
MARLBOROUGH ENVIRONMENT PLAN

Section 32 Report

Chapter 7: Landscape

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Overview

Background

Section 32 of the Resource Management Act 1991 (RMA) requires that in the process of reviewing its regional policy statement and resource management plans, the Marlborough District Council (the Council) must prepare and publish an evaluation report. The three documents being reviewed are the Marlborough Regional Policy Statement (MRPS), the Marlborough Sounds Resource Management Plan (MSRMP) and the Wairau/Awatere Resource Management Plan (WARMP). Each resource management plan is a combined regional, coastal and district plan.

Section 32¹ of the RMA requires that:

- reviewed regional policy statements and plans must be examined for their appropriateness in achieving the purpose of the RMA;
- the benefits, costs and risks of new policies and rules on the community, the economy and the environment be clearly identified and assessed; and
- the written evaluation must be made available for public inspection.

The Section 32 process is intended to ensure that the objectives, policies and methods the Council decides to include in the new resource management framework have been well tested against the sustainable management purpose of the RMA. The Section 32 evaluation report for the proposed Marlborough Environment Plan² (MEP) has been prepared on a topic basis, centred on the policy chapters of Volume 1 of the MEP. Individual reports have been prepared on the following:

Topic	Volume 1 Chapter of the MEP
Introduction to Section 32 evaluation reports	
Marlborough's tangata whenua iwi	3
Use of natural and physical resources	4
Allocation of public resources – freshwater allocation	5
Allocation of public resources – coastal allocation	5
Natural character	6
Landscape	7
Indigenous biodiversity	8
Public access and open space	9
Heritage resources	10
Natural hazards	11
Urban environments	12
Use of the coastal environment – subdivision, use and development activities in the coastal environment, recreational activities, fishing, residential activity, shipping activity and Lake Grassmere Salt Works	13
Use of the coastal environment – ports and marinas	13
Use of the coastal environment – coastal structures, reclamation and seabed disturbance	13
Use of the rural environment	14

¹ See Appendix A.

² The Marlborough Environment Plan is a combined regional policy statement, regional plan, regional coastal plan and district plan.

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Topic	Volume 1 Chapter of the MEP
Resource quality – water	15
Resource quality – air	15
Resource quality – soil	15
Waste	16
Transportation	17
Energy	18
Climate change	19

Chapters 1 and 2 of the MEP are not included within the Section 32 evaluation as they provide an introduction and background to the proposed document. These chapters do not include provisions that must be evaluated in accordance with Section 32.

The Introduction report covers the scope of the review that the Council has undertaken including consultation and the nature of information and analysis that has occurred. An overview of the Council's statutory obligations, the relationship of the MEP with other plan and strategies and working with Marlborough's tangata whenua iwi is described. A set of guiding principles the Council has used in the development of the objectives, policies and methods for the MEP is provided. The Council acknowledges that the principles have no statutory basis and do not in themselves have specific objectives, policies or methods. However, they have been included as the philosophy and values underlying the content of the MEP and consequently help to inform the Section 32 evaluation.

The policy provisions for landscape are set out in Chapter 7 of Volume 1 of the MEP. Overlay maps in Volume 4 of the MEP show the areas with landscape significance and the values of these areas and more detailed mapping is included within Appendix 1 of Volume 3. This Section 32 evaluation report on the provisions for landscape is set out as follows:

- Chapter description – this provides an overview of the resource management issue for landscape.
- Statutory obligations – the extent to which there are direct links with Section 6 or 7 matters and whether the provisions are directed or influenced by national policy statements or national environmental standards.
- Information and analysis – whether specific projects or other information have influenced the inclusion of provisions or other responses to dealing with resource management issues.
- Consultation – an overview of the extent and nature of specific consultation undertaken on the proposed provisions.
- Evaluation – an assessment of the provisions under each of the identified issues. Where appropriate, reference is made to supporting material that has helped to inform why a particular option has been chosen. In some cases the evaluation is undertaken on an individual provision, while in others groups of policies or methods have been assessed together.

In some parts of this evaluation report there are references to provisions within other chapters of the MEP. This is due to those provisions assisting in implementing the management framework for the subject matter of this report or vice versa. A reader should consider the evaluation for these other provisions where they are referred to in this report.

Key changes

The key changes in the MEP from the approach in the MRPS, WARMP and MSRMP are:

- Additional areas of outstanding natural features and landscapes have been identified as a result of the reassessment work (inland Kaikouras, Upper Wairau, Branch and Leatham River Valleys and catchments, Mt Richmond Range, Bryant Range and White Bluffs and some areas within the Marlborough Sounds).

- Reclassification of the Wairau River and Spring Creek has occurred from an outstanding natural feature and landscape classification to a landscape with high amenity value. However, these two areas have not been considered sensitive to change from a landscape perspective and so no management framework for landscape reasons has been applied in the MEP.
- The identification and mapping of landscapes with high amenity value and sensitive to change are included in the MEP (Wairau Dry Hills and all of the Marlborough Sounds not otherwise identified as an outstanding natural feature and landscape). This provides certainty to resource users regarding when Section 7(c) of the RMA applies. Without this direction, visual amenity concerning landscape values would remain an issue for all discretionary activity resource consent applications.
- Greater land use control is proposed, with rules to apply to structures, land disturbance and vegetation planting. Forestry in the Marlborough Sounds currently requires a limited discretionary activity resource consent but in the MEP this will become a full discretionary activity consent. Policy also directs that exotic forestry within areas of outstanding natural features and landscapes in the Marlborough Sounds should be avoided.
- Policy guidance on the outcomes and preferences on how adverse effects on landscape values can be achieved is provided. The values for each of the significant areas that have been mapped will be described in a schedule to the MEP.
- An 'avoid' approach to dealing with adverse effects from activities on outstanding natural features and landscapes is proposed, except for regionally significant infrastructure, passive recreational opportunities for the public and activities involved in the development and operation of renewable electricity generation schemes where the effects can be mitigated.
- Policy consideration has been included to address the effects of wilding pines on landscape values.

Summary of reasons for the proposed provisions

Section 32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions included in the MEP. This summary of reasons for the provisions in relation to issues concerning landscape are set out below, however the more detailed evaluation is set out in the remainder of this report.

There is strong statutory direction for the proposed provisions. The RMA identifies the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development as a matter of national importance (Section 6(b)). Landscapes that do not meet the threshold of being outstanding may still make a contribution to the visual appreciation or the amenity values of Marlborough. The RMA seeks to maintain and enhance these landscapes with visual amenity value (Section 7(c)). There is further direction on managing and protecting landscape values in the coastal environment through the objectives and policies of the NZCPS, notably Objective 2 and Policy 15.

In identifying a single resource management issue for landscape, the Council acknowledges that although the use and development of natural and physical resources has always played an important role in sustaining Marlborough communities, the use and development of these resources can change the landscape. This change can occur at a range of scales and timeframes, be it site-specific or broad scale, immediate or incremental and potentially cumulative.

Although Marlborough's landscapes are dynamic and will continue to change in response to future resource use, there are some landscapes that the community values more than others. Issues can arise where the effects of resource use, especially with the subdivision, use and development of land result in the loss or degradation of the values fundamental or integral to a landscape being considered significant. As the community gains economic wellbeing from the productive use of natural and physical resources, it can be challenging to balance this against the need to retain the values that contribute to our significant landscapes. Judgements are therefore required to determine appropriate development within our significant landscapes.

The proposed provisions were chosen for the following reasons:

Identification of significant landscapes

- Multiple values contribute to landscape and therefore criteria derived from national and international landscape assessment criteria have been used to determine the value of Marlborough's landscapes. These criteria include consideration of the following values:
 - biophysical values, including geological and ecological elements;
 - sensory values, including aesthetics, natural beauty and visual perception; and
 - associative values, including cultural and historic values and landscapes that are widely known and valued by the immediate and wider community for their contribution to a sense of place.
- Identification of areas has been through an extensive consultation process with owners of land where significant landscapes were identified. Through consultation and feedback, there has also been widespread public support for identification of Marlborough's significant landscapes.
- Areas where landscapes are identified as significant in terms of Section 6(b) or 7(c) and for which it is considered there should be controls to manage landscape outcomes will be mapped in the resource management plan. The values that make these landscapes significant will also be included in a schedule to the MEP to enable resource users and decision makers for resource consent/plan change applications to consider the values that contribute to these landscapes.
- As landscapes are dynamic, it is appropriate to recognise that refinement of the boundaries of significant landscapes may occur over time (through the First Schedule process of the RMA).

Management of activities

- The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development is sought in order to fulfil statutory obligations. This will see a requirement for resource consent for activities that have the potential to degrade the values contributing to outstanding natural features and landscapes.
- The intent is to maintain and enhance landscapes with high amenity values mostly using non-regulatory methods. However, the Wairau Dry Hills Landscape and the Marlborough Sounds Coastal Landscape (that is not otherwise identified as outstanding) have been identified as more sensitive to change than other landscapes in this category. Therefore, there will be permitted activity standards that will support the maintenance of existing landscape values. Proposed activities and structures that exceed those standards will require more in-depth assessment through the resource consent process. One exception to the use of permitted activity standards is in respect of commercial forestry, where a resource consent for a discretionary activity will be required.
- There is recognition that some outstanding natural features and landscapes and landscapes with high amenity value fall within areas that have primary production activities currently occurring within them. It is important to acknowledge that although a range of responses are proposed for this situation, where land uses are existing, then existing use rights under Section 10 of the RMA remain relevant. For the Marlborough Sounds where new commercial forestry is proposed a resource consent will be required.
- Where consent is required for an activity in a significant landscape then regard must be had to the values of that landscape. The adverse effects of activities on the values of an area with outstanding natural features and landscapes are to be avoided in the first instance. Where this cannot be achieved then any adverse effects need to be remedied. There are two notable exceptions to this requirement:
 - The first is in respect of activities that may take place within the coastal environment. Policy 15 of the NZCPS requires that adverse effects of activities within the coastal environment are to be avoided, i.e. the option of remedying adverse effects on landscape values cannot apply to activities occurring within the coastal environment.

- The second exception applies to activities involved in the development and operation of regionally significant infrastructure, activities that enhance passive recreational opportunities for the public and activities involved in the development and operation of renewable electricity generation schemes within Marlborough where the adverse effects of generation is reversible. For this group of activities, adverse effects can be mitigated provided the overall qualities and integrity of the wider outstanding natural feature and landscape are retained. This exception reflects the considerable benefits of the listed activities to the social and economic wellbeing, health and safety of the community.
- To protect the values of outstanding natural features and landscapes and landscapes with high amenity value, the Council has established policy guidance for new structures, land disturbance (including tracks and roads) and vegetation planting. This guidance sets out how visual integrity of landscapes can be maintained in response to changes in resource use. Rules will range from permitted through to prohibited to ensure the landscape values are protected.
- Reducing the impact of the spread of wilding pines for landscape reasons is proposed through supporting initiatives to control existing wilding trees, limiting their further spread and controlling the planting of commercial wood species prone to wilding pine spread. There has been widespread community support for greater controls over wilding pine spread.

Description of issue

Natural features and landscapes are distinct spatial areas influenced by location specific processes within the environment. These processes can be natural or human-induced (such as land use change). Natural features within the landscape can also help define a landscape. The resulting landscape characteristics are expressed visually, but can also be valued for their ecological significance or for intrinsic reasons (e.g. by providing a sense of place) and are therefore important in contributing to New Zealanders' sense of wellbeing.

There is significant diversity within Marlborough's landscape, partly due to variation in geological, climatic and ecological processes. Human activity has also had a considerable effect on our landscape over time, while current land use continues to influence the landscape character of Marlborough. It is also important to acknowledge that the presence of water, in terms of lakes, rivers, wetlands or the sea, makes a significant contribution to the overall landscape. Therefore any reference to landscape within this report and in the Marlborough Environment Plan (MEP) includes reference to these water environments.

The policy provisions for landscape are found within Chapter 7 of Volume 1 of the MEP. The chapter provides a framework to deal with a single resource management issue relating to landscape matters:

Issue 7A: Resource use and changes in resource use can result in the modification or loss of values that contribute to outstanding natural features and landscapes and to landscapes with high amenity value.

- Collectively, landscapes contribute significantly to community wellbeing and help to create a Marlborough identity. However, the use and development of natural and physical resources changes the landscape, for example by introducing buildings and structures where there are currently none. Landscape change can occur at a range of scales and timeframes.
- Not all change in the landscape will result in a loss of landscape values. Some changes enhance landscape values, such as has occurred with the indigenous revegetation in the Marlborough Sounds. Other landscapes are a direct result of resource use, such as the conversion of pastoral land to viticulture in the river valleys where a landscape of structure, seasonal colour contrast and colour contrast with the surrounding landscape has evolved.
- Some landscapes are valued more highly by the community than others and these are often more sensitive to change, for example the landscapes of the Marlborough Sounds.

The importance of these significant landscapes and the contribution they make to community wellbeing is recognised in Sections 6 and 7 of the Resource Management Act 1991 (RMA).

- Issues can arise where the effects of resource use result in the loss or degradation of the values that are fundamental or integral to a landscape being considered significant.

Statutory obligations

Section 6(b) of the RMA requires the Council to recognise and provide for as a matter of national importance the “*protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.*” This is a direct obligation that the Council must fulfil and is why there is a specific chapter on natural character in the MEP.

Section 7 requires that particular regard is had to (c) “*the maintenance and enhancement of amenity values*” and (f) the “*maintenance and enhancement of the quality of the environment.*” Both of these sections of the RMA are relevant in the consideration of landscape values.

Local authorities must give effect to relevant provisions of national policy statements in planning documents (Section 62(3) and 75(3)(b) of the RMA). For landscape matters there are three national policy statements that have some bearing (to a greater or lesser degree) on landscape issues: the New Zealand Coastal Policy Statement 2010 (NZCPS), the National Policy Statement for Freshwater Management 2014 (NPSFM) and the National Policy Statement for Renewable Electricity Generation 2011 (NPSREG).

The NZCPS guides local authorities in their day to day management of the coastal environment. Policy 15 of the NZCPS sets out specific requirements to protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use and development, thereby recognising and providing for Section 6(b) of the RMA. This policy states:

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- (a) *avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and*
- (b) *avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;*

including by:

- (c) *identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:*
 - (i) *natural science factors, including geological, topographical, ecological and dynamic components;*
 - (ii) *the presence of water including in seas, lakes, rivers and streams;*
 - (iii) *legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;*
 - (iv) *aesthetic values including memorability and naturalness;*
 - (v) *vegetation (native and exotic);*
 - (vi) *transient values, including presence of wildlife or other values at certain times of the day or year;*
 - (vii) *whether the values are shared and recognised;*
 - (viii) *cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;*
 - (ix) *historical and heritage associations; and*
 - (x) *wild or scenic values;*

- (d) *ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and*
- (e) *including the objectives, policies and rules required by (d) in plans.*

The NPSFM applies to landscape issues as the quality and quantity of freshwater can have a direct impact on determining areas that have landscape significance. This includes the assessment of landscape values of freshwater bodies within the coastal environment, so there is a relationship between these two national policy statements.

A third national policy statement with relevance for landscape assessment is the NPSREG. There may be occasion where renewable electricity generation activities will be proposed within areas that have landscape significance, including within the coastal environment.

Information and analysis

An extensive reassessment of Marlborough's landscapes was undertaken as part of the review process. An initial report ("Marlborough Landscape Study 2009") identified Marlborough's outstanding natural features and landscapes as well as landscapes with high amenity value. The assessment in the study was used for the purposes of consultation with private landowners in north and south Marlborough where areas of landscape significance had been identified. (A description of this consultation process is included in the next section.)

The study states that Marlborough's landscapes are expressions of environmental processes, human activity and regional identity. Informed by best practice landscape assessment techniques, an assessment framework focussed on the following three recognised aspects of landscape:

- Biophysical aspects – which incorporate a landscape's natural science elements, including its geological, ecological and biological elements.
- Sensory aspects – which involve aesthetics and natural beauty as well as transient matters from a visual perception.
- Associative aspects – which involve cultural and historic values as well as shared and recognised attributes.

From the initial assessments undertaken for the 2009 study, several types of landscape were defined. These included outstanding natural landscapes (or features) in terms of Section 6(b) of the RMA, landscapes considered to have high amenity values in terms of Section 7(c) and (f) of the RMA and landscapes that did not possess characteristics of either. Outstanding landscapes and features were identified throughout Marlborough, from its southernmost extent in the Molesworth area, the east Marlborough limestone coast, the Wairau Lagoons, Te Parinui o Whiti (White Bluffs), the Richmond Range, Bryant Range and areas within the Marlborough Sounds. Areas with high amenity included the Marlborough Sounds and the Wairau Dry Hills forming the backdrop to Blenheim, Spring Creek, the Wairau River, Lake Grassmere, Pelorus River and its riparian edge, Wharanui coastline and the mid to upper Awatere River Valley.

The refinement of the identified landscapes through subsequent consultation remains consistent with the mapping approach adopted within the original 2009 Landscape Study. This has seen primarily a valley catchment based approach adopted, which recognises key ridgelines and/or important contours where they exist. Specific landscape features have also been discretely identified, such as in Te Parinui o Whiti (White Bluffs) where geological attributes resulted in this feature being identified. In other circumstances, secondary factors such as land tenure and cover have been important considerations; for example, in central Marlborough where the land tenure and indigenous forest cover were considered to provide the most logical demarcation of the landscape, capturing the highest landscape values within the area.

Within the areas identified as having high amenity value, some landscapes were considered to be under threat from various land use activities, while others were not. Ultimately, only two of the high amenity values landscapes (the Marlborough Sounds and the Wairau Dry Hills) were considered to be under threat from land use activity.

The results of the mapping post-consultation is set out in the report “Marlborough Landscape Study 2015 – Landscape Characterisation and Evaluation”. Importantly, this updated report also describes the particular values that make each of the mapped landscapes significant. Without this, it would be difficult to apply an appropriate management framework to either protect or maintain and enhance those values.

In addition to the specific reassessment of landscape values for Marlborough, a number of other projects helped to inform the development of the landscape chapter of the MEP. An overview of these projects follows.

Natural character of the Marlborough coast

With the specific direction in Policy 13 of the NZCPS to map or otherwise identify at least areas of high natural character, the Council undertook a technical assessment of natural character values in Marlborough’s coastal environment. This assessment was carried out by Boffa Miskell with input from Lucas Associates, Landcare Research, the Department of Conservation and the Council. The resulting publication, “Natural Character of the Marlborough Coast – Defining and Mapping the Marlborough Coastal Environment June 2014,” describes the study approach and includes information on natural character values at different scales, from district-wide to bay level. At the more detailed level, the coastal environment is broken down into nine distinct coastal marine areas and 17 distinct coastal terrestrial areas, based on land typology. For each area, abiotic systems and landforms, biotic systems and experiential attributes were assessed.

Areas with high, very high and outstanding natural character values have been mapped. The areas mapped and the descriptions of the key values that contribute to the area are included within the MEP. Providing information on key values along with the mapped areas means there is a higher degree of certainty regarding the locations of significant natural character values in Marlborough’s coastal environment.

The natural character of selected Marlborough Rivers and their margins

Unlike the coastal environment, there is no statutory requirement for local authorities to determine the degree of natural character of a region or district’s rivers. However, there is direction through Section 6(a) of the RMA to preserve the natural character of rivers and their margins and to protect them from inappropriate subdivision, use and development.

In 2009, the Council was involved in a nationwide Foundation for Research Science and Technology (FRST) study analysing different aspects of river values, including rivers in Marlborough. The results of this work were first integrated into a section of the Marlborough Landscape Study 2009 on natural character. However, as the review process evolved and the coastal natural character section of the 2009 report became its own document, similarly the work on assessing the natural character of selected Marlborough rivers also became a separate.

Not all of the rivers in Marlborough could be assessed in the FRST study and focus was placed on the larger rivers. A range of rivers and streams were assessed, with a representative sample of the different types of water bodies in Marlborough being chosen. This included identifying the diversity of smaller streams and rivers, for example in the Marlborough Sounds and within the drier mountainous environments in the south of the District. Long rivers were divided into smaller segments for assessment. In total, 39 rivers and river segments were assessed.

Joint project with Department of Conservation

The Department of Conservation and the Council undertook a joint project to identify a community vision for the Marlborough Sounds. This was termed the Marlborough Sounds “Outcomes for Places” Project and aimed to help in the review of the Nelson/Marlborough Conservation Management Strategy (CMS)³ and the regional policy statement. The project was run with guidance from the Marlborough Sounds Advisory Group and involved a series of four interactive, participatory workshops/hui. The purpose of the project was to define a collective community vision for the

³ The Nelson/Marlborough Conservation Management Strategy is prepared by the Department of Conservation under the Conservation Act 1987. It establishes objectives for the integrated management of the natural and historic resources managed by the Department.

Marlborough Sounds as an important first step in setting objectives for the management of the Sounds. The hope was that if both the CMS and regional policy statement shared a common community vision, then that vision would be much more likely to be realised.

The workshops/hui were designed to build upon the responses the Council had received to discussion papers prepared for the review. Participants were asked to consider:

- the factors that make the Sounds special and/or what they valued;
- the elements of the Sounds that are at risk and the factors contributing to that risk; and
- how the Sounds should look in 50 years' time and what needs to happen to achieve that vision.

Participants were asked to consider specific activities, including residential development, pastoral farming, marine farming, commercial forestry, tourist facilities and public facilities for access and recreation. The outcomes from the project were used in the process of developing new policy for the Council's resource management framework, including confirming the various qualities contributing to the overall importance of the Marlborough Sounds to the District as a whole.

Freshwater values

Marlborough has been divided into a series of freshwater management units based on catchment boundaries. An assessment of the various natural and human use values of the waterbodies in these water management units has been prepared and includes ecological, habitat and natural character values.

Perception surveys

The Council has carried out nationwide surveys to determine New Zealanders' perceptions about the values of the Marlborough Sounds. The initial survey in 2001 was carried out in response to a large number of marine farm applications being received at the time. The most recent survey in 2012 found that the majority of respondents considered it important that the Marlborough Sounds were available to be used now and by future generations, that they were important to people throughout New Zealand and that they contributed to the image of New Zealand as a whole.

The values that led to these responses were also surveyed. The scenic beauty of the Marlborough Sounds was the most significant value in both surveys, followed by peace and tranquillity, then natural environment/absence of development.

Consultation

Early consultation

There has been significant consultation with the Marlborough community and particularly with individual landowners throughout this review. The first round of consultation, undertaken in 2006 for the review of the MRPS, involved the distribution of a community flyer to all ratepayers and any other groups and organisations in contact with the Council on resource management matters. This flyer sought to discover the community's views of the most important resource management issues that Marlborough would face over the next ten years. Approximately 380 responses were received, with many respondents signalling that there were landscape issues both in the Marlborough Sounds and in rural areas beyond the Sounds environment.

For those commenting on the landscape of the Marlborough Sounds, a number of people described a range of activities they considered had affected landscape values. These activities included:

- forestry, which was said to have scarred hillsides because of logging operations and forestry tracks;
- tracks for reticulated power lines;
- built development, especially in areas of outstanding landscape such as in the Maud Island, Tawhitinui Bay and Apuau Channel areas; and

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- marine farming.

It was also suggested that the concept of a 'working landscape' should not be accepted as an excuse for further degradation of the environment. Allowing continued degradation where it has occurred in the past was considered inconsistent with the purpose and principles of the RMA and the NZCPS. The cumulative effect of these issues was considered to be disastrous for the Sounds.

Some respondents expressed the view that landscape issues can be overstated, particularly as people have different opinions on what is considered 'visually pleasing'.

Beyond the Marlborough Sounds, some people felt that landscape values have deteriorated as the viticulture industry has expanded and that planting of native and exotic species should be encouraged. Respondents also commented on buildings within the landscape, highlighting a need to be more aware of buildings that rise above the skyline. Again however, some felt that landscape issues were somewhat overplayed.

Following on from these responses, the Council prepared a series of discussion papers that were released for public feedback in late 2007. Two of these are particularly relevant to this Section 32 evaluation report - *Discussion Paper 3: Rural Areas* and *Discussion Paper 4: The Future of the Marlborough Sounds*.

In total, 69 responses from individuals, iwi, industry and environmental groups were received on the discussion paper and overview document on rural area issues. Specific issues were identified in relation to landscape: determining Marlborough's outstanding natural features and landscapes; inappropriate subdivision, use and development in areas of outstanding landscape value; and managing change in Marlborough's landscapes. An extensive range of options for dealing with these issues was included within the paper. Comments received through the feedback noted the following:

- There was support for a review of the existing identified landscapes, but it was felt that this should be carried out by experts and importantly that the community should be involved in identifying important landscapes. There was also support for these areas to be mapped.
- Respondents acknowledged that outstanding landscapes and features needed to be protected from 'inappropriate development,' but that this does not necessarily extend to all development. Guidance as to what constitutes appropriate development within these areas was suggested.
- Other respondents felt that specific activities should not be singled out when discussing landscape values. For example, forestry interests said that where activities are provided for as permitted activities, they should not be singled out as matters that could degrade the landscape generally. Federated Farmers felt that the impact of any regulation constraining farming activities in order to protect landscape values would be costly and time consuming.
- Many responses discussed the colour, form and location of structures within the landscape. Examples were given of a highly-visible Sounds bach with visually insensitive colour and cladding, and of the possibility of houses protruding above ridges on the hills to the north and south of the Wairau Plain.
- There was acknowledgement that an emphasis should be placed on identifying landscapes with Section 6(b) qualities, but that Section 7 values were also very important.
- A regulatory approach was supported for controlling activities in areas where landscapes were identified as having significant values. It was suggested that the higher the landscape values, the more rigid the rules would need to be for any activity taking place within an outstanding land/seascape area.
- Methods suggested to achieve required landscape outcomes included contour limits for buildings, landscape related voluntary guidelines for buildings and rules around subdivision and density. It was noted that industrial and business developments in rural areas can have an impact and that these need to be sympathetic (in landscape terms) to their surrounding environment.

- Stronger policy on retention of “natural character” as it applies to landscapes was considered necessary.
- Respondents believed there was a need to allow for developers to be able to offer landscape enhancement and mitigation of effects from their activities.
- Protection was considered necessary for the hills that are the backdrop to Blenheim, the Wairau Plain and the lower Wairau Valley. These hills were considered to be part of the character of Marlborough and have scenic values that may be affected by land use change, such as forestry and subdivision (with resulting residential development).

Seventy two responses were received on *Discussion Paper 4*, including several issues regarding landscape. These issues included seeking a vision for the Marlborough Sounds, the impact of additional residential development on the landscape, amenity values that attract people to the Marlborough Sounds, demand for coastal structures and impacts of forestry (including wilding pines) on landscape values. A range of options for dealing with these issues was included within the discussion paper. Feedback received noted the following:

- In describing the need for a vision for the Marlborough Sounds, some respondents described the characteristics that made the Sounds special, including (among other things) their visually attractive landscape/seascape. These same respondents felt that the existing environment, and the characteristics that contribute to it, should be protected and enhanced.
- The issue of additional residential development received the greatest amount of feedback. Almost all respondents suggested there needed to be greater control over the appearance, location and density of residential buildings within the Marlborough Sounds. Most respondents expressed a desire to avoid colours and building materials that would cause a dwelling to ‘stand out’ in the landscape. Feedback also suggested it was important to avoid building houses on prominent headlands or on the skyline.
- There were calls for the Council to prepare a “design guide” to provide property owners clear direction on appropriate colours and building materials. Several people suggested that proposals inconsistent with this guide should be required to go through a resource consent process. Several respondents raised concerns about the wider landscape effects of vegetation loss and suggested tighter controls on indigenous vegetation removal associated with residential development.
- Several respondents requested that residential growth in the outer Sounds be constrained to protect the outstanding landscapes and seascapes of those areas. It was acknowledged that it would be unreasonable to prevent people building on land currently zoned Sounds Residential in the outer Sounds, but it was requested that no further areas be zoned for residential purposes.
- It was suggested that areas with little existing development may have greater capacity to absorb appropriate residential development and create the potential to enhance the environment.
- Several respondents suggested that the Council should identify regionally significant landscape/seascapes and subsequently protect these areas from future residential development.
- In relation to the demand for coastal structures, respondents often held opposite views. Some were concerned about the proliferation of coastal structures and the visual impacts that this could create, while others were concerned about the need for jetties and moorings for access purposes.
- In terms of the visual intrusion of coastal structures, respondents noted that this should be mitigated by limits on scale, style and, in the case of boatsheds, an accepted colour palette. In contrast, others reasoned that a boat shed can be a “cultural icon” or “personality of the sea,” not a visual intrusion.
- Regarding forestry in the Marlborough Sounds, there was concern about whether forestry was an appropriate land use activity in this environment. However, the Marlborough Forest Industry Association noted that carbon trading initiatives had changed the value of forests and that this will likely see forests being retained and even increased planting of

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long lived indigenous species. Many respondents referred to these initiatives and agreed that they will create an incentive to retain land in exotic or indigenous forest vegetation.

- The overwhelming opinion of respondents was that there should be no new forestry and that land currently used for exotic forestry should be planted in, or left to revert to, indigenous vegetation. Concern was raised about the landscape effects of wilding pines on the Marlborough Sounds environment and there was almost unanimous support for the need to control these plants.
- Although no specific issues were highlighted in the discussion paper regarding marine farming and landscape values, several responses sought identification of areas in the Sounds where marine farms should not be established, including in part areas with significant landscape value.

From this feedback, a review of the existing areas identified as having landscape significance in the two resource management plans commenced. The early consultation material, including the discussion papers and feedback received, are referenced in Appendix B of this chapter. This material is available on the Council's website.

Later consultation

The most significant consultation on landscape issues occurred with private landowners as a direct consequence of the 2009 report on the reassessment of Marlborough's significant landscapes. The Council used the results from the report to approach landowners where significant landscapes had been identified on their property. Consultation was undertaken with landowners in the following areas:

- Limestone Coastline/White Bluffs
- South Marlborough: Chalk Range, Inland Kaikoura Range, Molesworth and Upper Clarence Valley, Main Divide and Leatham areas
- Central Marlborough: Bryant, Pelorus and Richmond Range areas
- Southern Hills (including the Wairau Lagoons)
- Marlborough Sounds

The consultative approach incorporated a range of methods, including landowner community meetings, individual landowner discussions, site visits/landscape ground truthing and the provision of information to landowners. The Council initially supported a landowner-only approach to community engagement, limiting the release of landscape mapping information to landowners directly affected by the review. While this and the subsequent mapping refinement process resulted in additional landowner parties becoming involved in the process, the Council favoured this approach as it maintained landowner confidentiality and recognised the significance of the landscape review for affected landowners.

The process drew on the expertise of a team of landscape architects from Boffa Miskell Limited, led by James Bentley and Liz Gavin of Canopy Landscape Architects. The process was also informed by extensive landowner consultation and feedback. The results of the consultation undertaken in relation to each of the identified significant landscape areas have been compiled in a summary report by Emma Richardson, a resource management consultant. An addendum report to the 2009 study has also been prepared, which includes updated maps as a result of the consultation process.

Along with refining the landscape maps and building an enhanced understanding of the landscape values, landscape management rules have also been developed, consulted on and refined with landowner and landscape architect input. Part of the consultation on the rules saw a questionnaire sent to all Marlborough Sounds landowners affected by potential landscape mapping (approximately 3,240 landowners). Approximately 1,360 responses were received, a response rate of 42%. Specific questions were asked about buildings and forestry and a range of responses were received. Some of these responses are considered later in this evaluation report regarding options identified for landscape management throughout the review process.

The rules ultimately included in the MEP reflect Marlborough's rich and diverse landscape areas, respond to the Council's statutory obligations in terms of Section 6 of the RMA and the NZCPS in

relation to landscape management and protection, and seek to address the varied landscape threats that may exist. Consequently the Council has not taken a 'one size fits all' approach, and instead has proposed a flexible regulatory and non-regulatory response to managing landscape threats throughout Marlborough.

In terms of the policy approach for managing Marlborough's significant landscapes, a number of the Council-established focus groups considered and helped to refine the provisions, including the Landscape Group, Sounds Advisory Group, Marine Focus Group, Practitioners Focus Group, Rural Focus Group and Energy Focus Group.

In mid-2013, the Council released a collection of draft provisions for community feedback. Although the main focus of the provisions was related to use of the coastal environment, other policy, including that on landscape, was also released. Limited feedback was received from six parties on the draft Chapter 7 provisions. The feedback resulted in some changes to the expression of some policies, especially those related to the identification of significant landscapes, but the amendments did not result in a change in approach.

Evaluation for Issue 7A

Issue 7A – Resource use and changes in resource use can result in the modification or loss of values that contribute to outstanding natural features and landscapes and to landscapes with high amenity value.

The response to the identified issue is proposed to be dealt with in two distinct ways. The first is based upon the identification of significant landscapes (Objective 7.1), which is a complex task given the dynamic nature of Marlborough's landscapes, the diverse range of values that contribute to Marlborough's landscape character and the variation in the sensitivity of these values to change. The second response is based on managing activities within the identified significant landscapes (Objective 7.2). The management approach extends from permitted activities with standards through to requirement for resource consent and, in limited situations, a prohibited activity status.

Appropriateness of Objective 7.1

Objective 7.1 – Identify Marlborough's outstanding natural features and landscapes and landscapes with high amenity value.

Relevance

The objective is directly relevant to addressing the resource management issue identified in 7A. To determine the landscape values that may be affected by resource use and changes in resource use, it is necessary to identify those landscapes that are most significant and sensitive to change. The objective is focussed on achieving the purpose and principles of the RMA, especially in terms of Section 6(b). It is also within the scope of the higher level NZCPS for the coastal environment, in which Policy 15(d) requires that "*regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules...*"

Feasibility

To some extent the objective has already been achieved through the assessment work undertaken as part of the overall review. It is also enduring in that subsequent policy recognises a need for refinement on an ongoing basis. The results of the initial assessment are found in the "Marlborough Landscape Study 2009." This assessment was used for the purposes of consultation with private landowners in north and south Marlborough and the mapping has subsequently been refined as a consequence of this consultation and through site visits. A further report entitled "Marlborough Landscape Study 2015 – Landscape Characterisation and Evaluation" contains the updated maps that have been included within the MEP.

Identifying significant landscapes on the MEP planning maps informs the community about the locations of landscapes of value, which is expected to reduce uncertainty.

Acceptability

The feedback received through the various consultation processes has highlighted the importance of identifying Marlborough's significant landscapes, including for Section 6(b) reasons but also for Section 7(c) values. Because of this the objective can be considered to be acceptable.

Reassessing Marlborough's landscapes has been a costly exercise. There are additional areas proposed to be included in the MEP than had been identified in the current resource management plans. There may therefore be some additional cost implications for landowners or resource users in these areas of significance, depending on the activities proposed and the values of the identified areas. Conversely, there are some areas that have been determined as no longer having landscape significance or which are not considered to be sensitive to change, so there may be a reduction in costs.

Assessment of provisions to achieve Objective 7.1

Policies 7.1.1 and 7.1.2

Policy 7.1.1 – When assessing the values of Marlborough's landscapes, the following criteria will be used:

- (a) biophysical values, including geological and ecological elements;
- (b) sensory values, including aesthetics, natural beauty and visual perception; and
- (c) associative values, including cultural and historic values and landscapes that are widely known and valued by the immediate and wider community for their contribution to a sense of place.

Policy 7.1.2 – Define the boundaries of significant landscapes using the following methods:

- (a) land typing;
- (b) contour line;
- (c) contained landscape features;
- (d) visual catchment; and/or
- (e) land use.

Benefits

The values identified in Policy 7.1.1 have evolved through application of criteria considered through various Environment Court cases concerning landscape significance. The criteria have been further modified and condensed into three broad categories by the New Zealand Institute of Landscape Architects. This approach allows a range of attributes to be considered in an objective way, using techniques that others can understand, repeat, review and critique. This objectivity and the fact the methodology can be readily repeated means a consistent approach to landscape assessment can be undertaken. This is a significant benefit in landscape assessment, particularly when undertaken by those with landscape expertise.

The inclusion of the methods in Policy 7.1.2 assists in applying Policy 7.1.1 and provides greater understanding to landowners and resource users about the process used for identification. As in Policy 7.1.1, using a consistent approach to determine the boundaries of significant landscapes makes the process more robust.

Costs

There has been a significant cost to ratepayers in reviewing Marlborough's landscapes. However, there would be a cost to ratepayers regardless of the methodology used for identification purposes, given that expert analysis of landscape values can only be undertaken by those qualified to do so. Having a consistently applied approach to landscape assessment results in some reduction in costs, particularly when driven by the landscape practitioners' national organisation, the New Zealand Institute of Landscape Architects.

Efficiency

The inclusion of these policies is considered very efficient as they provide a consistent approach to the determination of landscape significance and the benefits achieved through the application of the

policies. Having the criteria within the MEP also means that landscape assessments by landscape experts can be focussed.

Effectiveness

The effectiveness of these policies is largely a result of the consistently applied approach to determining areas that have landscape significance. These policies directly achieve Objective 7.1 in terms of identification and help to address Issue 7A by setting out the values that contribute to landscape significance.

Policies 7.1.3 and 7.1.4

<p>Policy 7.1.3 – Assessment of the values in Policy 7.1.1 will determine:</p> <ul style="list-style-type: none"> (a) whether a landscape is identified as an outstanding natural feature and landscape in terms of Section 6(b) of the Resource Management Act 1991; (b) whether the landscape has high amenity value in terms of Section 7(c) of the Resource Management Act 1991; or (c) where landscape values are not sensitive to change.
<p>Policy 7.1.4 – Landscapes that meet the criteria to be identified as an outstanding natural feature and landscape, or landscapes with high amenity value, where those values are more sensitive to change:</p> <ul style="list-style-type: none"> (a) are specifically identified on the Landscape Overlay; and (b) the specific values associated with the identified landscapes are set out in Appendix 1 of Volume 3 of the Marlborough Environment Plan.

In general, Policy 7.1.3 gives effect to Sections 6(b) and 7(c) of the RMA, so the assessment that follows is related to clause (c) of Policy 7.1.3. In terms of Policy 7.1.4(a) the NZCPS specifically requires the Council to map or otherwise identify outstanding natural features and landscapes within the coastal environment where these need protection.

Benefits

Although Policy 7.1.3(c) is not absolutely necessary to include in the MEP, it does provide clarity for landowners and resource users about whether landscape may be a matter of concern that needs to be addressed in any particular location. It is also beneficial for decision makers, who can be clear about where landscape significance is not an issue.

For Policy 7.1.4, mapping significant landscapes and including the values that make them special is beneficial to landowners, resource users and to decision makers. Landscape assessments can be focussed and decision makers will know where and what values need protection.

For the first time, landscapes with high amenity value in a Section 7(c) context can be properly addressed. Previously, these areas were not mapped and from an amenity perspective, landscape would have needed to be considered in most consent applications. The approach advocated through this policy is particularly beneficial as only those landscapes considered sensitive to change and in need of specific management have been mapped (i.e. these are the Marlborough Sounds Coastal Landscape and the Wairau Dry Hills Landscape).

Costs

While ratepayers have borne the cost of assessments through the review work to determine where of landscapes, are significant, there will be future savings for landowners and resources users as landscape assessments will no longer need to be undertaken at every location. This is important as some landscapes are not sensitive to change but under the current MSRMP and WARMP a landscape assessment in these areas would have been required. By only identifying the significant landscapes in the MEP there will be a cost saving in some instances.

Efficiency

Landowners will know if a significant landscape occurs on their property and resource users will also know where landscapes are significant. Including a description of the values within the MEP means that assessments can be focussed on what exactly needs protection. This makes the process efficient

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for landowners and resources users, but also for decision makers who can focus their consideration on the values to be protected.

Effectiveness

The combination of the two policies is an effective way to recognise and provide for Section 6(b). For areas with landscape significance in the coastal environment, it gives effect to the landscape policies of the NZCPS. Policy 7.1.4 directly reflects and implements Objective 7.1 in identifying significant landscapes in Marlborough. In respect of Issue 7A, Policy 7.1.4 also effectively addresses the identification of values that contribute to outstanding natural features and landscapes and landscapes with high amenity value. Without knowing what these values are it makes it more difficult to protect the significant landscapes that the community values.

Policy 7.1.5

Policy 7.1.5 - Refine the boundaries of outstanding natural features and landscapes and landscapes with high amenity value in response to:

- (a) landscape change over time; or
- (b) more detailed assessment of landscape values.

Benefits

This policy acknowledges that landscape is dynamic. The pace of change may be fast, as a result of land use change or catastrophic event (e.g. earthquake), or slow, as a result of natural processes (e.g. indigenous revegetation in the Marlborough Sounds). Where landscape change occurs over time or where there is a more detailed assessment of landscape values at a particular site, it may be necessary to refine the boundaries of the identified outstanding natural features and landscapes and landscapes with high amenity value. This recognises that landscape assessments undertaken for a consent application may be carried out at a different scale than those used for the review. (Any changes to the boundaries of identified landscapes will have to pass through the First Schedule process of the RMA.)

Costs

The costs of implementing the policy are likely to be limited to those associated with a change to the MEP (either as a Council plan change or a private plan change). Although landscape change does create potential uncertainty over future management that may be applied, the First Schedule process will provide for public participation in the refinement of landscape boundaries. It is likely that the policy will lead to very few plan changes over the life of the MEP; it is more likely that any changes will be identified through subsequent reviews. (This has been the case in administering the first generation resource management plans for Marlborough, in which no plan changes have occurred to refine the boundaries of significant landscape areas).

Efficiency

The policy is efficient in that it clearly recognises landscape change is anticipated and also recognises that assessments of landscape can be undertaken at different scales. In terms of how efficiently the policy achieves Objective 7.1, as indicated in the *Costs* analysis, it is likely that while there is the ability to undertake plan changes, it is likely that this will only occur infrequently.

Effectiveness

Policy 7.1.5 is effective in achieving Objective 7.1, which recognises that the identification process is a complex task given the dynamic nature of Marlborough's landscapes, the diverse range of values that contribute to Marlborough's landscape character and the variation in the sensitivity of these values to change. The policy is also effective in helping to deal with the issue identified in 7A as the discussion of the issue anticipates change within the landscape either from resource use and development or through natural change.

Methods of implementation

The method of identifying significant landscapes within the MEP is not new as the current MSRMP and WARMP both map outstanding natural features and landscapes. The difference between the current mapping in the MSRMP and WARMP and what is intended to be included in the MEP has

come about as a result of the overall review of landscape information and further informed through consultation with affected landowners and from site visits. A new method is the inclusion of the values table in Appendix 1 of the MEP, which has been evaluated under the evaluation of Policy 7.1.4.

Other options considered to achieve Objective 7.1

Four other options were considered by the Council to achieve Objective 7.1, some of which are a subset of another. These options were:

1. *Status quo in terms of the existing provisions of the MRPS, the MSRMP and the WARMP*

The status quo would be to retain the provisions of the current MRPS, MSRMP and WARMP. All three of these documents state that identification of landscapes, which are an outstanding natural feature and landscape, will be identified and mapped. Both the MSRMP and WARMP map areas identified as an outstanding natural feature and landscape. The MRPS includes reference in the explanation to Policy 8.1.3 (of the MRPS) stating that “*features which satisfy the criteria for recognition as having national and international status will be identified in the resource management plans for protection.*” However, the specific criteria are not identified.

Only one policy of the MSRMP (5.3.1.1) reference criteria in terms of identifying outstanding natural features and landscapes. These criteria are included within Appendix One of Volume One of the MSRMP, rather than in the policy and are based on landscape character and quality that have been drawn heavily from visual assessments of particular localities in the Sounds, which were carried out in 1989 and 1990. The localities themselves are not identified in the Appendix; rather the Appendix contains a description of the matters that make up landscape character and quality as well as the individual components that make up a landscape. While this information is useful, it does not provide clear direction to the areas mapped nor their values.

The WARMP contains no reference to the use of criteria in determining landscape significance, only that certain landscapes have been determined to be outstanding. The landscapes that have been identified as having significant values have been mapped. Chapter 5 - Landscape includes a breakdown of the core characteristics of a range of landscape units rather than defining the precise boundary between each. In terms of the mapped areas, some have been identified as outstanding in a regional context (e.g. Lake Chalice, Molesworth, Tapuae-o-Uenuku and associated peaks of the Inland Kaikouras), while others have been identified in a more ‘localised’ context (e.g. Red Hills Ridge, Onamalutu Scenic Reserve and the Wairau River).

Since the initial assessment of identifying important landscapes in the MSRMP and the WARMP, the use of more comprehensive criteria to determine landscape significance has evolved as a consequence of case law. There is now greater clarity and acceptance of the criteria to be used in these assessments. Therefore retaining the approach in the current MRPS and resource management plans is not considered to be effective or efficient in terms of achieving the objective.

2. *No inclusion of criteria to determine landscape significance*

A lack of criteria within policy to guide landscape assessments could result in consent-by-consent consideration of landscape significance, leading to inconsistent outcomes. This may result in significant landscape values not being, making it difficult for the Council to fulfil its statutory responsibilities in terms of Sections 6 and 7 of the RMA. Importantly for the coastal environment, the landscape policies of the NZCPS may not be achieved without appropriate criteria. This last point is very important given that a significant area of Marlborough falls within the coastal environment (i.e. that of the Marlborough Sounds).

It would also be more difficult to refine the boundaries of identified significant landscapes if there were no criteria to determine exactly how the boundaries should be determined. While Policy 7.1.2 does not have to be included, it complements Policy 7.1.1 and helps to explain how the boundaries of significant landscapes are identified; without it, mapping may be more challenging.

3. *Areas with high amenity value or where landscape values are not sensitive to change are not identified*

If landscapes of high amenity value or sensitivity are not recognised in some way, Section 7 of the RMA (maintaining and enhancing amenity values) may not be given effect to.. As the current resource

management plans do not map or otherwise identify landscapes with high amenity value, potential landscape matters have had to be considered in every consent application. Decision makers are therefore potentially focussing on matters that do not require consideration in a consent hearing. The Council found it difficult to come up with an alternative to mapping amenity landscapes, as mapping does provide the greatest level of certainty about which landscapes are significant.

Through the consultation and feedback, there has been support for managing activities to ensure that landscape values are protected. This was particularly relevant for the Marlborough Sounds. Many respondents commented on the need for greater control over the appearance, location and density of residential buildings within the Marlborough Sounds generally, not just in areas with outstanding values. A number also commented on the impact of wilding pines on landscape values.

Not all of the Marlborough Sounds has been identified as significant enough value to be recognised as an outstanding natural landscape and feature, but as a whole the Sounds landscape has high amenity values sensitive to change. It would be inconsistent with the view of the community not to recognise this important area of Marlborough as a Section 7(c) landscape, especially as it has been identified in Chapter 4 - Use of Natural and Physical Resources in Volume 1 of the MEP, as being the 'jewel in Marlborough's crown.'

4. The values of Marlborough's significant landscapes are not described in the MEP

The current WARMP contains a brief description of values for the areas identified as having outstanding landscape value. However, the descriptions do not correspond to the biophysical, sensory and associative values that have been used throughout the current review process (see Policy 7.1.1). The MSRMP lacks any description of how to identify significant landscape areas within the Sounds and lists only very generic descriptions of visual features.

Including values within the MEP for each of the significant landscape areas provides a starting point to assess how a particular proposal may affect the values of the landscape. However, the values could be used outside the framework of the MEP by referencing the updated 2015 Landscape Study in any resource consent application. In considering this as an option the Council concluded that identifying the values within the MEP makes a direct link between the aspects of a landscape that make it significant. This makes it more effective and efficient for all concerned as it provides a greater level of certainty and focusses on what is most important about a particular landscape.

Risk of acting or not acting

It is considered there is sufficient information on which to base the proposed policies and methods. The information relied upon are the two landscape reports prepared as part of the review as well as the results of consultation and site visits.

Appropriateness of Objective 7.2

Objective 7.2 – Protect outstanding natural features and landscapes from inappropriate subdivision, use and development and maintain and enhance landscapes with high amenity value.

Relevance

Like Objective 7.1, Objective 7.2 is directly relevant in addressing Issue 7A. The two objectives go hand in hand: it is important to identify Marlborough's significant landscapes but it is equally important, if not more so, that there is a management framework in place to manage activities within those landscapes. Objective 7.2 reflects the statutory obligations in Sections 6 and 7 of the RMA and gives effect to Objective 2 of the NZCPS in terms of significant landscapes within the coastal environment.

It could be said that Objective 7.2 is not particularly useful as it simply repeats the direction of Sections 6(b) and (7c) of the RMA. This may be true, but it also represents how the community wants to look after Marlborough's significant landscapes.

Feasibility

It is difficult to determine how feasible this objective is. It is likely that, until the next review of the MEP and a further assessment of Marlborough's significant landscapes occurs, the effectiveness of the objective and its subsequent management framework will remain unknown.

It is important to acknowledge that the landscape management mechanisms created by this objective are not intended to be prohibitive with respect to changes in resource use. Sustainable management of landscape does anticipate that landscape changes will occur. The focus is on determining what is appropriate resource use and development in relation to the values that make the landscape significant. To this extent Objective 7.2 is considered to be feasible.

Acceptability

The objective is considered acceptable for two reasons: firstly, because of the statutory directions in the principles of the RMA and the objectives and policies of the NZCPS in respect of the coastal environment and secondly because the wider Marlborough community has expressed a desire to protect (or otherwise maintain or enhance) Marlborough's significant landscapes, even where this may constrain resource use. The objective recognises the significant contribution that landscape makes to community wellbeing. Protecting the biophysical, sensory and associative values that contribute to our significant landscapes means that locals and visitors alike can continue to appreciate this important part of Marlborough's identity, character and environment.

There will be a cost associated with achieving the objective, but there is no alternative given the RMA requirements.

Assessment of provisions to achieve Objective 7.2

Policies 7.2.1 to 7.2.4

<p>Policy 7.2.1 – Control activities that have the potential to degrade those values contributing to outstanding natural features and landscapes by requiring activities and structures to be subject to a comprehensive assessment of effects on landscape values through the resource consent process.</p>
<p>Policy 7.2.2 – Control activities that have the potential to degrade the amenity values that contribute to the Wairau Dry Hills Landscape by:</p> <ul style="list-style-type: none"> (a) setting permitted activity standards that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and (b) requiring resource consent for commercial forestry activities.
<p>Policy 7.2.3 – Control activities that have the potential to degrade the amenity values that contribute to those areas of the Marlborough Sounds Coastal Landscape not identified as being an outstanding natural feature and landscape by:</p> <ul style="list-style-type: none"> (a) using a non-regulatory approach as the means of maintaining and enhancing landscape values in areas of this landscape zoned as Coastal Living; (b) setting performance standards/conditions that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and (c) requiring resource consent for commercial forestry activities.
<p>Policy 7.2.4 – Where resource consent is required to undertake an activity within an outstanding natural feature and landscape or a landscape with high amenity value, regard will be had to the potential adverse effects of the proposal on the values that contribute to the landscape.</p>

Benefits

Having identified areas with landscape significance through Objective 7.1, Policies 7.2.1 to 7.2.3 describe the type of management that will occur within the identified landscapes. Importantly, the policies also acknowledge the potential for activities to degrade the values contributing to landscape significance. Focussing on the values (which will be included within the MEP) helps to concentrate assessments on what makes a landscape significant.

A management framework that includes a regulatory approach to protecting significant landscape values has wide community acceptance. During early consultation work considerable feedback was provided to the Council indicating there should be some regulation to control activities to ensure landscape values are protected both within the Sounds and the wider Marlborough environment. Groups such as the Sounds Advisory Group and the Landscape Group have also provided feedback

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on areas and activities that should form part of the management framework. For the Marlborough Sounds Coastal Landscape in particular, the feedback received has resulted in high level policy in Chapter 4 - Use of Natural and Physical Resources, which recognises the iconic values of the Sounds, including its visual values. The approach provided here is consistent with and adds to the framework of Chapter 4 and importantly reflects the community's desire for the Sounds.

For the Wairau Dry Hills Landscape there was also significant support from the community to retain the landscape values of the Wairau Dry Hills area, given it forms the visual backdrop to Blenheim and the Wairau Plain.

The benefits of the policies are that they collectively enhance the wellbeing of the community within the context of the purpose and principles of the RMA and in particular reflect the community's wishes to protect areas with landscape significance.

Costs

The regulatory costs of these policies will be borne by those seeking to undertake activities in areas identified as having landscape significance. However, these costs are difficult to quantify without knowing what activities will be proposed by landowners. In some cases there will be new resource consent requirements or there will be changes in activity status. For example, commercial exotic forestry in high amenity value areas will now need to be authorised by resource consent, whereas currently there is no such requirement. Additionally, through the rules of the MSRMP commercial forestry in the Marlborough Sounds currently requires a restricted discretionary activity consent; in the MEP this will now be a full discretionary activity in areas of landscape significance. Additional costs may be incurred here through public notification of applications and associated hearings.

Standards will now be applied to some permitted activities to achieve landscape outcomes, where previously there were no standards; for example, rules requiring a reflectivity limit for buildings with an external paint finish. There are no additional costs of this method; rather it is the choice of colour that landowners may find restrictive depending on reflectivity limits.

As more areas of landscape significance are identified, especially those having Section 7(c) amenity values, more landowners and resource users will incur costs in having to comply with the associated rules dictated by the policy. The only exception is in the coastal marine area (within the Marlborough Sounds Coastal Landscape) where the costs would be negligible as most activities already require resource consent in the MSRMP.

As indicated in the benefits analysis the costs associated with the management frameworks do have a level of acceptance by landowners and the community; this was evident throughout the consultation process. Feedback also highlighted the need to control activities to protect landscape values, so there is an associated acceptance of the costs of this approach.

Efficiency

The policies are considered efficient as only those activities considered likely to adversely affect the values contributing to landscape significance are to be controlled, and only in those areas considered to be more sensitive to change. By limiting the framework (as proposed), the impacts on landscape values do not need to be considered for every location in Marlborough. Any costs associated with this, especially for Policy 7.2.1, are considered necessary to achieve the direction of Section 6(b).

Effectiveness

The targeted approach of these policies is effective in dealing with Issue 7A. The level of intervention proposed to address the impact of and changes in resource use reflects the nature of the environment where the controls are proposed. For areas of outstanding natural features and/or landscapes, a higher level of intervention is proposed. This is reflective of the fact that these landscapes are to be recognised and provided for as a matter of national importance in the RMA. For areas with high amenity values, the level of intervention is not as great but is nonetheless important given the feedback received by the community on the significance of these landscapes and the direction through Section 7(c) of the RMA.

The policies recognise and effectively provide for Section 6(b) and have regard to the matters in Section 7. For areas of landscape significance in the coastal environment it gives effect to Policy 15

of the NZCPS. In the current MSRMP and WARMP, it has been unclear as to why landscapes in these plans have been determined as significant. Therefore defining the values that make landscapes significant allows for a more transparent and robust assessment. Collectively, the policies are considered appropriate in achieving Objective 7.2.

Policies 7.2.5 to 7.2.6

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

Policy 7.2.6 – Where the following activities are proposed to take place in an area with outstanding natural features and landscapes, then any adverse effects on the values of those areas can be mitigated, provided the overall qualities and integrity of the wider outstanding natural feature and landscape are retained:

- (a) activities involving the development and operation of regionally significant infrastructure;
- (b) activities that enhance passive recreational opportunities for the public where these are of a smaller scale; and
- (c) activities involving the development and operation of renewable electricity generation schemes within Marlborough where the method of generation is reversible.

Benefits

Policy 7.2.5 provides decision makers with strong direction, almost as a priority, about the first requirement of determining whether a potential activity or development can be located in an area of outstanding natural feature and/or landscape. Where there are adverse effects on the values contributing to landscape significance from such an activity, then these effects are to be avoided. However, there is flexibility within the policy: if adverse effects cannot be avoided then remediation is an option. Policy 7.2.5 then ties to Policy 7.2.7, which provides ways in which adverse effects can be remedied and avoided. An exception to this approach is provided in Policy 7.2.6, in which some activities have the option of mitigation in terms of dealing with adverse effects. Activities where this approach would be appropriate are considered to contribute significantly to overall community wellbeing, for example with activities associated with the operation of regionally significant infrastructure. Identifying these activities will assist in resolving tensions for some activities.

It is important to note that for activities in the coastal environment, the options of remedying or mitigating adverse effects on landscape values do not apply, as Policy 15(a) of the NZCPS requires that such adverse effects are avoided.

Costs

The cost of implementing these policies lies with the applicant. Costs may be reduced if adverse effects can be avoided, rather than remedied or mitigated. There could be a cost to the environment in the longer term if in every circumstance an applicant had the option of remedying or mitigating effects; the cumulative nature of this may lead to a degradation of the values contributing to landscape significance.

Efficiency

The policies achieve a net benefit to the community by achieving Objective 7.2. While costs may be incurred by some landowners and resource users in having to consider options to avoid or remedy (Policy 7.2.5) or avoid, remedy or mitigate (Policy 7.2.6) adverse effects, these costs are outweighed by the greater community benefit of significant landscapes being protected. In Policy 7.2.6 there is explicit recognition that some activities may result in a level of adverse effect, but because these activities contribute to community wellbeing there is flexibility to deal with the adverse effects.

Effectiveness

The policies provide decision makers with strong guidance on how to determine the adverse effects from resource use and changes in resource use on landscape values. This approach will be effective in achieving Objective 7.2 and is considered highly likely to assist in dealing with the resource management issue identified in 7A. For Policy 7.2.6 the option of mitigating adverse effects provides for different values that users might hold for the same environment. It also helps give effect to national policy statements on renewable electricity generation and electricity transmission.

Policies 7.2.7 to 7.2.9

Policy 7.2.7 - Protect the values of outstanding natural features and landscapes and the high amenity values of the Wairau Dry Hills and the Marlborough Sounds Coastal Landscapes by:

- (a) In respect of structures:
 - (i) avoiding visual intrusion on skylines, particularly when viewed from public places;
 - (ii) avoiding new dwellings in close proximity to the foreshore;
 - (iii) using reflectivity levels and building materials that complement the colours in the surrounding landscape;
 - (iv) limiting the scale, height and placement of structures to minimise intrusion of built form into the landscape;
 - (v) recognising that existing structures may contribute to the landscape character of an area and additional structures may complement this contribution;
 - (vi) making use of existing vegetation as a background and utilising new vegetation as a screen to reduce the visual impact of built form on the surrounding landscape, providing that the vegetation used is also in keeping with the surrounding landscape character; and
 - (vii) encouraging utilities to be co-located wherever possible.
- (b) In respect of land disturbance (including tracks and roads):
 - (i) avoiding extensive land disturbance activity that creates a long term change in the visual appearance of the landscape, particularly when viewed from public places;
 - (ii) encouraging tracks and roads to locate adjacent to slopes or at the edge of landforms or vegetation patterns and to follow natural contour lines in order to minimise the amount of land disturbance required;
 - (iii) minimising the extent of any cuts or side castings where land disturbance is to take place on a slope; and
 - (iv) encouraging the revegetation of cuts or side castings by seeding or planting.
- (c) In respect of vegetation planting:
 - (i) avoiding the planting of new exotic forestry in areas of outstanding natural features and landscapes in the coastal environment of the Marlborough Sounds;
 - (ii) encouraging plantations of exotic trees to be planted in a form that complements the natural landform; and
 - (iii) recognising the potential for wilding pine spread.

Policy 7.2.8 - Recognise that some outstanding natural features and landscapes and landscapes with high amenity value will fall within areas in which primary production activities currently occur.

Policy 7.2.9 – When considering resource consent applications for activities in close proximity to outstanding natural features and landscapes, regard may be had to the matters in Policy 7.2.7.

Benefits

These policies provide greater direction on how adverse effects from activities in areas with landscape significance can be avoided, remedied or mitigated (as directed in Policies 7.2.5 and 7.2.6). This will help resource users design a proposed activity and for decision makers the policies will provide clarity regarding how adverse effects can be dealt with. The matters identified in Policies 7.2.7(a) to (c) are targeted at the most significant threats to landscape values.

In some areas of outstanding natural features and landscapes and landscapes with high amenity values, a range of primary production activities take place and Policy 7.2.8 acknowledges this.

Policy 7.2.9 recognises that resource use activities in close proximity to a significant landscape may have an impact on the values that make that landscape significant. This will depend on the scale and nature of the activity proposed. There is a link between this policy and the identification policies of Objective 7.1, where it is acknowledged that refinement of the boundaries of significant landscapes may occur with more detailed landscape assessments.

Costs

There is a potential cost to landowners and resource users from implementing the policies, as those wishing to undertake activities in areas of landscape significance may have to carry out those activities in a way that involves additional cost to avoid, remedy or mitigate effects. In some cases, landowner or resource user aspirations may not be realised.

For proposals adjacent to areas identified with landscape significance, Policy 7.2.9 signals that there is the potential for the need to consider landscape significance. The policy is not in itself a trigger for rules requiring consent, but it may be applied where an activity already requires consent.

Efficiency

The potential costs to landowners and resources users is considered minimal compared to the benefit to the wider public of protecting values associated with areas of landscape significance. The policies are also efficient in that they give effect to Sections 6(b) and 7(c) of the RMA as well as to the NZCPS for the coastal environment.

Effectiveness

The policies are effective in providing guidance to decision makers, landowners and resource users about how adverse effects can be dealt with through practical methods to protect or otherwise enhance and maintain landscape values. The policies are effective in achieving Objective 7.2 and address the issue by identifying those activities that may adverse effects on landscape values, depending on how they are undertaken.

Policy 7.2.10

Policy 7.2.10 – Reduce the impact of wilding pines on the landscape by:

- (a) supporting initiatives to control existing wilding pines and limit their further spread; and
- (b) controlling the planting of commercial wood species that are prone to wilding pine spread.

Benefits

The policy deals directly with a landscape issue arising through commercial forestry activity. The ability of pine trees to spread from commercial plantations, soil conservation plantings, rural shelterbelts and isolated plantings is well documented in Marlborough. In addition where forests have been harvested but not replanted, there is potential for rapid growth of wilding seedlings, creating further and unmanaged sources of wilding pine spread.

Many in the community believe that these landscape changes are unacceptable and have initiated control programmes in an effort to reduce the presence of wilding pines in the landscape and limit their spread to other areas. These efforts are to be supported as a means of effective landscape protection. Additionally, there are certain species of tree grown for commercial wood production that are more prone to wilding pine spread. Controls on planting these species will assist to reduce the risk of wilding pine spread and therefore reduce impacts on landscape values.

This policy recognises the impacts of wilding pine spread and reflects an issue identified by the community as being significant in Marlborough. Working with the community to address this issue has also been identified as an appropriate response.

Costs

There is some cost to resource users in terms of the need for consent for commercial forestry and in some cases a prohibited activity response to those species of pine known to have a high risk of spread. The actual costs are difficult to quantify given it is unknown how many landowners may wish to plant these specific species.

The non-regulatory aspect of the policy in supporting community initiatives to control existing wild pine spread and limit further spread will also incur costs, which may involve staff time and/or other Council resources. These costs will be determined through the Annual Plan process and again are difficult to quantify. The support provided will vary, depending on what is sought by community groups. Without knowing what these might be and as the Annual Plan process is separate to the RMA, it is difficult to determine costs. Despite the difficulty in establishing these costs, the Council considers intervention

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appropriate to protect (or otherwise enhance and maintain) landscape values given the potential effects of wilding pine spread.

Efficiency

Identifying species to be avoided because of their associated risk of wilding spread is efficient as it prevents future issues by targeting rules to high risk species. Relative to cost it is difficult to determine overall efficiency given the unknowns about which landowners may wish to plant pine species prone to wilding spread (see *Costs*). However, as indicated in the assessment of the alternative option (the prohibition of all forestry in the Marlborough Sounds), there has been a low conversion rate to commercial forestry in recent times. This is not expected to change significantly so at least currently there is a low potential cost to landowners and resource users. By prohibiting those species prone to wilding spread, there is a significant benefit to communities and the Council in not having to carry out control work to remove wilding pines.

Effectiveness

The policy is effective in targeting the effects of a particular existing resource use (commercial forestry) on landscape values. In this regard the policy does address Issue 7A, which highlights that resource can result in the modification or loss of landscape values. The policy also recognises the risk to Marlborough's landscape values from wilding pines and this helps to give effect to achieving Objective 7.2. Additionally, the policy recognises the importance of land cover change in considering changes in landscape values.

Policies 7.2.11 to 7.2.12

Policy 7.2.11 – Liaise with the Department of Conservation regarding any landscape issues on land administered by the Department and identified as having outstanding natural features and landscapes (including within the Marlborough Sounds Coastal Landscape).

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

Benefits

While little would be lost if Policy 7.2.11 was not included in the MEP, its inclusion does make it clear that landscape values on Department of Conservation administered land are important, especially given that approximately 45% of Marlborough's land area is Crown-owned or managed. The policy aims to integrate management of landscape values between the Council and the Department, which is particularly relevant in the coastal environment context regarding implementation of the NZCPS. The policy also responds to the Council's inability to impose Section 9 controls on Crown land and will therefore be important in building and maintaining relationships.

Through the review work, some landscapes have been identified as having high amenity value but low sensitivity to change, either because of their remote location or because the sensory values present are not under any critical threat. Such areas include the Awatere Valley Catchment and Lake Grassmere. While these areas are mapped within the two landscape reports prepared as part of the review, because they are not considered sensitive to change, they have not been included in the MEP and so no management framework applies. However, where a resource consent is needed for an activity within these areas it may be appropriate to consider landscape values. The benefit is that if an assessment of landscape values is undertaken then a check can be made of the sensory values to ensure that these are not threatened by the proposed activity.

Costs

The costs of implementing Policy 7.2.11 are considered minimal and would effectively relate to staff time. For Policy 7.2.12, the costs would lie with an applicant if it was considered a landscape assessment was needed. It is difficult to determine whether such an assessment will be necessary in every case, as it depends on the nature of what is being proposed. Where there is potential for significant changes in the visual appearance of the landscape, then an assessment may be appropriate. However, where the activity is not likely to result in significant changes then it is unlikely an assessment would be necessary.

Efficiency

Given the low costs involved, Policy 7.2.11 is very efficient, especially when taking into account the legislative constraints of controlling activities on Crown land. For Policy 7.2.12, there is flexibility in determining when a landscape assessment may be required. This flexibility allows a judgement to be made on whether a landscape assessment is necessary depending on the nature of the activity proposed.

Effectiveness

The effectiveness of Policy 7.2.11 is to some extent limited given the legislative constraints under Section 9. However, the Council already has a strong working relationship with the Department of Conservation and it is important that this continue. This policy highlights the fact that despite legislative constraints, there are potential adverse effects that could result from departmental activity or from concessions that may be granted for certain activities.

Policy 7.2.12 is effective even though the areas concerned are not mapped in the MEP and the focus of the other policies under Objective 7.2 is aimed at significant landscapes that have been mapped. The areas identified in the landscape reports still retain significant sensory values and it is important that these are not diminished by resource use. By requiring a landscape assessment for activities that may affect landscape values in these areas, it is possible to determine whether sensory values are being affected. This in turn helps to address the resource management issue identified in 7A.

Methods of implementation

There are currently very few rules within the MSRMP and WARMP to assist in landscape protection, the main rule being that consent is required for commercial forestry in some locations. The MEP proposes a greater range of rules for a wider range of activities, which has been justified by the foregoing assessment. The need for a more regulatory approach to certain activities, especially commercial forestry and structures, reflects the community's view of what is needed to help protect Marlborough's significant landscapes.

Two new methods are included in the MEP and these are the provision of information and investigation. The provision of information method is closely linked to the policies about including a schedule setting out the values of Marlborough's significant landscapes, while the investigation method has been included to explore options for the future of commercial forestry in the Marlborough Sounds, including dealing with wilding pine spread. This is considered particularly effective in terms of working with the community to help achieve the protection (or otherwise maintenance and enhancement) of significant landscapes.

Aside from the rules methods, the other methods collectively recognise the ability to influence behaviour of resource users without resorting to a regulatory regime. Overall, there is an emphasis on greater controls for activities related to commercial forestry, which reflects the feedback received through discussion documents and specific landowner consultation in areas of landscape significance.

Other options considered to achieve Objective 7.2

Four other options were considered by the Council to achieve Objective 7.2. These were:

1. *Status quo in terms of the existing provisions of the MRPS, MSRMP and WARMP*

The status quo would be continuing with the provision of the current MRPS, MSRMP and WARMP. For the MRPS, there is one policy specific to outstanding natural features and/or landscapes in which damage from the effects of excavation, vegetation disturbance and the erection of structures is to be avoided, remedied or mitigated (Policy 8.1.3), although no direction is given on how to achieve this. A second policy (Policy 8.1.2) is more generic and seeks to enhance the nature and character of the different types of landscapes: working, indigenous and built. The methods for the policies direct that criteria be defined which describes the nature and character of landscapes and determine the amount of change permissible. However, the MRPS does not include provisions that determine the amount of change permissible. The methods also state that controls in the resource management plans will manage landscape effects.

The relevant MSRMP landscape policies contain very little direction on how significant landscape areas can be protected and how landscape effects can be managed. Two of the policies (5.3.1.3 and

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5.3.1.5) are aimed at outstanding natural features and/or landscapes, while Policies 5.3.1.2, 5.3.1.4 and 5.3.1.6 are more generic in terms of considering landscape effects of various activities, including vegetation clearance, land disturbance and the erection of structures. The policies essentially present an 'avoid, remedy or mitigate' approach, but include no detail on how this is to be achieved.

The WARMP contains two pertinent objectives, one aimed at managing visual quality and the protection of outstanding natural features and/or landscapes from inappropriate subdivision, use and development (Objective 5.4.1) and the other at providing appropriate development practices in areas that are not outstanding landscapes (Objective 5.4.2). Areas of outstanding natural features and/or landscapes are specifically named in policy. As in the MSRMP, there is a strong 'avoid, remedy or mitigate' approach in many of the policies centred on activities including structures, vegetation clearance, land disturbance, subdivision and planting of exotic trees. For areas in the WARMP that are not identified as outstanding, the policies are aimed at protecting landscape values in areas sensitive to change but where change can be expected.

There are some rules included within both resource management plans to deal in part with landscape issues. For example, a range of consents are required for commercial forestry in both the MSRMP and WARMP.

For both the MSRMP and WARMP the policies concerning outstanding natural features and/or landscapes are not particularly helpful. This is because many of the policies have an 'avoid, remedy or mitigate' approach, yet there is very little guidance about how to achieve these outcomes. Retaining these types of policies without providing guidance would make it difficult to achieve Objective 7.2.

The policies in the WARMP for areas without outstanding natural features and/or landscapes but where landscape values are still important do provide some of the guidance that is needed. For example, Policy 5.5.2.5 aims to "*Encourage forestry development to reflect natural landforms*" while Policy 5.5.2.3 requires the maintenance of "... *an open character to the rural zones and in particular the more intensively developed Rural 3 Zone.*" However, because these policies are currently only relevant to part of the District, they would need to be reviewed to ensure they are extended to the whole of Marlborough. In addition, there are other ways in which activities can be managed in areas with landscape significance in order to protect the values that contribute to determining landscape significance. For these reasons it is considered that the current framework would not achieve Objective 7.2 across the whole of Marlborough and therefore would not be an effective or efficient option.

In addition, the current resource management plan policies do not fully give effect to the national policy statements currently in force, particularly the NZCPS in relation to the coastal environment.

2. *Greater regulation of land based activities*

There is an option of having a greater level of regulation to help protect landscape values in areas with outstanding natural features and/or landscapes or in areas with high amenity value. This would see more activities controlled either through permitted activity standards, the resource consent process or even the prohibition of some activities. The reason the focus would be on land based activities is because in the coastal marine area most activities require a resource consent (for ecological, natural character, navigation and public access reasons as well as for landscape reasons). This means there is already a high level of regulation for the coastal marine area, which is public space.

There would be a greater cost for landowners and resource users associated with this option, but it is uncertain as to whether any greater protection for areas with landscape significance would result. As the Council has focussed on areas where landscape values are sensitive to change and the activities that may impact upon those values, this option does not seem particularly efficient as landowners and resource users may be required to go through a consent process unnecessarily.

This option does not acknowledge the capacity of some landscapes to absorb change or that some landscapes identified as having significant values still have activities occurring within them, including primary production activities. During consultation with and feedback received from landowners on areas with landscape significance, through feedback on discussion documents and from the focus groups considering the proposed provisions, many people commented that not all activities needed to be controlled in order to protect landscape values. The view was expressed that even where controls

were considered necessary, this could be done through the use of standards on permitted activities, rather than through requiring a resource consent. Therefore the use of greater regulation would not reflect the community's view of the extent of regulation needed to protect areas with landscape significance.

3. Prohibition of commercial forestry in the Marlborough Sounds

Prohibition of commercial forestry within the Sounds was considered by the Council to help protect significant landscape values. Community feedback was sought on this option as the Council was concerned by the limited ability of the existing MSRMP framework to enable the consideration of broader adverse landscape and amenity impacts from commercial forestry within the wider Marlborough Sounds area.

Initial consultation on this option was undertaken with landowners whose properties were considered to have significant landscape values and through public meetings to gain community feedback. Two distinct types of feedback were received: from forest owners and pastoral farmers expressing concern on limits to diversify and innovate in the future and from the community who were concerned about the management of plantation forestry in general.

While the initial feedback was useful, overall the feedback was limited (given the large number of people directly affected by the provisions). To encourage wider community feedback, at the end of July 2013 a questionnaire was sent to Marlborough Sounds landowners affected by the draft landscape mapping, seeking feedback on the landscape management proposed. The questionnaire was sent out to approximately 3,240 people and approximately 1,360 responses were received, a response rate of 42%.

A total of 1084 people (approximately 80% of the overall survey respondents), indicated that additional controls were necessary to manage the impacts of commercial forestry within the Marlborough Sounds, though not only for protecting significant landscapes. Three themes emerged from the survey feedback, including:

- support for prohibiting commercial forestry;
- support for increased and improved management of commercial forestry and enhanced industry social responsibility, particularly relating to tree harvest practices and regarding wilding pine management; and
- opposition to the proposed prohibition from forestry owners and some landowners.

Some of those opposed to the prohibition argued that it would impact negatively on the Marlborough economy and remove the ability for the forestry industry to be innovative in terms of the species planted or the way in which forests are managed and/or harvested.

In considering whether to pursue this option for landscape reasons, the Council observed that there is currently a very low uptake or conversion of land into commercial forestry within the Marlborough Sounds. During the landowner consultation process, the need for a prohibition of any new areas of commercial forestry was questioned on account of the low land conversion rate to commercial forestry. Conversely, it was noted that given the current low conversion rate to commercial forestry within the Sounds, the majority of landowners in the area would likely not be affected by the introduction of such a prohibition.

There are already existing forestry developments within the Marlborough Sounds that will continue to be able to exercise existing use rights regardless of whatever regime is included in the MEP. This also has an impact on the level of protection for landscape values that could be effectively achieved by prohibiting any further planting of commercial forest. For this reason there is some doubt about whether this option could really achieve Objective 7.2.

It is difficult to quantify what the costs of implementing this option would be, given the current low conversion rate into forestry. There would be potential loss in economic opportunity for those landowners whose properties are not currently forested but who may wish to convert their land to forestry.

In considering this option the Council decided not to prohibit forestry in the Marlborough Sounds, preferring an option of requiring a discretionary activity resource consent for commercial forestry. This will enable consideration of the wider Marlborough Sounds coastal landscape in terms of natural character on people's perceived levels of naturalness, overall enjoyment of amenity stemming from landscape values within the area and the significant adverse landscape impacts that result from commercial forestry harvesting, including from wilding tree spread.

4. *Controlling the colour of buildings*

The Council proposed an option of controlling built form and development in areas with landscape significance to encourage more visually sympathetic landscape outcomes. In this option a colour palette (or a natural material finish) would have been required for any new building or structure. The rules were proposed to be standards for permitted activities and where a different colour or finish was proposed by a landowner, this would need resource consent.

The initial consultation on this option was undertaken through meetings with landowners whose properties were considered to have significant landscape values and through public meetings. There was widespread concern expressed regarding a requirement to use a colour palette and many people were opposed to a colour palette being used in a regulatory context. A number of suggestions were received about how the Council could achieve good outcomes from built development in the landscape while still giving people the freedom to choose their own colours. Suggestions included:

- use the palette to encourage sympathetic colours, rather than requiring its use through a rule;
- provide information on which colours should not be used;
- use reflectivity as a standard, rather than a colour palette;
- provide more flexibility in terms of the range of colours that can be used;
- allow flexibility to highlight small parts of a new building with colour, including trim; and
- only apply controls to areas that have not yet had their natural character compromised.

Those who did not support the introduction of a colour palette for new built development within the Marlborough Sounds opposed it on the basis that it was not the Council's role to intervene in this way and that colour would not make a meaningful difference to areas with landscape significance because of the low rate of residential development, for cultural reasons and because they felt the Council should instead be focussing its attention on controlling other activities (such as clear-felling of trees and marine farming).

A total of 805 people (approximately 59% of the overall survey respondents) indicated that additional controls were needed over new built development for landscape protection reasons. Respondents signalled that controls were necessary over the location of new buildings and the reflectivity and colour of all buildings.

The Council considered that there would have been benefits in controlling the colour of buildings to help protect landscape values, but that the same benefits could be achieved in a different way. This is the reason, the option was not pursued.

Risk of acting or not acting

It is considered there is sufficient information on which to base the proposed policies and methods. The information relied upon are the two landscape reports prepared as part of the review as well as the results of consultation and site visits.

Appendix A – Section 32 of the RMA

32 Requirements for preparing and publishing evaluation reports

- (1) An evaluation report required under this Act must—
 - (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
 - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
 - (i) identifying other reasonably practicable options for achieving the objectives; and
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - (iii) summarising the reasons for deciding on the provisions; and
 - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection (1)(b)(ii) must—
 - (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
 - (i) economic growth that are anticipated to be provided or reduced; and
 - (ii) employment that are anticipated to be provided or reduced; and
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
 - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—
 - (a) the provisions and objectives of the amending proposal; and
 - (b) the objectives of the existing proposal to the extent that those objectives—
 - (i) are relevant to the objectives of the amending proposal; and
 - (ii) would remain if the amending proposal were to take effect.
- (4) If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.
- (5) The person who must have particular regard to the evaluation report must make the report available for public inspection—
 - (a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or
 - (b) at the same time as the proposal is publicly notified.

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(6) In this section,—

objectives means,—

- (a) for a proposal that contains or states objectives, those objectives:
- (b) for all other proposals, the purpose of the proposal

proposal means a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act

provisions means,—

- (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:
- (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

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