threshold.¹⁰⁷ This was accepted in respect of the northern Crail Bay ridge area separating Crail Bay from the main Pelorus Sound on the Hemphill property.¹⁰⁸

Consideration

182. As a result of the submitter's evidence and the report writer's reassessment of the small parts of the area in the vicinity of the submitter's pine plantation in Crail Bay, the 'high' natural

¹⁰⁵ Report Writer, Response to Panel's Minute 55, page 37.

¹⁰⁶ DC Hemphill (648.17-21) submission.

¹⁰⁷ Section 42A Report, Reply to Evidence, page 7.

¹⁰⁸ Memorandum 19, Hearing Panel to Mr Bentley, pages 1-2.

character rating is removed as identified on Mr Bentley’s memorandum Figure 2: Crail Bay Natural Character Review.

Decision

183. Remove the terrestrial natural character rating on the submitter’s property in Crail Bay.

Coastal Marine Area A: Symonds Hill¹⁰⁹

184. Two submitters request that the terrestrial natural character overlay around Symonds Hill be removed as it is heavily modified.¹¹⁰

Section 42A Report

185. The Section 42A Report identifies that Symonds Hill has been re-evaluated and it does not agree that the land is heavily modified.¹¹¹ The hill is regenerating indigenous bush with occasional wilding pines. These are areas of plantation forestry which affect natural character and some of this forestry area is included in the high natural character overlay.
186. There is aquaculture to the immediate north but most of the coastal interface with this hill is free from modification. There are no tracks, houses or other structures on the hill and this amplifies the perceived naturalness. The report writer considers that the bulk of Symonds Hill is appropriately mapped, demonstrating high levels of natural character.
187. The report writer asked the MDC for assistance in identifying the properties of the submitters. The Council understands that the properties (possibly only one) relate to 2579 Croisilles-French Pass Road. This is located within an area dominated by pine forestry and grass, and the writer agreed on this basis that this property should be reclassified based on the level of modification apparent in that particular location. He recommended a change to the mapping of the high natural character overlay as it relates to 2579 Croisilles-French Pass Road and its immediate surroundings due to modifications in the area that do not contribute high levels of natural character.

Consideration

188. The Panel assessed Figure A: Okiwi Bay in which Symonds Hill is located, and after reading the Section 42A Report findings, accepts that the high natural character overlay from the land identified should be lifted as recommended. The area is traversed by the road, transmission lines, pine forestry and grass. Refer to [Figure A: Natural Character Mapping Change 1: Okiwi Bay](#).

¹⁰⁹ Section 42A Report, pages 26-27.

¹¹⁰ M and R Hippolite (488.1), Karaka Projects Ltd (502.9).

¹¹¹ Section 42A Report, pages 26-27.

Decision

189. Remove the High Natural Character overlay from land at Symonds Hill as shown on Figure A of the Mapping Recommendations document.

Coastal Marine Area C: Richmond and Ketu Bay areas¹¹²

190. All four submitters request removal of the high natural character overlay from Richmond Bay close to their properties or marine farms, or recognition in the Plan that the existing marine farms are not causing adverse effects on natural character.¹¹³

Section 42A Report

191. The report identifies that the terrestrial environment of both Richmond and Ketu Bays are recovering from once being wholly grazed. Much of the land is covered in regenerating indigenous vegetation, is generally uniform throughout with the greatest modification apparent around the house and farm structures of Pohuenui at the head of Richmond Bay. Here patches of grazed land are still apparent as is an area of pine forest. There are, however, a few structures including only one jetty, and no structures at all in Ketu Bay. Numerous farm tracks cover the area.
192. Within the marine environment there are is a small number of mussel farms and one salmon farm. Trawling is noticeably apparent. None of the waters of the bays rate as high or above.¹¹⁴
193. Upon reviewing the high natural character overlay on the terrestrial environment, the mosaic of land use and the associated modification at the head of Richmond Bay, the report writer considered that the mapped areas of high natural character required reconsideration. His recommendation on review is that the area should be reclassified as less than high, and no mapped natural character overlay is appropriate. He notes marine farming in these bays has not affected the terrestrial environment.

Consideration

194. The submissions are accepted for the reasons contained in the submissions and set out in the Section 42A Report.

Decision

195. Remove the high natural character overlay from Richmond Bay as shown on Figure D: Richmond Bay: Natural Character Mapping Change 4.

¹¹² Section 42A Report, pages 36-37.

¹¹³ AJ King and SA King Family Trusts (514.13), Bryan Skeggs (574.14), Sandra Ann King (1098.1-5), Sanford Ltd (1140.110).

¹¹⁴ See Figure 1 Scallop Dredging Catch Intensity (?) and Figure 2 Trawl Fishing Events: Mapping Recommendations document; MPI Maps of Commercial Inshore Fishing Activity.

Coastal Marine Area C: Northern Tawhitinui Reach (Picnic Bay Area)¹¹⁵

196. All submitters request removal of the natural character overlay close to their marine farms/properties.

Section 42A Report

197. The report writer identifies that this part of northern Tawhitinui Reach retains a mosaic of different land uses as well as having aquaculture along much of its shore. Limited natural character mapping of high and above is apparent. The mapped area of high natural character is associated with the end of Picnic Bay which includes the property of one of the submitters. This tract of land, however, is similar in character to the land further west retaining a mosaic of land uses and lower than high levels of natural character. The remaining properties to the west are not included within an overlay.

198. The relatively high levels of naturalness along the foreshore of the Reach is interrupted by jetties, houses and tracks. The report writer concludes that this area has been incorrectly mapped and requires removal from the high natural character overlay.

199. The report writer also recommends that the upper part of Mt Shewell be mapped reclassified as very high, from high natural character, to reflect the mature indigenous vegetation present.

Consideration

200. The original area map of Northern Tawhitinui Reach as High is clearly heavily modified and a mistake. We accept the removal of the high natural character overlay in the vicinity east of Picnic Bay as shown in the Figure G Mapping Recommendations; otherwise, replace the high natural character overlay for Mt Shewell with very high natural character: see also Figure G: Northern Tawhitinui Reach where the dark green shading is identified as outstanding. This is reflected on Figure G: Natural Character Mapping Change 7: Northern Tawhitinui Reach.

Decision

201. Remove High Natural Character overlay in the vicinity of Picnic Bay as shown on Figure G of the Mapping Recommendations document.

202. Replace High Natural Character overlay on slopes of Mt Shewell with Very High Natural Character overlay as shown on Figure G: Northern Tawhitinui Reach of Mapping Recommendations document.

¹¹⁵ Section 42A Report, page 45.

Coastal Marine Area C: Forsyth Bay¹¹⁶

203. Twenty-two submitters request the removal or review of the natural character overlay from close to their marine farms or their land. Several submitters support the current mapping in Forsyth Bay but oppose mapping of Forsyth Island.

Section 42A Report

204. Forsyth Bay is one of the more recognised bays where aquaculture is present in Pelorus Sound and natural character overlay (at Level 4 mapping scale) reflects this. On the other hand, in terms of the terrestrial environment, much of Forsyth Bay, which includes Orchard Bay and Pigeon Bay off Forsyth Island, is regenerating. Farmed land has been retired and is actively covered with indigenous regrowth. Forsyth Island is a good example, along with parts of the Kaitira Headland and land around Allen Strait. These areas have been identified as retaining high levels of terrestrial natural character.¹¹⁷

205. The report writer confirms on his review that, based on the modifications within the bay, the mapping reflects the current situation. Existing modifications (such as aquaculture) have influenced the extent of the mapping (noticeably in the marine environment) and reflects the current situation.

206. The one amendment encompasses Duffers Reef. Based on information received from MPI relating to scallop dredging in the area, the report writer recommends a small change to a small part of the high marine-based natural character extending from Kaitira headland to the west of the bay towards Duffers Reef to reflect these areas currently dredged.¹¹⁸

Consideration

207. For the reasons given and after assessing the current mapping on Figure 1: Forsyth Bay Mapping Recommendation, most of the mapping within Forsyth Bay should remain as recommended, apart from the area identified relating to scallop dredging,¹¹⁹ and where it encroaches on three marine farms to the south: refer [Figure 1: Forsyth Bay](#).

Decision

208. Remove High Natural Character overlay in Forsyth Bay as shown on Figure I of the Mapping Recommendations document.

¹¹⁶ Section 42A Report (Bentley), pages 51-52.

¹¹⁷ PMEP Volume 4 Maps Coastal Natural Character Area 1-2.

¹¹⁸ Sanford.

¹¹⁹ Marine Farming Industry.

Coastal Marine Area D: Queen Charlotte Sound¹²⁰

209. Many submitters request removal of the natural character overlay from close to or through their farms or land, while others request an extension of the existing overlay to cover the land on northern Arapaoa Island and seek it to be mapped as outstanding natural character.¹²¹

Section 42A Report

210. While much of the terrestrial component of East Bay and the southern bays was initially cleared for farming purposes, much of this land has been retired and is regenerating with indigenous vegetation. Areas of more substantial indigenous bush cover extends from some of the higher ridges and peaks in the bay towards the foreshore including from the ridge associated with Narawhia to the east of Otanerau Bay.

211. All of the terrestrial environment is considered by the report writer to be of high or very high natural character with some (named) exceptions.

212. With the marine environment no mapping of high natural character has occurred at present, and numerous mussel farms and one salmon farm occupy much of the eastern shore of East Bay and Otanerau Bay with commercial forestry. There is currently an overlap of the very high natural character overlay with existing marine farms in Onauku Bay, and this requires removal. The Department of Conservation agrees with this recommendation.

213. It is recommended that the overlay in this area be removed from these northernmost farms (8404, 8510, 8403 and 8402).

214. An offset of 200 metres is considered appropriate to its northern extent then gently realigned along the western (seaward) extent to feather in with existing mapping. The report writer is otherwise satisfied with the remaining mapping in this bay.

Consideration

215. The Panel took the opportunity to undertake a site visit to East Bay. Having visited the Bay, including viewing the marine farms, the Panel is in agreement with the report writer. The 200 metre setback from the northern limit of the farms appeared reasonable in the circumstances.

216. For the reasons given, the very high natural character overlay in Onauku Bay shown on Figure J: East Bay of the Mapping Recommendations document be removed with an offset of 200 metres to the Northern Extent. This is reflected on Figure J: East Bay. Coastal Natural Character Overlay 4 reflects the change.

¹²⁰ Section 42A Report, pages 55-56.

¹²¹ Port Gore Group (468.5), Karen Marchant (493.4-5).

Decision

217. Remove small area of Very High Natural Character overlay from East Bay as shown on Figure J: East Bay of the Mapping Recommendations document.

Coastal Marine Area D: Remaining Queen Charlotte Sound Area¹²²

218. One submitter requests the removal of the high natural character overlay from Ruakaka Bay,¹²³ another the very high natural character overlay within the Marina Zone Waikawa Bay due to Plan Change 21 which provides for expansion of the Waikawa Marine Zone with modifications already present.¹²⁴ PMNZ's submission seeks that an area on the eastern side of the marina land structures in Waikawa Bay be included within the Marina Zone in the PMEP.¹²⁵
219. Another submitter requests that the outstanding natural character area of the entrance to Queen Charlotte Sound be expanded together with the boundary of outstanding natural character extended to a distance of not less than 500 metres from MHWS.¹²⁶

Section 42A Report

220. The report writer identifies that while the entrance to Queen Charlotte Sound outstanding natural character overlay includes areas of exceptional naturalness encompassing many islands and the Long Island Marine Reserve, the small area of marine mapping around Motuara Island is dictated by the extensive dredging. As a result this small area does not reach the 'outstanding' threshold. A similar case but of reduced dredging intensity is found west of Long Island.
221. After reconsideration, the report writer considers that the existing mapping at the Level 4 scale accurately reflects the naturalness of this area and does not warrant expansion. The natural character mapping in Ruakaka Bay also reflects the general level of naturalness evident on the terrestrial environment with a reasonably advanced level of indigenous vegetation. The modification around the coastal interface has been excluded from mapping. Within the marine environment a salmon farm is present in one of the bays, and extensive dredging is apparent (see Figure 1). The southerly area of very high marine mapping reflects the foreshore and lack of landward modification.

¹²² Section 42A Report, pages 56-57.

¹²³ Salvador Delgado Oro Laprida (218.17).

¹²⁴ PMNZ (433.19, 211).

¹²⁵ PMNZ Memorandum in response to Minute 20 of the Panel dated 26 April 2018.

¹²⁶ FNHTB (716.203).

Consideration

222. The Panel sought further detail from PMNZ as to the extent of the Waikawa Bay Marina Zone. The Panel requested that PMNZ provide it with a GIS detailed map enabling the exact location to be identified in the Council's GIS mapping for the plan if the submission is accepted.
223. The extent of very high mapping was reconsidered with the report writer concurring that the extent of the mapping extends too far into Waikawa Bay as a result of acknowledging that further development of the marina is enabled through Plan Change 21.
224. Attached to counsel's submission for PMNZ in response to the Panel's Minute 20 annexed as Appendix 9 is a map showing the Marina Zone extending 20 metres horizontally beyond the MHWS interface between the sea surface and the existing breakwater. For completeness, the drawing also shows the landside area that PMNZ seeks to be rezoned. The .dwg file format¹²⁷ provides the necessary data for the Council's technical staff to introduce into the Council's master GIS system.
225. It is recommended that one small mapping change occur to the marine environment around Waikawa Bay and the foreshore activity in the area. This is reflected in Figure K: Waikawa Bay of the Mapping Recommendations document.
226. This evidence for PMNZ and recommendation, together with a visit to the Waikawa area from the Panel, affirms the recommendation of the report writer as set out in Figure K: Natural Character Mapping Change 11: Waikawa Bay Coastal Natural Character Overlay 4.

Decision

227. Remove small area of Very High Natural Character overlay from Waikawa Bay as shown on Figure K: Waikawa Bay of the Mapping Recommendations document.

Coastal Chapter Natural Character: MPI Multiple Maps

Overlap with Natural Character Maps

228. MPI in its evidence provided a series of very detailed and helpful maps indicating the location of marine farms throughout the Marlborough Sounds.¹²⁸ The accompanying evidence of its

¹²⁷ DWG (from drawing) is a proprietary binary file format used for storing two- and three- dimensional design data and metadata. It is the native format for several CAD packages including DraftSight, AutoCAD, BricsCAD, IntelliCAD (and its variants), Caddie and Open Design Alliance compliant applications.

¹²⁸ MPI, Michael Jeffrey Nielsen, Statement of Evidence, 2 February 2018, paragraph 5.4. *Consented Marine Farm Boundaries and Overlays with Outstanding Areas, Spatial Intelligence and Existing Marine Farms Within Outstanding Area Buffer Zones* dated 2 February 2018.

witness Michael Nielsen focuses on the landscape chapter but the detailed boundary concerns identified there are the same for natural character maps/overlays.

Consideration

229. The Panel considered whether these maps needed addressing for overlays or whether they could be left to the aquaculture chapter. The maps were acknowledged as helpful in that they highlight a number of overlaps with natural character. At the time of hearing there were 70 existing marine farms fully or partially with ONFL and ONC in Marlborough.¹²⁹
230. In accordance with First Schedule RMA clause 16 amendment, where outstanding natural character (ONC) overlaps existing marine farms by less than 10% of consented space the Panel is of the view that the ONC can be amended by reducing ONL/ONC mapping from the marine farms as they are minor clerical mapping adjustments. The balance of the changes greater than that area might involve spatial allocation issues that must await the aquaculture chapter. In Table 1 of Mr Nielsen's evidence it does not appear that there are any locations where areas of outstanding natural character overlap with existing marine farms by less than 10% of consented space.¹³⁰

Decision

231. Where ONC overlaps existing marine farms by less than 10% of consented space the ONLC mapping is to be removed under cl 16, First Schedule RMA.

Riparian Natural Character Management Area Overlay: Branch River¹³¹

232. One submitter requests that the overlay of Riparian Natural Character Areas and all associated policies and provisions be deleted from the plan.¹³² Another requests that the Brown River (a tributary of the Rai River) be included as a mapped part of waterbodies.¹³³ Another submitter seeks removal of maps and references regarding the Riparian Natural Character Areas specifically those on the North Bank due to their modified nature. The submitter also queries the method taken – questioning the data and method by which natural character was measured.¹³⁴
233. In its submission, and also considered within the Section 42A Report, Trustpower opposes the boundary between 'moderate' natural character values and 'very high' natural character values on the Branch River upstream to the south of the weir. The company seeks to amend

¹²⁹ Nielsen, Evidence Table 1, page 6.

¹³⁰ Information based on MPI GIS analysis sourced by MDC using ONFL and ONC analysis as notified (without amendments recommended by Section 42A Reports).

¹³¹ Section 42A Report, pages 64-66.

¹³² Federated Farmers (425.786).

¹³³ RFAB (496.101).

¹³⁴ Raeburn Property Partnership (1084.9).

the natural character classification for the Branch River to extend the area of ‘moderate’ value upstream so that the overlay for the Branch River would start at the confluence of the Branch and Leatham Rivers because of the effects of its operations at the weir further downstream.¹³⁵

Section 42A Report

234. In response to some of the submitters’ concerns, the report writer identifies the methodology is outlined in Section B of the report *Natural Character of Selected Rivers and their managers*.¹³⁶ Only selected rivers were chosen as part of the study and it is not the intention to carry out any further studies. Thus the Brown River would not be included at this time.
235. Areas of modification associated with a particular stretch of river were recorded in 2009. Of those rivers selected are the North Bank of the Wairau River (Goulter, Top Valley, Waikakaho and Tuamarina), all reflecting their state of naturalness at the time. ‘Context’ is an important component of the consideration of the overall rating.
236. The report writer was comfortable at the scale and level of the Branch River at that time because the mapping reflects its level of naturalness.¹³⁷ His recommendation was that discussions be held with MDC around updating the study.¹³⁸

Consideration

237. The Panel asked Trustpower for detail as to the ‘consented activities’ undertaken by Trustpower upstream of the weir. We were advised that the resource consent authorises activities usually upstream 100 metres from the weir but Trustpower would accept removal of the natural character assessment 150 metres from the weir.¹³⁹ It is the Panel’s decision that because of the effects of Trustpower’s activities, the start of the Riparian Natural Character Management Area for the Branch River is to commence 150 metres to the north of the weir structure.

Decision

238. The mapping is amended accordingly for the natural character to commence 150 metres south of the weir at the Branch River.

¹³⁵ Trustpower (1201), Nicola Foran Statement of Evidence.

¹³⁶ Section 42A Report, page 65. Boffa Miskell et al, published 2014 study undertaken by a named group of experts and peer reviewed by Peter Hamill (MDC freshwater ecologist) and Dr Michael Steven (landscape architect).

¹³⁷ Section 42A Report, pages 65-66.

¹³⁸ Reply to Evidence, page 13.

¹³⁹ Minute 12 Hearing Panel to Trustpower (9 April 2018).