

# **Proposed Marlborough Environment Plan**

**Section 42A Hearings Report for Hearing Commencing 12  
March 2018**

**Report dated 9 February 2018**

**Report on submissions and further submissions  
Topic 8: Heritage Resources and Notable Trees**

**Report prepared by**

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# List of Abbreviations

## Submitters

Submitter Number	Abbreviation	Full Name of Submitter
91	MDC	Marlborough District Council
715	Forest and Bird	Royal Forest and Bird Protection Society NZ
768	HNZ	Heritage New Zealand Pouhere Taonga
1002	NZTA	New Zealand Transport Agency
479	DOC	Department of Conservation
974	MoE	Ministry of Education

## Others

HNZPT Act                      Heritage New Zealand Pouhere Taonga Act

MEP                              Proposed Marlborough Environment Plan

RMA                              Resource Management Act 1991

## Introduction

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1. My name is Paul Whyte, and I hold the qualification of a Bachelor of Town Planning from Auckland University. I am a full member of the New Zealand Planning Institute. I have practised in the field of town planning/resource management since 1985, primarily working for both local government and planning consultants in Dunedin and Christchurch. Currently, I am a Senior Planner (Senior Associate) with Beca Ltd (Beca) in Christchurch. I have prepared district and regional plans and plan changes in Southland, Otago, West Coast, Marlborough, Canterbury and the Chatham Islands and I have prepared Section 42A reports for district and regional councils on plans and plan changes.
2. In particular I have prepared Section 42A reports for Marlborough District Council on the following plan changes- Plan Changes 26/61 Minor Amendments, Plan Changes 27/62 New Dairy Farms, Plan Change 47 Tremorne Avenue Rezoning, Plan Change 59 Colonial Vineyards, Plan Change 60 Maxwell Hills, Plan Changes 64-71 Urban Growth Areas and Plan Change 72 Marlborough Ridge Rezoning.
3. I was not involved with the preparation of the MEP. I was contracted by the Marlborough District Council (Council) in July 2017 (after the MEP submission period had closed) to evaluate the relief requested in submissions and to provide recommendations in the form of a Section 42A report.
4. Beca Ltd have prepared submissions to the MEP on behalf New Zealand Fire Service (now Fire and Emergency New Zealand) (FENZ) and Transpower New Zealand Limited (Transpower). I was not involved in the preparation of these submissions in any way. However, to avoid any perception of conflict I have not made any recommendation on a submission or further submission made by FENZ or Transpower or where that recommendation is contrary to the relief sought by FENZ or Transpower. Where this situation has arisen in this report the recommendation is made by Liz White of Incite Ltd. This situation applies to Transpower submissions 1198.23, 1198.24, 1198.55, 1198.56, 1198.57 and a further submission to Helen Mary Ballinger 351.41.

## Code of Conduct

5. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it.
6. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
7. I am authorised to give this evidence on the Council's behalf.

## Scope of Hearings Report

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8. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA).
9. In this report I assess and provide recommendations to the Hearing Panel on the submissions under Topic 8 Heritage Resources and Notable Trees. The report is informed by two specialist reports from Mr John Gray, Heritage Architect (attached in Appendix 2) in respect of individual heritage sites and from Cadwallader Tree Consultancy (attached in Appendix 3) in respect of individual notable trees. However, at the time of writing Mr Gray's report is not available but it is expected shortly. It is anticipated the recommendation on the particular submissions relating to the heritage items will be circulated by the 16 February 2018.

10. As submitters who indicate that they wish to be heard are entitled to speak to their submissions and present evidence at the hearing, the recommendations contained within this report are preliminary, relating only to the written submissions.
11. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.

## Overview of Provisions

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12. This report assesses submissions to provisions of the MEP including:

- (i) Volume 1 Chapter 10 Heritage Resources and Notable Trees
- (ii) Volume 2 Chapter 2 Rules Heritage Resources
- (iii) Volume 2 Chapter 2 Rules Notable Trees
- (iv) Volume 2 Chapter 25 Definitions
- (v) Volume 3 Appendix 13
- (vi) Volume 4 Zoning Maps

13. As denoted by the title Chapter 10 deals with both heritage resources and notable trees. "Heritage resource" is defined in the MEP as:

*means any type of historic heritage place or area. It may include a historic building or item, historic site, a place/area of significance to Maori or heritage landscape. The term may be used to refer to both heritage resources listed in the Marlborough Environment Plan and to those registered by Heritage New Zealand.*

14. Notable Tree is defined as:

*as identified in Appendix 13.*

15. Generally heritage resource and notable trees are dealt with separately in the chapter with each topic having its own issue, objectives, policies and rules. The methods of implementation and anticipated environmental results are "shared" as is the Introduction, although the main emphasis in the Introduction appears to be on heritage resources.

16. The opening paragraph in the Introduction states:

*Historic heritage are the natural and human made features of the landscape that combine to give people a sense of place and are valued for providing a connection with our past. Heritage resources include historic buildings, places and sites; heritage trees, places or sites of significance to Marlborough's tangata whenua iwi; and archaeological sites. These resources collectively contribute to environmental quality and community wellbeing in many ways. In addition, some trees may also contribute to amenity values.*

17. Heritage resources can therefore include "heritage trees", but as noted above these trees are generally dealt with as notable trees. The Introduction makes reference to Section 6(f) of the RMA as a matter of national importance:

*(f) the protection of historic heritage from inappropriate subdivision, use, and development<sup>1</sup>*

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<sup>1</sup> Historic heritage is defined in Section 2 of the RMA as:

*(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:*

18. The Chapter also identifies the following Section 7 of the RMA matters as of relevance:

*(c) the maintenance and enhancement of amenity values*

*(f) maintenance and enhancement of the quality of the environment:*

19. The Issue for Historic Heritage is described as follows:

*Issue 10A – Marlborough’s historic heritage may be lost or adversely affected by changes in land use and land use management practices.*

20. To address this matter there is one objective and 11 policies. These provisions include:

- The retention and protection of heritage resources that contribute to the character of Marlborough (Objective 10.1).
- The management of heritage resources with other organisations, community initiatives to retain resources, identification of the types of resources and increasing community awareness (Policies 10.1.1-10.1.4)
- Effects on heritage resources and assessment matters, including those on sites of significance to Maori (Policies 10.1.5-10.1.8)
- Archaeological sites including their management, accidental discovery protocols and sites of significance to Maori (Policies 10.1.9-10.1.11)

21. A schedule of heritage resources is found in Appendix 13 and are split into two categories as follows. Schedule 1 comprises Category 1 Heritage Resources which includes all of the items on HNZ Category 1 list. In total there are 15 items including buildings, pa sites, wahi tapu sites, boats and a bridge. Schedule 2 comprises Category II and Locally Significant Heritage Resources and includes all of the items on HNZ Category II list as well as heritage resources “considered to be locally significant”. There are 146 items including buildings, monuments and plaques, cemeteries, wahi tapu sites, defence works, and a moa hunter site. The items include those that occur on public land administered by Council and DOC. No trees are included in Schedule 1 or 2, rather they are contained in Schedule 3 (see below).

22. Method of Implementation 10.M.1 in the MEP confirms heritage “resources or trees identified will be those that meet the criteria in Policies 10.1.4 and 10.2.1 and/or those included on the New Zealand Heritage List/Rārangī Kōrero.” The items are identified on the planning maps.

23. The rules applying to the heritage resources are contained in Rules 2.24-2.27 in Chapter 2. Essentially repairs, maintenance and safety alterations are permitted subject to standards. The whole or part demolition or removal of Schedule 1 activities area prohibited activity (I note that there are not any submissions opposing this rule). Any other activity requires resource consent as a discretionary activity.

24. The Issue for notable trees is described as follows:

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*(i) archaeological:*

*(ii) architectural:*

*(iii) cultural: (continued over page...)*

*(iv) historic:*

*(v) scientific:*

*(vi) technological; and*

*(b) includes—*

*(i) historic sites, structures, places, and areas; and*

*(ii) archaeological sites; and*

*(iii) sites of significance to Māori, including wāhi tapu; and*

*(iv) surroundings associated with the natural and physical resources*

*Trees that contribute to Marlborough's historic heritage and/or amenity values are at risk of being removed or adversely affected.*

25. To address this matter there is one objective and 4 policies. These provisions include:
  - The retention and protection of trees that contribute to the character of Marlborough (Objective 10.2).
  - Increasing community awareness and criteria for a notable tree (Policy 10.2.1)
  - Assessment matters for works affecting a notable tree (Policy 10.2.2)
  - Circumstances for approving works on a notable tree (Policy 10.2.3)
  - Encouraging and supporting landowners in retaining notable trees (10.2.4).
26. A schedule of Notable Trees is found in Appendix 13 as Schedule 3. The Schedule identifies 213 Notable Trees (including groups of trees) throughout the district which are located on private property roads and state highways. As indicated above the trees meet the criteria in Policy 10.2.1 which includes assessment under the STEM method. These items are identified on the planning maps.
27. The rules applying to the heritage resources are contained in Rules 2.28-2.30 in Chapter 2. Essentially minor trimming, emergency works, signage and activity in the vicinity of the tree are permitted subject to standards. Any other activity requires resource consent as a discretionary activity.
28. Other than rules there are a number of other Methods of Implementation including, investigation, information and liaison for both heritage resources and notable trees.
29. There are definitions which affect the provisions in Chapter 10. Where the submissions generally only affect Chapter 10 they are dealt with in this report. Other submissions on definitions which have wider implications for the MEP are dealt with in the Definitions Topic.

## **Analysis of submissions**

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30. The number of submission points received on provisions relevant to Topic 8 are as follows.
  - Submissions on Chapter 10 of the MEP (Issues, objectives, policies and methods) – 91 submission points and 38 further submission points
  - Submissions on Rules 2.24-2.27 and Rules 2.28-2.20 of the MEP - 14 submission points and 23 further submission points
  - Submissions on Definitions – 4 submission points and 2 further submission points
  - Submissions on Appendix 13 –22 submission points and 22 further submission points
  - Submissions on Planning Maps –2 submission points

## **Key matters**

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31. The key matters identified in the report largely reflect the headings of Chapter 10 in respect of Issues, Objectives, Policies, Methods of Implementation; Chapter 2 respect of the rules; Appendix 13: and the Planning Maps.
32. There are also a number of submissions that are better dealt by other topics given their specificity and similarity to the submissions dealt with by those topics. The Section 42A report identifies those situations where this arises.



33. The assessment generally refers to submitters but not further submitters in all cases.

## **Recommendation**

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34. Recommended amendments to the MEP are shown underlined and deleted text or provisions are shown ~~struck through~~ under the Recommendation heading in the report.
35. The submissions are accepted, accepted in part, rejected, or deferred (in the case of submissions dealt with in other topics) or are referred to individual submissions in accordance with Appendix 1. In addition the submissions which are the subject of the report by Mr John Gray are shown as TBC (to be confirmed).

## **Statutory Documents**

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36. A number of statutory documents are relevant to the provisions and/or submissions within the scope of this report, including the Resource Management Act 1991 (RMA) and National Policy Statements, and are referred to where appropriate in the actual assessment.

## **Pre-hearing meetings**

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37. There have been no pre-hearing meetings for this topic.

# Heritage Resources and Notable Trees Submissions

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## Key Matter - General

### Submissions and Assessment

38. Judy and John Hellstrom (688.191) and KCSRA (869.47) request that Chapter 10 be retained in its entirety.
39. Salvador Delgado Oro Laprida (218.11) requests that the coastal buildings (including all stores, the river, rowing clubs, buildings and marinas) and watershed in Havelock and Picton should be included as part of Marlborough's heritage. The submitter does not provide any detail or justification in respect of these items and accordingly in my view it is difficult to include them in the MEP.
40. Murray Chapman (348.8 and 348.9) requests that the provisions be amended so that indigenous biodiversity is only protected on publicly owned reserves and conservation estate and not privately owned land unless monetary compensation is paid on an annual basis given the public good. The RMA does not distinguish between "public" or "private" indigenous biodiversity in terms of effects and accordingly I do not support the submission.
41. Helen Mary Ballinger (351.42) requests two changes, one being amendments to wording in the Introduction section of the chapter to refer to non-heritage listed trees as being important to the District and that there needs to be ongoing planting and management of all trees to maintain the tree population. The second request is to understand the Councils resources for monitoring the tree rules, in particular the notable tree rules and the resource consents related to them. Ms Ballinger is concerned that without appropriate monitoring, the rules will be disregarded by developers, contractors and private property owners.
42. I note that the chapter is about "Notable Trees" which are defined in the MEP as those trees identified in Appendix 13, which in turn are defined by the criteria set out in Policy 10.2.1. While I agree that "non-notable" trees are important to the district I do not consider this chapter is the relevant place to acknowledge this. The Introduction of the chapter does refer to indigenous biodiversity as being of importance and refers to Chapter 8 Indigenous Biodiversity of the MEP. Reference to the desirability of trees, planting and landscaping is also found throughout the plan including Chapter 6 Natural Character, Chapter 9 Public Access and Open Space, Chapter 12 Urban Environments and Chapter 15 Resource Quality. Accordingly I consider there is adequate reference to non notable trees without further addition to Chapter 10. However I note that the Introduction in Chapter 10 does not refer to Notable Trees in any significant detail and it is considered appropriate that there is some addition.
43. In relation to available Council resources for monitoring, this is not an MEP matter and is more a matter for Councils Long Term plan and its allocation of expenditure. As such, I do not consider there is a need for further amendment.
44. Forest and Bird (715.211) requests a small amendment to the last paragraph of the Introduction section "Marlborough's natural heritage", to refer to "historic heritage". I do not consider this amendment is required as the paragraph refers to indigenous biodiversity being a "heritage resource".
45. HNZ (768.1-.4) request in a number of generic submission points that the terms "natural heritage values" and "historic heritage values" are distinguished in the MEP; that reference to "list, listing etc" is avoided in the MEP; that care is taken in how the term "archaeological site" is used in the MEP; and that the use of the terms "modify" and "destruction" is used in respect of archaeological sites.

46. HNZ (768.24) also requests that the same language is used when referring to archaeological sites, as what is used in the Heritage New Zealand Pouhere Taonga Act, being either recorded or unrecorded sites. It considers that other terms, which are currently used in the proposed MEP, could cause confusion.
47. I note that these matters raised by HNZ are generally given effect to in the recommendations on the more detailed submissions of HNZ and accordingly I recommend acceptance of the submission points.
48. Marlborough Chamber of Commerce (961.21) requests that a definition of “inappropriate”, used in the Introduction section, be provided. In my view I believe the context of the term is made clearer in the detailed objectives, policies and rules and the term is best determined on a case by case basis utilising case law if necessary. I note that the term is not defined in the RMA.
49. P Rene (1023.17) submits that there are a number of Section 6 matters of the RMA, including Section 6(f) relating to heritage that he does not support as not “being good for Maori” and “cultural heritage and heritage should not be confused as being the same”. The relief sought is not clear in respect of heritage although it includes kaitiakitanga being recognised and implemented and developed as a legal RMA framework. In my view the MEP attempts to meet these concerns with specific recognition of sites of significance to Maori and the implementation of appropriate management and consultation procedures relating to Iwi, but the submitter should comment further.
50. There are a number of submissions from runanga as follows. Te Runanga O Ngati Kuia (501.42) requests the inclusion of an Issue and Objective which protects unregistered or undiscovered sites of significance to iwi. In particular, they request any land disturbance on, near or affecting the coastal environment and waterways and their margins should be restricted and iwi consultation required.
51. Te Atiawa o te Waka-a-Maui (1186.26) requests all cultural sites of significance (whether registered or not) to be protected by the MEP provisions.
52. Te Atiawa o te Waka-a-Maui (1186.59) requests that an AER for cultural or iwi related sites, features, structures or resources is inserted into the MEP.
53. Te Runanga o Kaikoura and Te Runanga o Ngai Tahu (1189.91 and .92) request a new policy that provides for greater protection for waahi tapu and waahi taonga sites and a new policy that provides for a pathway for future work to identify sites.
54. Generally I believe that the proposed amendments to the chapter provisions (see below) address the concerns of the submitters.

## Recommendation

55. That the following is added to the Chapter 10 Introduction after the final paragraph:

*Notable trees also add to the amenity and character of the district, including individual indigenous and exotic trees and stands of trees, which are located on both public and private land. These trees are often a landmark, a rare or important species, or commemorate an important local event or are in accordance with accepted valuation methods. Some trees are also of particular heritage historic value such as the titoki tree located on the banks of the Tuamarina River used to secure waka at the time of the Wairau Affray. The listing of notable trees in the MEP enables an assessment process to be put in place for*

activities that may affect the tree and also raises community awareness of the contribution such trees make to the district.<sup>2</sup>

## Key Matter - Issue 10A (Heritage Resources)

### Submissions and Assessment

56. Issue 10A relates to the loss of Marlborough's historic heritage by changes in land use and land use management practices. Murray Chapman (348.10) infers that the issue should be amended to reflect that the whole community should pay for care and maintenance of heritage resources and not just the landowner/farmer. I do not believe this is of direct relevance to the issue which is about the possible loss of historic heritage.
57. HNZ (768.25) suggests some relatively minor amendments which I consider are appropriate as they improve the reading of the MEP.
58. NZTA (1002.39) supports the Issue which is noted.

### Recommendation

59. That Issue 10A is amended as follows:

*Marlborough's historic heritage is vulnerable to the inappropriate use and development of natural and physical resources.*

*Archaeological sites are particularly vulnerable to land disturbance, as they tend to be buried and excavation at, or in close proximity to, the site can unearth disturb the object of significance and its archaeological context. If appropriate action is not taken, the heritage resource ~~that was previously buried~~ can potentially be damaged, modified or destroyed. For archaeological sites that have a connection to Marlborough's tangata whenua iwi, such adverse effects can also cause a serious cultural affront to the mana of an iwi.*

*~~One of the threats to historic heritage is that there are many unknown areas of heritage significance. A~~ lack of knowledge about the location, extent and values of historic heritage creates risks that require management. For example, although past archaeological studies have revealed a little of the Maori and early European settlement patterns and culture, much more remains to be identified, researched and recorded. There will also be forgotten sites. The lack of awareness of the existence of a heritage resource makes the resource vulnerable to irreparable damage as a result of land use change.<sup>3</sup>*

## Key Matter - Objective 10.1 (Heritage Resources)

### Submissions and Assessment

60. In respect of Objective 10.1 which relates to the retention and protection of heritage resources that contribute to the character of Marlborough, a number of amendments are suggested by Federated Farmers (425.170) and HNZ (768.26) to better reflect the intention of the RMA. The former requests reference to "inappropriate development" while the latter request reference to an understanding and appreciation of Marlborough's and New Zealand's history and cultures, given the definition of "historic heritage" in the RMA.

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<sup>2</sup> Helen Mary Ballinger (351.42)

<sup>3</sup> HNZ (768.25)

61. In respect of the Federated Farmers submission it is acknowledged that Section 6(f) refers to inappropriate development. I believe the objective can stand as it is (subject to amendment below) but that some amendment to the explanation is appropriate. It is also noted that reference to “inappropriate development” is referred to in the Introduction and policies.
62. I concur with the HNZ submission that their proposed amendments better reflect the intent of the RMA.
63. Te Atiawa o Te Waka-a-Maui (1186.54) requests clarification as to the meaning of the term “that contribute” to allay the concerns of the submitter that sites may not be protected. I believe the meaning of “contribute” is reasonably clear, particularly given the explanation, and note that the objective is reasonably high level with the policies and rules providing more detailed “protection”.

## Recommendation

64. That Objective 10.1 is amended by the following

*Objective 10.1 – Retain and protect heritage resources that contribute to an understanding and appreciation of Marlborough’s and New Zealand’s history and cultures. ~~to the character of Marlborough.~~<sup>4</sup>*

*Historic heritage makes a significant contribution to the identity of Marlborough and provides us with a sense of place; and in doing so adds to the social and cultural wellbeing of our community. It is therefore important for heritage resources to be retained. However, retention alone does not necessarily ensure protection as many heritage resources, especially buildings, need to be maintained on an ongoing basis given their age. Where maintenance has not occurred or where past development has not taken into account a resource’s heritage values, heritage resources may need to be actively enhanced to improve the contribution they currently make to our social and cultural wellbeing. Use and development of a heritage resource is not precluded as long as it is not considered inappropriate.<sup>5</sup> This objective also reflects the Council’s obligations under Sections 6(e) and 6(f) of the RMA.*

## Key Matter - Policies 10.1.1 – 10.1.4

### Submissions and Assessment

65. Policies 10.1.1-10.1.4 generally refers the to the heritage resources in Marlborough including their identification and community awareness of the resources.

#### Policy 10.1.1

66. Policy 10.1.1 which refers to managing Marlborough’s heritage resources in association with other agencies, is supported by I B Mitchell (364.43), DOC (479.102, HNZ (768.27) and Te Runanga o Kaikoura and Te Runanga o Ngai Tahu (1189.87).
67. Federated Farmers (425.184) requests the policy is amended by including “landowners” along with the other agencies. I agree it is appropriate to refer to this group given the key role they may play.
68. Te Atiawa o Te Waka-a-Maui (1186.55) requests clarification of the relationship, moving forward, between MDC and Te Atiawa regarding the management of heritage resources. I note that this matter is covered in Chapter 3 Marlborough’s tangta whenua iwi of the MEP where a number of processes are discussed.

#### Policy 10.1.2

<sup>4</sup> HNZ (768.26)

<sup>5</sup> Federated Farmers (425.170)

69. Policy 10.1.2 which refers to supporting community initiatives is supported by I B Mitchell (364.44), Federated Farmers (425.183), HNZ (768.28) and Te Atiawa o Te Waka-a-Maui (1186.56). However I recommend that the policy is amended to recognise the submission of Federated Farmers (425.182) under New Policy which is discussed below.

#### Policy 10.1.3

70. Policy 10.1.3 relates to the identification and protection of Marlborough's heritage resources and is supported by I B Mitchell (364.45), Te Runanga o Ngati Kuia (501.43), Keneperu and Central Sounds Residents (869.39), and Marlborough Chamber of Commerce (961.230).
71. Federated Farmers (425.184) requests reference is made to the resources identified in Appendix 13 and on the planning maps. HNZ (768.29) suggests deleting the word "identify" and the specified resources in 9(a) – (e) given the definition in the MEP of "heritage resources" and deleting reference to the identification aspect of the policy and the term "appropriate" protection.
72. Te Runanga a Rangitane Wairau (1187.4) requests more actions primarily in respect of the water quality of the Wairau Bar/Te Pokohiwi, the river and the lagoons.
73. Generally I consider that the publicly notified policy is satisfactory. I do not believe there is a need to refer to Appendix 13 as the policy is a scene setting one and refers to the type of items to be protected (but that reference to Appendix 13 is appropriate in other policies). While the specified terms are repeated in the definition I consider it desirable to have the items in the body of the MEP. The term "appropriate" protection is defined by the methods so I believe it should be part of the policy.
74. The actions requested in the submission from the runanga cannot be resolved by this policy but I note that the MEP contains number of provisions in respect of the Wairau river area including rules and identification of significant wetlands, and overlays of an outstanding landscape area, ecologically significant marine area and threatened environments and a heritage listing, which recognises the features of the area and provide added protection. Reference is also made to sewerage discharge but I note MDC obtained resource consent comparatively recently for discharge from the Blenheim WWTP which was subject to a broad range of conditions, including discharging to land rather than the estuary whenever climatic conditions allow.
75. I also understand that the cultural heritage significance of the Waira Bar/Te Pokohiwi environs was discussed during the hearing on Topic 2. In particular there was discussion between the Panel and Geoff Mullens of Rangitane that included the merits of recognising the significance of Te Pokohiwi by including a more substantial spatial area in Appendix 13 in some manner. In this regard, it would be helpful if Rangitane or HNZ were able to provide more information on the appropriate spatial extent to be mapped relative to the criteria in Policy 10.1.3 and the heritage values that exist within the area.

#### Policy 10.1.4

76. In terms of Policy 10.1.4 relating to community awareness of heritage values, there is support from I B Mitchell (364.46). Federated Farmers (425.180) requests that landowners are also referred to in the policy. Te Runanga o Ngati Kuia (501.44) suggests amending (e) by replacing "and " with "or" and HNZ (768.30) also suggests making it clearer that an item is not required to meet all of the criteria listed; reference should be made to Appendix 13; deletion of reference to raising community awareness and the addition of further criteria.
77. Generally I concur with the submissions above as they make the policy more clear and focussed and include criteria identified in the definition of "historic heritage" in the RMA. I still consider community awareness is of importance but can be referred to in the explanation.

78. However I consider the reference to landowners is out of context with the policy which is identifying criteria, although I have recommended amendments to Policies 10.1.1 and 10.1.2 in respect of this matter.

### New Policy

79. As indicated above Federated Farmers (425.182) submits that a new policy be added to Chapter 10 of the Plan which seeks to increase public recognition of the effort that both public and private landowners assume over heritage that is located on private property. I agree that landowners are important in the retention of heritage resources but believe this matter can be addressed by amending Policy 10.1.2 which relates to supporting community initiatives rather than a new policy particularly as the matter is more a process policy rather than an outcome one. I note this policy does not derogate from the need to consult with iwi as raised in further submissions from the runanga.

## **Recommendation**

80. That Policy 10.1.1 is amended by the following:

*Policy 10.1.1 – Manage Marlborough’s heritage resources in association with Heritage New Zealand, the Department of Conservation, the New Zealand Archaeological Association, Marlborough’s tangata whenua iwi, other heritage organisations and the local community, including landowners.*<sup>6</sup>

81. That Policy 10.1.2 is amended by the following:

*Policy 10.1.2 – Support community and landowner initiatives to retain and enhance heritage resources.*

*Local communities and landowners can initiate projects to retain and enhance heritage resources. The Council ~~will~~ recognises and supports such proactive efforts as an effective way of not only protecting Marlborough’s historic heritage, but also creating a community awareness of this heritage.*<sup>7</sup>

82. That Policy 10.1.4 is amended by the following:

*Policy 10.1.4 – ~~Increase the community’s awareness of historic heritage values by identifying~~ Identify heritage resources for scheduling in Appendix 13 of the Marlborough Environment Plan, including historic buildings, places, sites, monuments and plaques that meets one or more of the following criteria for significance or value in the Marlborough Environment Plan:*

*(a) have value as a local landmark, over a significant length of time;*

*(b) have historic association or value with a person, idea or event of note, or have a strong public association for any reason;*

*(c) reflect past skills, design, style, materials, methods of construction or workmanship that would make it of educational or architectural value;*

*(d) is a unique or rare heritage resource ~~in relation to particular historical themes~~, or is a work of art;*

*(e) is important to Marlborough’s tangata whenua iwi;*

*(f) forms part of a precinct or area of heritage value;*

*(g) has the potential to provide knowledge of New Zealand history or public education of value; or*

*(h) has symbolic commemorative value*

*....~~This schedule is included within the MEP in Appendix 13 in order~~ and also has the added benefit of ~~to~~ increaseing the commeuity’s awareness of historic heritage values in Marlborough....*<sup>8</sup>

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<sup>6</sup> Federated Farmers (425.184)

<sup>7</sup> Federated Farmers (425.182)

<sup>8</sup> HNZ (768.30)

## Key Matter - Policies 10.1.5 – 10.1.8

83. Policies 10.1.5 –10.1.8 generally refer to the potential adverse effects on heritage resources. Given that the policies are somewhat interrelated, the submissions received are summarised under each policy and then an overall assessment made. Many of the HNZ submissions on the policies have a correlation with the proposed rules.

### Policy 10.1.5

84. Policy 10.1.5 relates to avoiding adverse effects on Schedule 1 items, and is supported by I B Mitchell (364.47). Amendments are suggested by Federated Farmers (425.179) in respect of rewriting the policy and combining it with Policy 10.1.6 relating to adverse effects; HNZ (768.31) in respect of adverse effects, use of various terms and referencing of the schedules; and Transpower (1198.23) in respect of amending the policy to recognise infrastructure assets that may be attached to Category1 Heritage resources. Transpower notes that there are a number of utility assets attached to the Opaoa River Bridge, which is listed as a Category 1 Heritage Resource, including fibre optic cables owned by Transpower. The proposed Policy, as drafted, has the potential to compromise the ability for Transpower to maintain and upgrade this cable in a manner that is consistent with Policy 5 of the NPSET, given the strong “avoid” direction.

### Policy 10.1.6

85. Policy 10.1.6 which relates to the identification and protection of Marlborough’s heritage resources is supported by I B Mitchell (364.48). Amendments are suggested by Federated Farmers (425.178) in respect of combining the policy with Policy 10.1.5 relating to adverse effects as referred to above. HNZ (768.32) suggests rewriting the policy to overcome vagueness with the term “modification” and to apply to all activities and which would complement the amendments to Policy 10.1.5.

### Policy 10.1.7

86. Policy 10.1.7 which relates to the matters to be considered when assessing resource consent applications in relation to heritage resources is supported by I B Mitchell (364.49) and KiwiRail Holdings Ltd (873.29). Federated Farmers (425.178) suggest adding positive effects to the policy. HNZ (768.34) suggests amending the policy including to make it consistent with other provisions; referring to economic feasibility; type of effects and make reference to the surroundings of heritage resources. Te Atiawa o Te Waka-a-Maui (1186.57) requests the policy is amended to contain explicit consideration of cultural sites of significance to tangata whenua and add commentary to explain that not all sites of significance to iwi are included in the historic register of MDC.

### Policy 10.1.8

87. Policy 10.1.8 which relates to the matters to be considered when assessing resource consent applications to modify sites or areas of significance to tangata whenua is supported by I B Mitchell (364.50). Federated Farmers (425.176) request the policy is deleted and the other policies apply to the sites. Te Runanga o Ngati Kuia (501.46) request reference is made to an “identified” rather than a “registered” waahi tapu site or area and the use of iwi monitors while Te Atiawa o Te Waka-a-Maui (1186.58) requests the deletion of “registered”. HNZ (768.35) suggest amendments mainly relating to consistency of language and have also made a further submission suggesting other amendments including reference to the policies also being regional plan/coastal policies, which they are currently not denoted as.

### New Policy

88. HNZ (768.32) states that with Policy 10.1.5 addressing the demolition, partial demolition, relocation, and destruction of Category 1/A heritage resources, a similar policy is needed regarding Category 2/B



resources. HNZ goes on to say that for Category 2/B resources ideally adverse effects will be avoided. However, given the reduced significance of these items, consideration should be given to the economics of retaining the item, especially regarding the cost of upgrades for public safety (these matters are provided for in Policy 10.1.7 and should be referred to). Furthermore, relocation of Category 2/B items should not be included in this policy and is best addressed under Policy 10.1.6 due to Category 2/B items generally being less tied to their original location.

89. Generally I agree with the submissions of HNZ in respect of this group of policies as it makes the MEP easier to understand and more logical to follow in respect of heritage. In particular it results in the following amendments:

- In terms of Policy 10.1.5, the current terms of Category 1 and Category 2 used in the Appendix 13 are replaced with the terms Category A and Category B to avoid confusion with HNZ which uses these terms in its Heritage List/Rarangi Korero (the list). Reference to a list in the MEP provisions is also deleted to avoid confusion with the HNZ reference. The policy also specifically references the relevant schedules in Appendix 13 of the MEP.
- Waahi tapu and other sites of significance currently contained in Schedules 1 and 2 now have their own schedule (new Schedule 3) given their cultural values that make them significant often defy classification under Schedules 1 and 2 which essentially relate to European items. I recommend later on in my report populating Schedule 3 with appropriate items from Schedules 1 and 2.
- Policy 10.1.5 is amended to also avoid adverse effects on the destruction (rather than demolition) of items in Schedule 3. I agree “destruction” is more appropriate than “demolition” in respect of waahi tapu sites. This wording is consistent with the current intention of avoiding adverse effects on the Category 1 items (albeit that Schedule 2 waahi tapu sites are now included in Schedule 3).
- The avoiding of adverse effects on the “relocation” (rather than the “loss”) of Category 1/A built items is now included in Policy 10.1.5 given the specific setting of an item is often very significant to its cultural and historic heritage values. Effectively, the “relocation” of these items is prohibited (see rule 2.27) but this appears to have been the intent of the policy as publicly notified.
- A new policy is included for Category 2/B items given that these items were not specifically addressed in the heritage policies. The policy essentially requires adverse effects to be avoided values from the destruction, demolition, partial demolition or relocation of items except where the item is of danger to public safety or repair is not the best option having regard to the matters in Policy 10.1.7. Accordingly the test is less than for Category 1/A items which in my view appears to be appropriate given their lesser status. Given the absence of a policy dealing with Category 2/B items I agree that the policy is appropriate and provides sufficient flexibility in assessing applications.
- The changes to Policy 10.1.5 and the new policy referred to above results in a rewrite of Policy 10.1.6 to cover those items that are not subject to amended Policy 10.5.1 and the new policy in which adverse effects are to be avoided, remedied or mitigated. In my view this policy, is appropriate and provides sufficient flexibility in assessing applications and covers all types of development rather than the less precise term of “modification”. As a consequence the amended Policies 10.1.5 and 6 and the new policy covers all of the Schedules (now 1-3) and Categories (now) A and B in Appendix 13.
- The changes to Policy 10.1.7 are generally consistent with the other suggested changes. Reference to waahi tapu and other similar sites is removed from the policy given that Policy 10.1.8 specifically addresses this issue. Consideration of the relationship of the item with its surroundings

is also included, which is consistent with Policy 10.1.4, and a more specific consideration is made in respect of economic considerations.

90. Generally it appears these amendments meet the concerns of the other submitters. In respect of Transpower (1198.23) given that Policy 10.1.5 is now restricted to demolition, partial demolition etc it appears the submitter's concerns are met in respect of maintenance and upgrading and would be subject of new Policy 10.1.6.
91. In terms of HNZ and the submission that the heritage policies should also be denoted as regional and/or coastal policies (which are signified at the start of the policy as [R] or [C] in the MEP), I consider given that some of the regional rules relate to earthworks which could affect heritage items, and some heritage items may be located below MHWS, reference to these types of plans is considered appropriate when applying a policy (notwithstanding that the matter is introduced as a further submission).

## Recommendation

92. That Policy 10.1.5 is amended as follows:

Policy 10.1.5 – Avoid adverse effects on the historic heritage values ~~from the destruction, demolition, partial demolition or relocation of Category A~~ heritage resources identified in Schedule 1 and from the destruction of sites of significance to Maori identified in Schedule 3 of Appendix 13.

Schedule 1 contains Category A historic buildings and structures (or parts of buildings or structures), places, sites, monuments and plaques. Category A means they are of special or outstanding significance. This is the same meaning as Category 1 historic places in the New Zealand Heritage List / Rarangi Korero. Schedule 3 Sites of Significance to Maori, includes waahi tapu. ~~Heritage resources sourced from the New Zealand Heritage List/Rarangi Korero are assigned either a Category I or Category II status. Heritage resources classified as Category I are nationally significant.~~

Any loss or damage of or significant change to ~~a Category I heritage resource~~ an item contained in Schedule 1 or 3 would result in a significant and potentially irreversible loss of historic heritage that is important in a national context. For this reason, ~~any significant~~ adverse effects on the historic heritage values of resources in Schedule 1 and 3 ~~Category I resources~~ must be avoided. This will see a prohibited activity rule that forbids the ~~loss or~~ destruction, relocation, demolition, or partial demolition of a Category I resource in Schedule 1 and the destruction of a resource in Schedule 3.<sup>9</sup>

93. That the following new policy is added after Policy 10.1.5:

Policy 10.1.X – Avoid adverse effects on historic heritage values from the demolition or partial demolition of Category B heritage resources identified in Schedule 2 of Appendix 13, except where the item is of danger to public safety and repair is not the best practicable option after having regard to the matters in Policy 10.1.7.

Demolition or partial demolition of Category B items should be avoided unless it is a matter of public safety and repairs cannot be achieved having regard to the matters set out in Policy 10.1.7.<sup>10</sup>

94. That Policy 10.1.6 is deleted and replaced by the following:

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<sup>9</sup> HNZ (768.31)

<sup>10</sup> HNZ (768.32)

~~Policy 10.1.6— Where modifications are proposed to Category I heritage resources and other heritage resources, the adverse effects of the modifications on the values of the resources should be avoided, remedied or mitigated.~~

Policy 10.1.6– Except where provided for under Policy 10.1.6 and 10.1.X, avoid, remedy or mitigate adverse effects from the inappropriate use, subdivision or development of land on heritage resources identified in Schedules 1, 2, and 3 of Appendix 13.

This policy applies to modifications of a nature that are not subject to Policies 10.1.5 and 10.1.X. Where modification is proposed to a Category I heritage resource, a resource consent will be required to enable assessment of the effects on the values of the specific resource. There may also be circumstances where there is a need for resource consent in respect of other listed heritage resources. Where this is the case, adverse effects on the historic heritage values are able to be avoided, remedied or mitigated after having regard to the matters in Policy 10.1.7.<sup>11</sup>

95. That Policy 10.1.7 is amended by the following:

Policy 10.1.7 – When assessing resource consent applications in relation to heritage resources included in Schedule 1 and 2 of Appendix 13 have regard to:

...

(b) the effects of demolition, removal, alteration or additions will have on the historic and heritage values of the heritage resource, including the relationship between distinct elements of the heritage resource and its surroundings;

...

(e) the extent to which the work is necessary to ensure structural stability, accessibility, fire egress, sufficient earthquake strengthening, and the extent of the impact of the work on the historical heritage values of the heritage resource;

...

(h) the extent to which any alteration or addition is in keeping with the original design and materials, or otherwise enhances the historical heritage value of the resource;

...

(j) the economic feasibility of all reasonably practicable options to avoid, remedy or mitigate adverse effects options for retaining a heritage resource when its demolition is proposed; and

...

This policy sets out the matters that the Council should have regard to when assessing any resource consent application with adverse effects on the historic heritage values of identified heritage resources to demolish, remove, alter or add to a heritage resource. These matters are designed to ensure that the significance of the heritage resource is recognised and appropriately provided for in the decision making process.<sup>12</sup>

96. That Policy 10.1.8 is amended by the following:

Policy 10.1.8 – When assessing resource consent applications in relation to sites of significance to Maori, including waahi tapu, included in Schedule 3 of Appendix 13, to destroy or modify a registered waahi tapu site or area, or to undertake activities in a place of significance to Marlborough’s tangata whonua iwi, have regard to:

(a) the effects of demolition, removal, alteration or additions on the heritage values of the heritage resource, including effects on the spiritual and cultural values of iwi;

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<sup>11</sup> HNZ (768.33)

<sup>12</sup> HNZ (768.34)

*(b) the position of the relevant iwi;*

*(c) the views of Heritage New Zealand, for heritage resources on the New Zealand Heritage List / Rarangi Korero;*

*~~(d) the effects of the destruction or alteration on the heritage resource or the effects of the proposed activity on the spiritual and cultural values of iwi;~~*

...

*This policy sets out the matters that the Council should consider when assessing any resource consent application with adverse effects on the historic or cultural heritage values of an identified ~~to destroy or modify a~~ waahi tapu site or area, or other area of significance to Marlborough's tangata whenua iwi. These matters are designed to ensure the cultural and spiritual significance of the site or area is recognised and appropriately provided for in the decision making process.<sup>13</sup>*

97. That the following notations are added to the following policies:

*[R]* to Policies 10.1.1-10.1.4 and Policies 10.1.6 and Policy X

*[C]* to Policies 10.1.9-10.1.11 and Policy X<sup>14</sup>

## **Key Matter - Policies 10.1.9 – 10.1.11**

98. Policies 10.1.9 –10.1.11 generally refer to archaeological sites and sites of significance to Iwi.

### Policy 10.1.9

99. Policy 10.1.9 relating to how MDC will regulate archaeological sites under the Heritage New Zealand, Pouhere Taonga Act 2014 is supported by I B Mitchell (364.51) and Federated Farmers (425.175). Te Runanga o Ngati Kuia (501.47) states the Council should provide information to applicants regarding the presence of archaeological sites so a full assessment of effects can be identified. HNZ (768.35) suggest amendments mainly relating to consistency of language. Te Runanga o Kaikoura and Te Runanga o Ngai Tahu (1189.88) imply the policy should be deleted because it could cause confusion.

100. I agree the policy is useful to clarify the MDC's stance in respect of archaeological sites given the confusion that can arise. I note the policy is largely supported by HNZ and their suggested attachment that details information on archaeological sites also satisfies the submission of Te Runanga o Ngati Kuia.

### Policy 10.1.10

101. Policy 10.1.10 relating to liaison with other bodies to develop accidental discovery protocols is supported by I B Mitchell (364.52) and NZTA (1002.40). HNZ (768.37) does not consider a policy is required and notes that such protocols are only used where an archaeological site is not suspected. Federated Farmers (425.174) request words are added in terms of Council meeting costs of archaeological or cultural impact studies for sites that are accidentally disturbed. Te Runanga o Kaikoura and Te Runanga o Ngai Tahu (1189.89) which inadvertently refers to Policy 1.10.11 suggests amendments including an emphasis on working with Marlborough's Tangata Whenua and a reference to resource consents.

102. In my view the policy is useful as it signals that Council will develop a protocol in association with other parties which will be useful as a non –regulatory tool attaching to resource consents. I do not consider the reference to MDC meeting the costs is appropriate as clearly this will fall on any applicant which is

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<sup>13</sup> HNZ (768.35)

<sup>14</sup> HNZ (768.35)

anticipated by the Heritage New Zealand Pouhere Taonga Act 2014. In relation to the submissions from the runanga I agree with the thrust of the submission in that it provides useful additional information.

#### Policy 10.1.11

103. Policy 10.1.11 relating to controlling land use disturbance activities in places of significance to tangata whenua is supported by I B Mitchell (364.53), Te Runanga o Kaikoura and Te Runanga o Ngai Tahu (1189.90 and 93), and NZTA (1002.41). HNZ (768.38) supports the policy but with a reference to a schedule as previously discussed. The policy is opposed by Federated Farmers (425.173) and Marlborough Chamber of Commerce (961.22). Te Runanga o Ngati Kuia (501.48) supports the policy but notes the need for rules to enforce the policy.
104. While the policy repeats elements of previous policies it nevertheless is part of the MEP strategy in respect of significant sites for Iwi. I agree that the addition of the schedule will provide more certainty and as such will also address some of the concerns of Federated Farmers. The addition of the reference to the schedule results in some changes to the explanation.
105. A consequential change is that the following should be added to the existing sub heading of Archaeological Sites, and sites of cultural significance to tangata whenua Iwi to better reflect the content of the policies.

### **Recommendation**

106. That the heading is amended by the following:

Archaeological Sites and sites of cultural significance to tangata whenua Iwi<sup>15</sup>

107. That Policy 10.1.9 is amended by the following:

*Except as set out in Policy 10.1.11, and the Schedule of Archaeological Requirements in Appendix 13 primarily rely on Heritage New Zealand and the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 to regulate archaeological sites within Marlborough*<sup>16</sup>.

108. That Policy 10.1.10 is amended by the following:

*Work with Marlborough's Tangata Whenua Iwi, and in liaison with Heritage New Zealand Pouhere Taonga, and the New Zealand Archaeological Association ~~and Marlborough's tangata whenua iwi~~ to develop and implement an appropriate discovery protocol for archaeological sites which may be included as a condition of consent on relevant planning application decisions, acknowledging that:*

*(a) in some instances, cultural impact assessments and cultural monitors will be required to ensure the appropriate management of values, artefacts and koiwi; and*

*(b) Different approaches to ADP may be preferred by different iwi.*<sup>17</sup>

109. Amend Policy 10.1.11 by the following:

*Policy 10.1.11 – Control land disturbance activities in places of significance to Marlborough's tangata whenua iwi, identified in Schedule 3 of Appendix 13.*<sup>18</sup>

*Policies 10.1.9 and 10.1.10 guide how the Council will assist in the protection of archaeological sites in Marlborough. Policy 10.1.11 enables activities that potentially adversely affect sites identified in Schedule*

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<sup>15</sup> HNZ (768.38)

<sup>16</sup> HNZ (768.35)

<sup>17</sup> Te Runanga o Kaikoura and Te Runanga o Ngai Tahu (1189.89)

<sup>18</sup> HNZ (768.38)

~~3 to be assessed .Māori occupation of Marlborough in the past was extensive and not all sites of spiritual or cultural significance to Marlborough's tangata whenua iwi will be known and/or recorded. It also means that the significance cannot necessarily be attributed to a discrete site. For this reason, the policy applies to "places" of significance. Land disturbance within these places is to be controlled through regional and district rules so that the potential impact of excavation, filling or vegetation removal on the mana of the relevant iwi can be assessed. This will enable iwi to exercise kaitiakitanga through involvement in the resource consent process as affected parties.~~

## Key Matter - Issue 10B (Notable Trees)

### Submissions and Assessment

110. In respect of Issue 10B which relates to the risk of notable trees being or adversely affected Murray Chapman (348.7) submits that the provisions should be amended to recognise that trees have a use by date; that the cost of resource consents for tree maintenance/care should be to be met by the Council; and that financial compensation for loss of land use around notable and or amenity trees should be paid on an annual basis for public good.
111. The submitter should clarify the submission in terms of a "use by date" for trees although such a concept would be difficult to implement given the individual characteristics of trees and the amount of investigation required. There is no provision for financial compensation in Section 85 of the RMA that relates to costs arising from the protection of trees. However I note that 10.M.3 Support on page 19-9 of the MEP refers to MDC waiving resource consent fees.
112. NZTA (1002.42) supports the Issue.

### Recommendation

113. That there is no change to the MEP.

## Key Matter - Objective 10.2 (Notable Trees)

### Submissions and Assessment

114. Objective 10.2 which is to retain and protect trees that make a contribution to Marlborough's character, is supported by NZTA (1002.42): and J and J Hellstrom (688.192) who also support the policies. Federated Farmers (452.172) states that given the provisions of Section 6(f) the objective should be amended as follows:

*Retain and protect trees that make a notable contribution to Marlborough's character. To recognise and where appropriate, protect notable trees from inappropriate subdivision, use and development.*

115. While the explanation to the objective refers to Section 6(f) in terms of heritage value, the explanation also refers to the contribution of such trees to the character and amenity values of an area and refers to Section 7(c) of the RMA. This latter does not refer to "inappropriate "development. Accordingly I do not favour a change to the policy itself as it would be misleading and in my view can be retained as a high level policy. However I agree some amendment to the explanation is appropriate, although Section 6(f) only applies to trees with heritage values. In addition "inappropriate" development will be determined through the resource consent process with Policies 10.2.2 and 10.2.3 providing particular guidance.

### Recommendation

116. That Objective 10.2 is amended by the following:

*Objective 10.2 – Retain and protect trees that make a notable contribution to Marlborough’s character.*

*Trees which have significant heritage value or make a significant contribution to the character and amenity values of an area are to be retained, given the contribution they make to our social and cultural wellbeing. Retaining such notable trees ensures that current and future generations can continue to appreciate and benefit from these trees. This objective also reflects the Council’s obligations under Sections 6(f) which is to protect those trees with historic heritage values from inappropriate subdivision, use and development and 7(c) of the RMA which is to have particular regard to the maintenance and enhancement of amenity values.<sup>19</sup>*

## **Key Matter - Policies 10.2.1-10.2.4 (Notable Trees)**

### **Submissions and Assessment**

#### Policy 10.2.1

117. Policy 10.2.1 which relates to community awareness is supported by IB Mitchell (364.54) which is noted.

#### Policy 10.2.2

118. Policy 10.2.2 sets out the matters to have regard to when considering applications to modify a notable tree. The policy is supported by IB Mitchell (364.55) while NZTA (1002.44) suggests the following addition:

*When considering resource consent applications to remove, trim or prune a notable tree or trees, or undertake activities in close proximity to a notable tree, have regard to:*

...

*(e) whether the proposed activity is related to the maintenance, construction, operation or upgrade of regionally significant infrastructure.*

119. I believe this addition is a reasonable one particularly as the importance of regional infrastructure is discussed in Chapter 3 and also reflects proposed amendments to the rules.

#### Policy 10.2.3

120. Policy 10.2.3, which relates to the circumstances under which it may be appropriate to remove, trim or prune a notable tree, is supported by IB Mitchell (364.56). DOC (479.103) suggests an addition to the policy as follows;

*Consider approving any application to remove, trim or prune a notable tree or trees where:*

...

*(d) the tree is a significant cause of wilding tree spread affecting indigenous biodiversity.*

121. NZTA (1002.45) suggests the following amendment:

*Consider approving any application to remove, trim or prune a notable tree or trees where:*

...

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<sup>19</sup> Federated Farmers (452.172)

*(c) the tree or trees are significantly restricting a particular use of the site that offers greater positive effects in terms of historic heritage or amenity values, or are restricting the ongoing operation of regionally significant infrastructure.*

122. Transpower (1198.24) request an amendment to ensure that the proposed policy recognises the statutory requirement to trim trees that may present a hazard to the National Grid under the Electricity (Hazards from Trees) Regulations 2003.
123. Generally I believe that these amendments are sensible in that they provide more specific guidance in circumstances that could reasonably arise.

#### Policy 10.2.4

124. IB Mitchell (364.57) supports Policy 10.2.4 which relates to encouraging and supporting landowners with notable trees which is noted.

## **Recommendation**

125. That Policy 10.2.2 is amended by the following:

*When considering resource consent applications to remove, trim or prune a notable tree or trees, or undertake activities in close proximity to a notable tree, have regard to:*

...

*(e) whether the proposed activity is related to the maintenance, construction, operation or upgrade of regionally significant infrastructure.*<sup>20</sup>

126. That Policy 10.2.3 is amended by the following:

*“Policy 10.2.3 – Consider approving any application to remove, trim or prune a notable tree or trees where:*

*(a) the tree or trees are dying, diseased or have otherwise lost the essential qualities for which the tree was originally identified;*

*(b) the tree or trees have become, or are likely to become a danger to people or the National Grid; or*<sup>21</sup>

*(c) the tree or trees are significantly restricting a particular use of the site that offers greater positive effects in terms of historic heritage or amenity values. or are restricting the ongoing operation of regionally significant infrastructure.*<sup>22</sup>

*(d) the tree is a significant cause of wilding tree spread affecting indigenous biodiversity.*<sup>23</sup>

## **Key Matter – Methods of Implementation**

### **Submissions and Assessment**

127. Method of Implementation 10.M.1 refers to the identification of Marlborough's significant heritage resources and notable trees. HNZ (768.39) suggests a number of amendments relating to the renaming and renumbering of the schedules that largely reflect their other proposed amendments by way of

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<sup>20</sup> NZTA (1002.44)

<sup>21</sup> Transpower (1198.24)

<sup>22</sup> NZTA (1002.45)

<sup>23</sup> DOC (479.103)



submission and further submission. Given that I agree with a number of the HNZ amendments the change is appropriate as set out below, subject to minor change. The proposed amendments refers to the “confidentiality of sites” and it is assumed that the submitter is referring to the use of “silent files” or similar. I understand that MDC does not have a system of “silent files” and I consider that at this stage the matter is premature for inclusion. I also recommend an amendment is made in respect of a submission from Te Atiawa O Te Waka-a Maui (1186.225) in relation to the incomplete nature of Schedule 3 which is discussed below in Appendix 13 submissions.

128. In relation to 10.M.2 District rules, I agree with HNZ (768.40) which notes that the method should be amended to reflect the final state of the rules. Marlborough Roads (967.70) and NZTA (1002.46) request the reference to “regional rules” is deleted as these types of rules are not relevant to the type of activities the rules provide for. While I agree most relevant rules will be district ones, some of the earthworks rules and coastal rules (below MHWS) and works in the bed of rivers are regional ones which could be invoked during land disturbance and/or modification activities.
129. In respect of 10.M.3 Support, Queen Charlotte Sound Residents Assoc (504.51) is in support provided that updates of heritage resources and notable trees between the plans is allowed. HNZ (768.41) also suggests adding the following methods:
- The Council will support, including financially, the protection and enhancement of heritage resources and notable trees included in the MEP in the following ways:*
- Providing rates rebates for properties with heritage resources:
  - Carrying out public education and promotion regarding the value and benefits of heritage resources:
130. ,I note that Council in the 2015/16 Long Term Plan has a policy of rates remission applying to land protected for natural, historic or cultural conservation purposes and accordingly it is appropriate to include reference to this method.<sup>24</sup> In terms of education I consider it is implied in 10.M.4 but that some amendment to this method is appropriate.
131. A minor amendment to 10.M.4 Liaison relating to the name of the New Zealand Archaeological Association is requested by HNZ (768.42) which is accepted.
132. In respect of 10.M.5 Discovery Protocol, HNZ (768.43) requests some amendments which in my view improves the explanation of the method.
133. In respect of 10.M.6 Information, HNZ (768.44) requests that in addition to archaeological sites Council will provide information relating to areas where there is reasonable cause to suspect the presence of unrecorded archaeological sites. In my view it is difficult for Council to provide this information without expert knowledge and accordingly I do not recommend its inclusion.
134. 10.M.7 Affected Party Status is supported by HNZ (768.45).

## Recommendation

135. That 10.M.1 Identifying Marlborough’s significant heritage resources and notable trees is amended by the following:

*The Council will identify significant heritage resources and notable trees within Appendix 13 of the MEP. Each individual resource or tree will be described in a schedule and included on planning maps.*

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<sup>24</sup> Refer Page 304 <https://www.marlborough.govt.nz/your-council/long-term-and-annual-plans-policies-and-reports/long-term-plan/2015-25-final-long-term-plan/documents-2015-25-long-term-plan>

Resources or trees identified will be those that meet the criteria in Policies 10.1.4 and 10.2.1 and/or those included on the New Zealand Heritage List/Rarangi Korero. Heritage resources and trees will be divided into the following Schedules:

•Schedule 1: Category A Historic Buildings, Structures, Places, Sites and Areas

•Schedule 2: Category B Historic Buildings, Structures, Places, Sites and Areas

•Schedule 3: Sites and places of Significance to Marlborough's Tangata Whenua Iwi

•Schedule 4: Notable Trees

Schedule 3 is not complete and it is likely that further sites within Marlborough will be added by way of plan change.<sup>25</sup>

136. That 10.M.2 District rules is amended by the following:

*District and regional rules will be used to ensure that identified heritage resources and/or notable trees are appropriately protected. The following activities will require resource consent:*

• Major modifications Any relocation, alteration of or addition including partial demolition, demolition and relocation, of and to a scheduled heritage resource and; C construction of a new building within the defined setting of a of a Category I heritage resource; and disturbance of a site of significance to Iwi. Notwithstanding this a A-prohibited activity rule will apply to the partial, demolition or relocation of Category I A heritage resources and less or the destruction of Category I heritage resources of a site of significance to Iwi.<sup>26</sup>

• ~~Any demolition of a Category II heritage resource;~~

• Any removal or significant trimming of a scheduled notable tree;

• Any excavation, laying of overhead or underground services or construction of buildings within close proximity to scheduled notable trees.

*A tree protection zone will be established to provide certainty with respect to the application of district rules seeking to protect notable trees from the adverse effects of activities undertaken in close proximity to them. The zone will take into account that the potential for adverse effects will vary depending on the size and dimensions of the tree.*

*Permitted activity rules will be used to enable responsible maintenance of heritage resources and minor trimming of notable trees.*

~~*Land disturbance in places of significance to Marlborough's tangata whenua iwi will be discretionary activities. This, in conjunction with affected party approval, will allow the adverse effects of the land disturbance on the spiritual and cultural values of the relevant iwi to be assessed.*~~<sup>27</sup>

137. That 10.M.2 District rules is amended by the addition of the following bullet point:

*The Council will support, including financially, the protection and enhancement of heritage resources and notable trees included in the MEP in the following ways:*

...

- Offering rates remission opportunities where heritage resources are voluntarily protected.<sup>28</sup>

<sup>25</sup> Te Atiawa O Te Waka-a Maui (1186.225)

<sup>26</sup> HNZ (768.40)

<sup>27</sup> HNZ (768.40)

<sup>28</sup> HNZ (768.41)

138. That 10.M.4 Liaison is amended by the following:

*The Council will liaise on an ongoing basis with the various agencies and groups involved in the protection of historic heritage in Marlborough to ensure that protection efforts, including education and promotion are co-ordinated. Heritage New Zealand, the Department of Conservation, the New Zealand Archaeological Association, Marlborough's tangata whenua iwi and other heritage organisations are the key agencies and groups in this regard.<sup>29</sup>*

139. That 10.M.5 Discovery Protocol is amended by the following:

*In conjunction with Heritage New Zealand Pouhere Taonga, the New Zealand Archaeological Association and Marlborough's tangata whenua iwi, the Council will develop, maintain and implement a discovery protocol for archaeological sites where an archaeological authority has not been obtained and there is no reason to suspect the presence of any archaeological sites. This will detail the procedures to be followed if any feature, artefact or human remains are discovered or are suspected to have been discovered. Information will be included within the protocol on the rohe of different iwi to enable people to make contact with the relevant iwi. The protocol will assist in ensuring that the relevant provisions of the Heritage New Zealand Pouhere Taonga Act 2014 can then be applied. The protocol will be included in Appendix X containing the Schedule of Archaeological Requirements.<sup>30</sup>*

## **Key Matter - Anticipated Environmental Results and Monitoring Effectiveness**

### **Submissions and Assessment**

140. In respect of 10.AER.1 which relates to the protection and identification of heritage resources making a significant contribution towards Marlborough historic heritage, HNZ (768.45) requests that the extent of the monitoring of effectiveness is increased and more focused. I generally agree with these changes although I note that as demolition of Category 1/A items and the destruction of "Schedule 3" items (as requested by HNZ) is a prohibited activity some amendment is appropriate.

141. In respect of 10.AER.2, which relates to notable trees making a significant contribution towards Marlborough historic heritage and amenity values, Kenepuru and Central Sounds Residents Assoc (869.49) submits that the surveys should be carried out at 7 year intervals, not 10 years and that the wording concerning the ambit of the survey needs to be expanded to make it clear the survey should not only identify the condition of notable trees but also be required to identify any remedial action arising from such survey. In my view some of the requested matters are not anticipated environmental results but rather relate to methods, in which I note 10.M.1 refers to the STEM method to assess trees. In my view an assessment within 10 years of the MEP becoming operative appears reasonable and no change is required to the AER.

### **Recommendation**

142. That Anticipated Environmental result 10.AER.1 is amended as follows:

...

*~~No loss of Category-1 A heritage resources and no destruction of Schedule X heritage resources as measured through the grant of resource consent applications to demolish, partially demolish or relocate Category 1A heritage resources.~~*

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<sup>29</sup> HNZ (768.41 and .42)

<sup>30</sup> HNZ (768.43)

Limited loss, if any of other heritage resources as measured through the grant of resource consent applications to modify such resources.

The instances of archaeological site damage recorded by Heritage New Zealand Pouhere Taonga decrease or are maintained at zero, and the instances of site avoidance increase.<sup>31</sup>

## Key Matter - Rules 2.24 – 2.27 (Heritage Resources)

### Submissions and Assessment

143. A number of amendments are suggested to the rules as follows:

#### Rule 2.24.1

144. HNZ (464.55) request the rule includes a reference to Appendix 13 as this will then exclude archaeological sites (leaving their management to HNZ) and sites of significance to Maori (which is now dealt with under other rules).

145. I support this amendment as it makes the rule more clear and focused and is in accordance with the changes sought for the heritage policies.

#### Rule 2.24.2

146. HNZ (464.56) suggest minor wording changes to make the rule clearer.

147. I generally support this amendment as it makes the rule more clear and focused and is in accordance with the changes sought for the heritage policies.

#### Rule 2.24.3

148. HNZ (464.57) suggest wording changes to make it clear the rule is referring to site in Appendix 13 rather than archaeological sites that are dealt with by HNZ as well as other minor changes.

149. I generally support this amendment as it makes the rule more clear and focused and is in accordance with the changes sought for the heritage policies.

#### Rule 2.25 Standards that apply to specific permitted activities

150. HNZ (464.58) states it is important that any work relating to waahi tapu and other sites of significance to Maori involves consultation with relevant tangata whenua. Accordingly a performance standard should be included requiring any maintenance work to obtain the written approval of relevant tangata whenua as follows:

*2.25.3. Maintenance of a site of significance to Maori identified in Schedule 3 of Appendix 13 meeting the requirements in Rule 2.24.3.*

*2.25.3.1. Maintenance work shall be supported by the written approval of the relevant tangata whenua iwi.<sup>32</sup>*

151. I believe it is debateable whether this standard is required given that tangata whenua are likely to be carrying out the maintenance work or at least consulted about it and consent could be construed as being

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<sup>31</sup> HNZ (768.45)

<sup>32</sup> HNZ (768.58)

delegated to a third party. At this stage I do not believe it warrants inclusion but the Hearings Panel may come to a different conclusion.

#### Rule 2.25.1.6 Repair or maintenance of a Heritage Resource

152. HNZ (464.59) states Rule 2.25.1.6. is more suited to be part of the definitions of repair and maintenance and should be removed and the rule should reference Appendix 13 which will then exclude archaeological sites (leaving their management to HNZ) and sites of significance to Maori (dealt with under other rules).
153. I agree that it is appropriate to reference Appendix 13 but I believe the words relating to repair or maintenance can remain as they provide detail as to what is allowed (and do appear in keeping with the existing definitions of maintenance in the MEP). Accordingly at this stage I do not consider the words should be deleted.

#### Rule 2.25.2

154. HNZ (464.60) requests that some additional standards are proposed to align with those used in performance standards 2.25.1. These standards ensure that the activity does not stray into territory dealt with under different rules (e.g. demolition or partial demolition) and that the wording can also be simplified in how it refers to 2.24.2. Generally I agree with the submission as it improves the clarity of the rule although I consider the suggested provision relating to any increase in area of land as too restrictive particularly given the other provisions in the rule including Rule 2.25.2.2, relating to no change in character, scale and intensity of the heritage resource (it appears this part of the rule was not submitted on).

#### Rule 2.25.2.1

155. IPENZ (274.1) supports the reference to a Chartered Professional Engineer which is noted.

#### Rule 2.26 Discretionary Activities

156. HNZ (464.61) suggest additional activities in respect of land disturbance in Appendix 1 Outstanding Natural Landscapes and Features and subdivision of land identified in the Schedules of the MEP be subject to resource consent as a discretionary activity. The submission is opposed by a number of parties.
157. In my view it is not necessary for land disturbance activities to be subject to an additional rule (which I consider as blunt) as the zone rules in the MEP control land disturbance including those in Appendix 1 sites. If necessary regard can be had to the heritage in any resource consent applications, although it appears to me that items in Appendix 1 primarily relate to landscape attributes.
158. Similarly in respect of subdivision, there are specific subdivision rules in Chapter 24 Subdivision, in which subdivision as a minimum is a controlled activity with Council reserving control over a number of matters (24.3.1.9-24.1.3.26) which are likely to provide protection for heritage resources including use of the site, shape and position of an allotment protection of special features. Development of a subdivision is of course subject to other rules such as land disturbance. In addition, as acknowledged by HNZ the provisions of the HNZPT Act also applies in respect of the disturbance archaeological sites.

#### Rule 2.26.2

159. HNZ (464.62) suggests that it would be beneficial for the sake of clarity that the rule set out some of the other land use activities (such as forestry and network utilities) and needs to also reference activities provided for as restricted discretionary or prohibited activities. The submission also states that the word "involving" in the rule is somewhat vague with "potential adverse effects on" is a better substitute. The submission is opposed by a number of parties.

160. I believe the rule should be amended to reflect the other changes suggested to the chapter but that there is no requirement to specify other activities given that “other activities” are subject to the rules and other provisions in the MEP. The rule in the proposed MEP is a catch all which I generally believe is satisfactory. I consider that the suggested term “potential adverse effects” is also somewhat uncertain and have suggested the term “that relates to” in the rule to provide clarity.

#### Rule 2.27 Prohibited Activities

161. HNZ (464.64) suggests that in Rule 2.27.1 “part demolition” is changed to “partial demolition” and the term “removal” is ambiguous and could be taken to also mean demolition. Accordingly, it is submitted that the term “relocation” should be used. In addition the rule should reference the heritage resources in Appendix 13. I concur with these amendments as they improve the reading of the MEP and are consistent with the submissions on other parts of the chapter.
162. HNZ (464.63) considers that the destruction of a waahi tapu site or other site of significance to Maori should be a prohibited activity given these sites have important cultural and historic heritage values that Council must protect. This amendment is consistent with the suggested policy changes and provides clarity and I therefore consider it appropriate. While the submission is opposed by Federated Farmers in a further submission it generally is not a significant change as “demolition “of waahi tapu sites in the original Schedule 1 was a prohibited activity (and which did not attract any opposing submissions).

#### Other Matters

163. HNZ (768.53 and.54) requests rules that provide for limited signage as a permitted activity and as a restricted discretionary activity. I agree that some specified signage should be permitted given that currently there is no provision for this type of activity and which is of importance for heritage resources for information, interpretative etc purposes. However I do not believe there is a requirement for a restricted activity class. The MEP generally does not have a significant number of restricted activities in order the structure of the plan is simplified and I note that any non-compliance with the signage provisions is still dealt with as a discretionary activity. The matters of suggested discretion by HNZ are extensive in any event.
164. HNZ has also suggested restricted activity status for internal or external alterations that do not meet permitted activity standards. For the reasons suggested above I do not consider this is necessary and again I note the matters of suggested discretion by HNZ are extensive.
165. Chorus NZ Ltd (464.60) and Spark NZ Ltd (1158.52) state that under the structure of Chapter 2, the Heritage Resources rules apply for network utilities and that there is no provision in the existing heritage rules permitting network utility customer connections. It is considered essential that heritage resources are connected to network utility networks, in order to appropriately sustain the use of those resources, but in recognition of the heritage values a controlled activity rule is suggested specifically allowing network utility customer connections. This is supported by HNZ subject to minor amendments and the inclusion of provisions for minor upgrading.
166. In my view the Utilities Rules will still apply but I consider that it is appropriate to have controls in respect of the heritage aspects by way of resource consent as suggested by the submitter. I note that consideration of customer connections will more generally be dealt with in the Utilities topic and accordingly my recommendation is dependent on it being aligned with those recommendations. Accordingly while I support a rule of the nature suggested by the applicant its exact form is dependent on the Utilities deliberations so at this stage I will not make a final recommendation.

## **Recommendation**

167. Add the following to Rule 2.24 Permitted Activities:

2.24.4. Erection of one sign within the site of a Heritage Resource included in Schedule 1,2 or 3 that is not greater than 0.5m<sup>2</sup> and is not flashing or illuminated for the purposes of:

(a) setting out information relating directly to the onsite activities or uses;

(b) aiding traffic or maritime safety or navigation or providing information for public health and safety requirements

(c) interpretative material on the historic heritage values of the place.<sup>33</sup>

168. Amend Rule 2.24.1 as follows:

Repair or maintenance of a Heritage Resource identified in Schedule 1 or 2 of Appendix 13.<sup>34</sup>

169. Amend Rule 2.24.2 to read:

2.24.2. ~~Internal or external safety~~ Alteration of a Heritage Resource identified in Schedule 1 or 2 of Appendix 13, necessary for the purpose of improving structural stability or safety through:

•structural seismic upgrades, core sample drilling, temporary lifting, shifting off foundations or permanent realignment of foundations

•fire protection; and

•provision of access.

~~performance (including earthquake strengthening work), fire safety or physical access.<sup>35</sup>~~

Amend Rule 2.24.3 to read:

Maintenance (~~meaning protective care~~) of an archaeological site a site of significance to Maori identified in Schedule 3 of Appendix 13, where that maintenance includes:

(a) keeping the site in good condition by controlling noxious weeds, cutting grass and light stock grazing;

(b) land disturbance by cultivation or fencing that does not extend beyond the area or depth previously disturbed; or

...<sup>36</sup>

170. That Rule 2.25.1.6 is amended as follows:

2.25.1.6. The repair or maintenance of a Heritage Resource identified in Schedule 1 or 2 of Appendix 13 can include the patching, restoration or minor replacement of materials, elements, components, equipment or fixtures.<sup>37</sup>

171. That Rule 25.25.2 is amended as follows:

~~Internal or external safety a~~ Alteration of a Heritage Resource, necessary for those reasons stated in Rule 2.24.2. the purpose of improving structural performance (including earthquake strengthening work), fire safety or physical access.

....

2.25.2.3. The alteration must not involve the relocation, partial demolition, or full demolition of the Heritage Resource.<sup>38</sup>

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<sup>33</sup> HNZ (768.54)

<sup>34</sup> HNZ (768.55)

<sup>35</sup> HNZ (768.56)

<sup>36</sup> HNZ (768.57)

<sup>37</sup> HNZ (768.59)

<sup>38</sup> HNZ (768.60)

That Rule 2.26.2 is amended as follows:

*2.26.2. Any land use activity ~~involving that relates to~~ a Heritage Resource identified in Schedule 1, 2 or 3 of Appendix 13 not provided for as a Permitted or Prohibited Activity.*

172. That Rule 2.27.1 is amended by the following

*The whole or partial demolition or ~~removal~~ relocation of a Category 4 A Heritage Resource identified in Schedule 1 of Appendix 13.<sup>39</sup>*

173. That the following is added to Rule 2.27:

*2.27.2. The destruction of a site of significance, including waahi tapu, to Maori identified in Schedule 3 of Appendix 13*<sup>40</sup>.

## Key Matter - Rules 2.28 – 2.30 (Notable Trees)

### Submissions and Assessment

#### General

174. Helen Mary Ballinger (351.41) requests rules are added in respect of replacing existing trees within roads; new subdivisions to include provisions for the planting of trees; and pruning or removal of trees in the streets and reserves and other public areas to require resource consent. The submission is opposed by Trustpower Limited and Transpower. The submitter (351.43) also requests a reassessment of the resources the Council has to monitor and manage the rules around Notable Trees and the resource consents related to them as there is concern that there will be a disregard for the rules by developers and contractors, as well as private property owners.
175. The submitter appears to suggest significant regulation in the management of trees much of which in my view is not practicable or necessary. Trees in the road reserve are the responsibility of Council who follow accepted practices in their management. Notwithstanding this there are a large number of trees in the road reserve which are included in the Schedule 4 and subject to resource consent procedures. Council is also unable to impose a blanket rule for all trees in accordance with Section 76(4A) of the RMA. Council has the discretion to request new trees in subdivisions but in my view this should be on a case by case basis. The matter of the availability of Council resources is a political matter outside the RMA process. Accordingly I do not recommend any changes in respect of the submission.
176. J and J Hellstrom (688.193, 194 and .195), Ministry of Education (974.21), NZTA (1002.150. and .151) and Transpower (1198.55, and .56) variously support rules or parts of the rules in respect of Rules 2.28 and 2.29 relating to the trimming and removal of notable trees etc.
177. Various amendments to the rules have been requested as follows:

#### Rule 2.29.1 Standards

178. Chorus NZ Ltd (464.61) and Spark NZ Ltd (1158.3) requests Standard 2.29.1.1(c) is amended as follows:

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<sup>39</sup> HNZ (768.64)

<sup>40</sup> HNZ (768.63)



2.29.1.1. *The trimming or pruning must only be*

*(c) minor clearing of light branches (less than 50mm in diameter) from proximity to existing power and telecommunication lines;*

In my view this is an appropriate amendment given the similarities between power and telecommunication lines in terms of their scale, form and function.

179. NZTA (1002.152) requests Standard 2.29.3.3 is amended as follows:

*2.29.3 Emergency works to a notable tree*

*Where there is an existing or imminent threat to life, property, a utility or a service, or to the safe operation of a road, by a Notable Tree or any part thereof, immediate action can be taken to eliminate or abate the hazard by any safe means.*

In my view this is an appropriate amendment given that a notable tree could affect a road and thereby be a safety hazard.

#### Rule 2.30 Discretionary activities

180. Transpower (1198.57) requests that a new restricted discretionary activity is included as follows;

*2.x Restricted Discretionary Activities*

*Application must be made for a Restricted Discretionary Activity for the following:*

*[D]*

*2.x.1. Trimming, pruning or felling of a Notable Tree associated with the operation, maintenance, upgrade or development of the National Grid that is not provided for as a permitted activity.*

*Matters over which the Council has restricted its discretion:*

*2.x.1.1. Where a Notable Tree is trimmed or pruned, the impact on the health, integrity and values that make the tree significant.*

*2.x.1.2. Impact on landscape, ecological, cultural, heritage and amenity values.*

*2.x.1.3. Whether any replanting is proposed.*

*2.x.1.4 The benefit of the work to the safety and efficiency of the National Grid.”*

181. The submitter is requesting a more specific category for the management of Notable Trees in proximity to the National Grid by proposing a restricted activity status rather than a discretionary activity status under Rule 2.30. While the MEP generally does not have a significant number of restricted activities in order the structure of the plan is simplified, I agree that the amendment appears appropriate given that the National Environment Standards for Electricity Activities (NESTA) states that such activities are restricted discretionary activities (and under Section 43B of the RMA a plan cannot have a more restrictive rule than a NES); it will give effect to the National Policy Statement on Electricity Transmission; and is more specific in terms of assessment matters.

## **Recommendation**

182. That Rule 2.29.1 is amended by the following:

*2.29.1.1. The trimming or pruning must only be*

*(c) minor clearing of light branches (less than 50mm in diameter) from proximity to existing power and telecommunication lines;*<sup>41</sup>

183. That Rule 2.29.3 is amended by the following:

*2.29.3 Emergency works to a notable tree*

*Where there is an existing or imminent threat to life, property, a utility or a service, or to the safe operation of a road, by a Notable Tree or any part thereof, immediate action can be taken to eliminate or abate the hazard by any safe means.*<sup>42</sup>

184. Add the following to Rule to the Notable Tree Rules after Rule 2.29:

*2.x Restricted Discretionary Activities*

*Application must be made for a Restricted Discretionary Activity for the following:*

*[D]*

*2.x.1. Trimming, pruning or felling of a Notable Tree associated with the operation, maintenance, upgrade or development of the National Grid that is not provided for as a permitted activity.*

*Matters over which the Council has restricted its discretion:*

*2.x.1.1. Where a Notable Tree is trimmed or pruned, the impact on the health, integrity and values that make the tree significant.*

*2.x.1.2. Impact on landscape, ecological, cultural, heritage and amenity values.*

*2.x.1.3. Whether any replanting is proposed.*

*2.x.1.4 The benefit of the work to the safety and efficiency of the National Grid.*<sup>43</sup>

## **Key Matter- Definitions**

185. The following submissions are on Definitions in Chapter 25.

186. Federated Farmers (425.400) submits that the definition of “heritage resource” should be limited to those sites and items identified in Appendix 13. The definition reads:

*means any type of historic heritage place or area. It may include a historic building or item, historic site, a place/area of significance to Maori or heritage landscape. The term may be used to refer to both heritage resources listed in the Marlborough Environment Plan and to those registered by Heritage New Zealand.*

187. Federated Farmers is concerned that this definition will capture any type of historic heritage place or area and in doing so have a significant effect on buildings and sites on farms across the District. In a further submission HNZ notes that Section 6(f) of the RMA applies to all historic heritage, and not just that included in the MEP schedule and that through a process such as a resource consent process, an unscheduled site which is found to have historic heritage value in terms of section 6(f) would not have recognition.

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<sup>41</sup> Chorus NZ Ltd (464.61)

<sup>42</sup> NZTA (100.152)

<sup>43</sup> Transpower (1198.57)

188. I agree with HNZ that the definition of “heritage resource” should not be overly restrictive. I note that some of the concerns of Federated Farmers are likely to be met as a number of the policies are now recommended to be qualified by reference to Appendix 13 (eg 10.1.5.and10.1.7) However, a more generic definition is appropriate for provisions such as Objective,10.1 and Policies10.1-10.1.3. I also note the rules only apply to items in Appendix 13. Accordingly I do not recommend any change to the definition.

189. HNZ (768.66) suggests adding the following definitions to the MEP:

***Alteration*** means any changes to the fabric or characteristics of a building involving, but not limited to, the removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally and includes any sign attached to the building. It does not include repair or maintenance.

***Addition*** means an extension, or increase in floor area, number of stories, or height of a building or structure. It includes the construction of new floors, walls, ceilings, and roofs.

***Repair*** means the restoration to good or sound condition of any existing building or structure (or part of any existing building or structure) for the purpose of its maintenance. It includes reconstruction after damage caused by natural hazards.

190. HNZ considers that these definitions would help avoid ambiguity and aid in interpretation of the plan. Given that these terms are used in the rules, I concur that the inclusion of the definitions would provide further clarity, particularly for owners of heritage items. From my assessment the proposed definitions are complementary to the rules relating to alterations, additions and repairs.

191. HNZ also suggests adding the following definition:

***Archaeological site*** has the same meaning as in Section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

192. I concur a specific definition of an archaeological site would be useful as there can be confusion as to what constitutes an archaeological site, particularly as the term is referred to in Policies 10.1.9 and 10.1.10. I also agree for simplicity and consistency the definition should refer to the definition in the HNZPTA. I note Federated Farmers (425.378) also supports the inclusion of the definition of “archaeological site” in the MEP.

193. HNZ also submit that a definition of “a site of significance to Maori” could be inserted after consultation with Iwi (and includes some suggestions). Federated Farmers also suggest consultation with landowners. The submission appears to be a sound one but cannot be taken further until the consultation takes place.

194. NZTA (1002.263) supports the definition of “Tree Protection Zone” which is noted.

## **Recommendation**

195. That the following definitions are added to Chapter 25 Definitions:

***Alteration*** means any changes to the fabric or characteristics of a building involving, but not limited to, the removal and replacement of walls, windows, ceilings, floors or roofs, either internally or externally and includes any sign attached to the building. It does not include repair or maintenance.

***Addition*** means an extension, or increase in floor area, number of stories, or height of a building or structure. It includes the construction of new floors, walls, ceilings, and roofs.

*Archaeological site has the same meaning as in Section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.*

*Repair means the restoration to good or sound condition of any existing building or structure (or part of any existing building or structure) for the purpose of its maintenance. It includes reconstruction after damage caused by natural hazards<sup>44</sup>.*

## Key Matter - Appendix 13 Register of Significant Heritage Resources

### Submissions and Assessment

#### General

196. HNZ (768.71.-73) proposes a number of amendments including:
- Add a new Schedule to Appendix 13 for sites of significance to Maori, including waahi tapu, directly after the existing Schedule 2 and transfer existing Maori sites to this schedule.
  - Replace the terms Category 1 and Category 2 in the schedules with 'Category A' and Category B to avoid confusion between items in the New Zealand Heritage List / Rarangi Korero (the List) and those scheduled in district plans: and delete the term "Locally Significant" in Schedule 2 as this has become redundant.
197. HNZ (768.69) considers that the inclusion of an appendix setting out archaeological requirements in terms of the HNZPT Act would be beneficial with an example attached to their submission (see Attachment 2 of their submission). As discussed on Policy 10.1.9 I consider the inclusion of such an appendix is useful given the confusion that can arise between resource consent and archaeological authority procedures.
198. Te Atiawa O Te Waka-a Maui (1186.224) states that the title of Appendix 13 is inappropriate and either modify the title of the section to reflect that the register is a list of significant buildings, structures and trees; or, create another list identifying sites of significant cultural resources. I agree the title is misleading as it does not refer to Notable Trees and this amendment and other suggested amendments by HNZ should rectify this.
199. Te Atiawa O Te Waka-a Maui (1186.225) requests that the introduction should be amended to identify that the register is not complete and indicate that there are significant resources within Marlborough that are not contained within the register. I agree with this submission but suggest that appropriate wording is added to Methods of Implementation 10.M.1. (refer to amendments to 10.M.1 above).
200. Te Runanga O Ngati Kuia (501.45) requests that Appendix 13 is amended to include reference to any current or future iwi management plans but in my view this is not a good fit with the content of the Schedule. These types of plans are referred to in Chapter 3 Marlborough's tangata whenua Iwi.
201. Te Runanga O Ngati Kuia (501.85) appears to request that Appendix 13 is amended to include sites of significance to Maori but no specific details of sites are submitted.
202. Kenepuru and Central Sounds Residents Association (56.1) and Alastair MacKenzie (531.1) request that the Sounds Soldiers Memorial at Torea Saddle be added to Appendix 13, presumably either Schedule 1 or Schedule 2. This submission is subject of the pending report from Mr John Gray.

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<sup>44</sup> HNZ (768.66)

203. PJ Sim (1299.1) requests that Appendix 13 is amended to include Waikawa West Pt Sec B1 Maori Block site (Property ID is Property Number 527547 Lot 1 DP 4615) at the northern end of Ranui Street given that it is a local landmark containing at least two waahi tapu sites, water spring and urupa and is of importance to Tangata Whenua - Te Atiawa iwi as an area used to grow fruit/vegetables/ berries. This submission is subject of the pending report from Mr John Gray.
204. Federated Farmers (425.774) requests that in respect of all 3 schedules that the owners of all listed buildings in the MEP are individually notified of the new provisions in the Plan, and that no building is included without the owner's written agreement to its inclusion and the rules that the building will be bound by and that any waihi tapu sites and any sites of significance to iwi are identified in the appendix.
205. My understanding is that the owners of new items in the schedules were consulted on individually and I note a more specific provision is now made for iwi sites (Schedule 3).

Schedule 2: Category 2 and Locally Significant Heritage Resources

206. Presbyterian Church Property Trustees –Wairau Presbyterian Parish (1043.1) requests the deletion of Item 73 Omaka Presbyterian Church is deleted from the schedule. This submission is subject of the pending report from Mr John Gray
207. HNZ (768.74) requests the addition of the Wairau Public Hospital Nurses Home (Former) 2 Hospital Road, Blenheim to the Schedule. This submission is subject of the pending report from Mr John Gray.
208. HNZ (768.75-.78) requests that the word “proposed” be added inside parentheses after the Heritage New Zealand List Number for Heritage Resources MEP Reference 61-Kakapo Bay Whaling Station, Heritage Resources MEP Reference 73 Omaka Presbyterian Church, Heritage Resources MEP Reference 74 Sunnymead Farm Cottage and Resources MEP Reference 106 Opaoa Wharf Building -Kakapo Bay.as the items have not been fully processed for inclusion on the HNZ register. HNZ should give an indication of the likely timetable because if the items are included the “proposed” would be required to be deleted (potentially by way of a plan change).

Schedule 3: Notable Trees

209. K and M Daly (432.4) support the retention of Item 2 hinau tree.
210. A Bissel and P Rattray (516.1) appears to request that four significant trees at Lower Wairau Cemetery - corner of SH 63 and Waihopai Valley are added to the schedule. The attached report from Cadwallader Tree Consultancy recommends that the tree is included as it meets the minimum score under the STEM system.
211. Waihopai/Avon Residents Association (517.1) requests that the 3 km lengthy of Eucalyptus saligna, along the Waihopai Valley Road is added to the schedule. The attached report from Cadwallader Tree Consultancy recommends thatthe tree is included as it meets the minimum score under the STEM system.
212. Kenepuru and Central Sounds Residents Association Incorporated (869.48) requests that the 90 year old plus grove of 4 historic Norfolk Pines in the Portage public carpark are added to the schedule. The attached report from Cadwallader Tree Consultancy recommends that the tree is included as it meets the minimum score under the STEM system.
213. Rarangi Residents Association (1089.33) requests that the eucalyptus tree at Blue Gum Corner (where Rarangi Road turns into Rarangi Beach Road) is added to the schedule. The attached report from

Cadwallader Tree Consultancy recommends that the tree is included as it meets the minimum score under the STEM system.

214. The Cadwallader Tree Consultancy report is attached as **Appendix 3**.
215. I note that the trees which are the subject of Waihopai/Avon Residents Association (517.1) and A Bissel and P Rattray (516.1) submissions are located on private land and the landowners have been offered an opportunity to comment on their inclusion. At the time of writing this report no response had been received. The other trees are located on Council managed land and I understand there is no opposition to their inclusion.
216. Given the Cadwallader Tree Consultancy report and on the assumption that landowners are in agreement I recommend the trees referred to above are included in Schedule 3.

## Recommendation

217. Amend the following heading and provisions in Appendix 13:

*Register of Significant Heritage Resources and Notable Trees*

*The Register contains the following Schedules:*

*Schedule 1: Category A Heritage Resources*

*Schedule 2: Category B Heritage Resources*

*Schedule 3: Sites and places of Significance to Marlborough's Tangata Whenua Iwi*

*Schedule 4: Notable Trees*

*Schedule 5: HNZTPA Archaeological Site Requirements<sup>45</sup>*

*Those features ...*

218. Amend the following headings in Appendix 13:

*Schedule 1: Category ~~4A~~ Heritage Resources*

*Schedule 2: Category ~~#B~~ and ~~Locally Significant~~ Heritage Resources*

*Schedule 3: Sites and places of Significance to Marlborough's Tangata Whenua Iwi*

*Schedule ~~3~~ 4: Notable Trees*

219. Move the following items from Schedule 1 to Schedule 3:

Reference	HNZ List No. (if applicable)	Heritage Resource	Address	Value applies to
6	Waahi Tapu 7364	Pa site, burial site, battle site	Moioio Island, Tory Channel	Island
9	Waahi Tapu 7737	Brothers Island	The Brothers / Nga Whatu, Cook Strait	Island

<sup>45</sup> Te Atiawa O Te Waka-a Maui (1186.224)

220. Move the following items from Schedule 2 to Schedule 3:

Reference	HNZ List No. (if applicable)	Heritage Resource	Address	Value applies to
1 – 4	7755	Argillite quarries	Oparapara (Samson Bay), Croisilles - French Pass Road, Croisilles Harbour	Representative samples of quarry sites from which metasomatised argillite for tool manufacture was obtained
49	7333 Waahi tapu Area	Urupā and archaeological remains of the original Māori occupiers, and later Māori and European whaling families.	Te Awaiti Bay, Arapawa Island, Tory Channel	
50		William Keenan the Elder whānau urupā	Te Awaiti Bay, Arapawa Island, Tory Channel	
131	5979 9561	Moa hunter site Wairau Bar / Te Pokohiwi <sup>46</sup>	19 hectare gravel bar where Wairau River meets sea at Cloudy Bay.	

221. Add the following trees to Schedule 4: Notable Trees:

*Four significant trees at Lower Wairau Cemetery - corner of SH 63 and Waihopai Valley<sup>47</sup>.*

*Three km lengthy of Eucalyptus saligna along the Waihopai Valley Road<sup>48</sup>.*

*Grove of 4 historic Norfolk Pines in the Portage public carpark<sup>49</sup>.*

*Eucalyptus tree at Blue Gum Corner (where Rarangi Road turns into Rarangi Beach Road)<sup>50</sup>.*

Add the following to Appendix 5

Schedule 5: HNZTPA Archaeological Site Requirements

Add in Attachment 2 from HNZ submission<sup>51</sup>

<sup>46</sup> HNZ (768.71-.73)

<sup>47</sup> A Bissel and P Rattray (516.1)

<sup>48</sup> Waihopai/Avon Residents Association (517.1)

<sup>49</sup> Kenepuru and Central Sounds Residents Association Incorporated (869.48)

<sup>50</sup> Rarangi Residents Association (1089.33)

<sup>51</sup> HNZ ((768.69)

## **Key Matter – Planning Maps**

### **Submissions and Assessment**

222. Te Atiawa o Te Waka-a-Maui (1186.228 and 1186.230) has sought Map 37 at Picton to be amended to include the original pa site of Te Atiawa and Map 41 at Waikawa be amended to include a significant waka launching site and access for Te Atiawa. At this stage the submission lacks specificity on location, spatial extent and values and these matters should be clarified by the submitter prior to potential inclusion in the MEP.

### **Recommendation**

223. That there is no change to the MEP.



## Appendix 1: Recommended decisions on decisions requested

Submission Number	Submission point	Submitter	Volume	Chapter	Provision	Recommendation
<b>General</b>						
218	11	Salvador Delgado Oro Laprida	Volume 1	10 Heritage Resources and Notable Trees	10.	Reject
348	8	Murray Chapman	Volume 1	10 Heritage Resources and Notable Trees	10.	Reject
348	9	Murray Chapman	Volume 1	10 Heritage Resources and Notable Trees	10.	Reject
351	42	Helen Mary Ballinger	Volume 1	10 Heritage Resources and Notable Trees	10.	Accept in part
501	42	Te Runanga O Ngati Kuia	Volume 1	10 Heritage Resources and Notable Trees	10.	Reject
688	191	Judy and John Hellstrom	Volume 1	10 Heritage Resources and Notable Trees	10.	Reject
715	211	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Volume 1	10 Heritage Resources and Notable Trees	10.	Reject

768	24	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	10.	Reject
869	47	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	10 Heritage Resources and Notable Trees	10.	Reject
961	21	Marlborough Chamber of Commerce	Volume 1	10 Heritage Resources and Notable Trees	10.	Reject
1186	26	Te Atiawa o Te Waka-a-Maui	Volume 1	10 Heritage Resources and Notable Trees	10.	Reject
1186	59	Te Atiawa o Te Waka-a-Maui	Volume 1	10 Heritage Resources and Notable Trees	10.	Reject
1189	91	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	10 Heritage Resources and Notable Trees	10.	Reject
1189	92	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	10 Heritage Resources and Notable Trees	10.	Reject
1023	17	P Rene	Volume 1	10 Heritage Resources and Notable Trees	10.	Reject

768	1	Heritage New Zealand Pouhere Taonga	Volume 1	All		Accept
768	2	Heritage New Zealand Pouhere Taonga	Volume 1	All		Accept
768	3	Heritage New Zealand Pouhere Taonga	Volume 1	All		Accept
768	4	Heritage New Zealand Pouhere Taonga	Volume 1	All		Accept
<b>Issue 10A</b>						
348	10	Murray Chapman	Volume 1	10 Heritage Resources and Notable Trees	Issue 10A	Reject
768	25	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Issue 10A	Accept
348	10	Murray Chapman	Volume 1	10 Heritage Resources and Notable Trees	Issue 10A	Reject
768	25	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Issue 10A	Accept
1002	39	New Zealand Transport Agency	Volume 1	10 Heritage Resources and Notable Trees	Issue 10A	Accept
<b>Objective 10.1</b>						

425	170	Federated Farmers of New Zealand	Volume 1	10 Heritage Resources and Notable Trees	Objective 10.1	Accept in part
425	182	Federated Farmers of New Zealand	Volume 1	10 Heritage Resources and Notable Trees	Objective 10.1	Accept in part
768	26	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Objective 10.1	Accept
768	32	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Objective 10.1	Accept
1186	54	Te Atiawa o Te Waka-a-Maui	Volume 1	10 Heritage Resources and Notable Trees	Objective 10.1	Reject
<b>Policies 10.1.1 – 10.1.4</b>						
364	43	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.1	Accept
425	184	Federated Farmers of New Zealand	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.1	Accept
479	102	Department of Conservation	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.1	Accept

768	27	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.1	Accept
1186	55	Te Atiawa o Te Waka-a-Maui	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.1	Reject
1189	87	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.1	Accept
364	44	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.2	Accept
425	183	Federated Farmers of New Zealand	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.2	Accept in part
768	28	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.2	Accept
1186	56	Te Atiawa o Te Waka-a-Maui	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.2	Accept
364	45	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.3	Accept

425	181	Federated Farmers of New Zealand	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.3	Reject
501	43	Te Runanga O Ngati Kuia	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.3	Accept
768	29	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.3	Reject
869	39	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.3	Accept
961	23	Marlborough Chamber of Commerce	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.3	Accept
1187	4	Te Runanga a Rangitane o Wairau	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.3	Reject
364	46	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.4	Accept
425	180	Federated Farmers of New Zealand	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.4	Accept

501	44	Te Runanga O Ngati Kuia	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.4	Accept
768	30	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.4	Accept
<b>Policies 10.1.5 – 10.1.8</b>						
364	47	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.5	Accept
425	179	Federated Farmers of New Zealand	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.5	Reject
768	31	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.5	Accept
1198	23	Transpower New Zealand Limited	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.5	Accept
364	48	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.6	Accept
425	178	Federated Farmers of New Zealand	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.6	Accept in part

768	33	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.6	Accept
364	49	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.7	Accept
425	177	Federated Farmers of New Zealand	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.7	Reject
768	34	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.7	Accept
873	29	KiwiRail Holdings Limited	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.7	Accept
1186	57	Te Atiawa o Te Waka-a-Maui	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.7	Accept in part
364	50	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.8	Accept
425	176	Federated Farmers of New Zealand	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.8	Reject



501	46	Te Runanga O Ngati Kuia	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.8	Accept
768	35	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.8	Accept
1186	58	Te Atiawa o Te Waka-a-Maui	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.8	Accept
<b>Policies 10.1.9 – 10.1.11</b>						
364	51	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.9	Accept
425	175	Federated Farmers of New Zealand	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.9	Accept
501	47	Te Runanga O Ngati Kuia	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.9	Reject
768	36	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.9	Reject
1189	88	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.9	Reject

364	52	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.10	Accept
425	174	Federated Farmers of New Zealand	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.10	Reject
768	37	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.10	Reject
1002	40	New Zealand Transport Agency	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.10	Accept
364	53	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.11	Accept
425	173	Federated Farmers of New Zealand	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.11	Reject
501	48	Te Runanga O Ngati Kuia	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.11	Accept
768	38	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.11	Accept

961	22	Marlborough Chamber of Commerce	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.11	Reject
1002	41	New Zealand Transport Agency	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.11	Accept
1189	89	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.11	Accept
1189	90	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.11	Accept
1189	93	Te Runanga o Kaikoura and Te Runanga o Ngai Tahu	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.1.11	Accept
<b>Issue 10B</b>						
348	7	Murray Chapman	Volume 1	10 Heritage Resources and Notable Trees	Issue 10B	Reject
1002	42	New Zealand Transport Agency	Volume 1	10 Heritage Resources and Notable Trees	Issue 10B	Accept
<b>Objective 10.2</b>						
425	172	Federated Farmers of New Zealand	Volume 1	10 Heritage Resources and Notable Trees	Objective 10.2	Accept in part

688	192	Judy and John Hellstrom	Volume 1	10 Heritage Resources and Notable Trees	Objective 10.2	Accept
1002	43	New Zealand Transport Agency	Volume 1	10 Heritage Resources and Notable Trees	Objective 10.2	Accept
<b>Policies 10.2.1 – 10.2.4</b>						
364	54	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.2.1	Accept
364	55	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.2.2	Accept
1002	44	New Zealand Transport Agency	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.2.2	Accept
364	56	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.2.3	Accept
479	103	Department of Conservation	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.2.3	Accept
1002	45	New Zealand Transport Agency	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.2.3	Accept

1198	24	Transpower New Zealand Limited	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.2.3	Accept
364	57	Ian Balfour Mitchell	Volume 1	10 Heritage Resources and Notable Trees	Policy 10.2.4	Accept
<b>Methods of Implementation</b>						
768	39	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	10.M.1	Accept
768	40	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	10.M.2	Accept
967	7	Marlborough Roads	Volume 1	10 Heritage Resources and Notable Trees	10.M.2	Reject
1002	46	New Zealand Transport Agency	Volume 1	10 Heritage Resources and Notable Trees	10.M.2	Reject
504	51	Queen Charlotte Sound Residents Association	Volume 1	10 Heritage Resources and Notable Trees	10.M.3	Accept
768	41	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	10.M.3	Accept

768	42	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	10.M.4	Accept
768	43	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	10.M.5	Accept
768	44	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	10.M.6	Reject
768	45	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	10.M.7	Accept
<b>Anticipated Environmental Results and Monitoring Effectiveness</b>						
768	46	Heritage New Zealand Pouhere Taonga	Volume 1	10 Heritage Resources and Notable Trees	10.AER.1	
869	49	Kenepuru and Central Sounds Residents Association Incorporated	Volume 1	10 Heritage Resources and Notable Trees	10.AER.2	
<b>Rules 2.24 – 2.27</b>						
768	53	Heritage New Zealand Pouhere Taonga	Volume 2	2 General Rules	2.	Reject
464	60	Chorus New Zealand limited	Volume 2	2 General Rules	2.24.	Deferred
768	54	Heritage New Zealand Pouhere Taonga	Volume 2	2 General Rules	2.24.	Reject

1158	52	Spark New Zealand Trading Limited	Volume 2	2 General Rules	2.24.	Deferred
768	55	Heritage New Zealand Pouhere Taonga	Volume 2	2 General Rules	2.24.1.	Accept
768	56	Heritage New Zealand Pouhere Taonga	Volume 2	2 General Rules	2.24.2.	Accept
768	57	Heritage New Zealand Pouhere Taonga	Volume 2	2 General Rules	2.24.3.	Accept
768	58	Heritage New Zealand Pouhere Taonga	Volume 2	2 General Rules	2.25.	Reject
768	59	Heritage New Zealand Pouhere Taonga	Volume 2	2 General Rules	2.25.1.	Accept in part
768	60	Heritage New Zealand Pouhere Taonga	Volume 2	2 General Rules	2.25.2.	Accept in part
274	1	Institution of Professional Engineers New Zealand (IPENZ)	Volume 2	2 General Rules	2.25.2.1.	Accept
768	61	Heritage New Zealand Pouhere Taonga	Volume 2	2 General Rules	2.26.	Reject
768	62	Heritage New Zealand Pouhere Taonga	Volume 2	2 General Rules	2.26.2.	Accept in part
768	63	Heritage New Zealand Pouhere Taonga	Volume 2	2 General Rules	2.27.	Accept

768	64	Heritage New Zealand Pouhere Taonga	Volume 2	2 General Rules	2.27.1.	Accept
<b>Rules 2.28 – 2.30</b>						
351	41	Helen Mary Ballinger	Volume 2	2 General Rules	2.28.	Reject
351	43	Helen Mary Ballinger	Volume 2	2 General Rules	2.28.	Reject
688	193	Judy and John Hellstrom	Volume 2	2 General Rules	2.28.	Accept
974	21	Ministry of Education	Volume 2	2 General Rules	2.28.1.	Accept
1002	150	New Zealand Transport Agency	Volume 2	2 General Rules	2.28.2.	Accept
1002	151	New Zealand Transport Agency	Volume 2	2 General Rules	2.28.3.	Accept
1198	55	Transpower New Zealand Limited	Volume 2	2 General Rules	2.29.	Accept
688	194	Judy and John Hellstrom	Volume 2	2 General Rules	2.29.1.1.	Accept
464	61	Chorus New Zealand limited	Volume 2	2 General Rules	2.29.1.1.	Accept
1158	53	Spark New Zealand Trading Limited	Volume 2	2 General Rules	2.29.2.	Accept
688	195	Judy and John Hellstrom	Volume 2	2 General Rules	2.29.3.	Accept
1198	56	Transpower New Zealand Limited	Volume 2	2 General Rules	2.29.3.	Accept
1002	152	New Zealand Transport Agency	Volume 2	2 General Rules	2.29.3.3	Accept
1198	57	Transpower New Zealand Limited	Volume 2	2 General Rules	2.30.2.	Accept
<b>Definitions</b>						



425	400	Federated Farmers of New Zealand	Volume 2	25 Definitions	"Heritage Resource"	Reject
768	66	Heritage New Zealand Pouhere Taonga	Volume 2	25 Definitions	"Alteration" "Addition" "Repair" "Archaeological Site"	Accept
425	378	Federated Farmers of New Zealand	Volume 2	25 Definitions	"Archaeological Site"	Accept
1002	263	New Zealand Transport Agency	Volume 2	25 Definitions	"Tree Protection Zone"	Accept
<b>Appendix 13</b>						
56	1	Kenepuru and Central Sounds Residents' Association	Volume 3	Appendix 13 Register of Significant Heritage Resources		TBC
425	774	Federated Farmers of New Zealand	Volume 3	Appendix 13 Register of Significant Heritage Resources		Reject
432	4	Kevin and Mary Daly	Volume 3	Appendix 13 Register of Significant Heritage Resources		Accept
501	45	Te Runanga O Ngati Kuia	Volume 3	Appendix 13 Register of Significant Heritage Resources		Reject
501	85	Te Runanga O Ngati Kuia	Volume 3	Appendix 13 Register of Significant Heritage Resources		Reject

516	1	Bissell, Adele Rattray, Patrick and	Volume 3	Appendix 13 Register of Significant Heritage Resources		Accept
517	1	Waihopai/Avon Residents Association	Volume 3	Appendix 13 Register of Significant Heritage Resources		Accept
531	1	Alastair MacKenzie	Volume 3	Appendix 13 Register of Significant Heritage Resources		TBC
768	71	Heritage New Zealand Pouhere Taonga	Volume 3	Appendix 13 Register of Significant Heritage Resources		Accept
869	48	Kenepuru and Central Sounds Residents Association Incorporated	Volume 3	Appendix 13 Register of Significant Heritage Resources		Accept
1043	1	Presbyterian Church Property Trustees - Wairau Presbyterian Parish	Volume 3	Appendix 13 Register of Significant Heritage Resources		TBC
1089	33	Rarangi District Residents Association	Volume 3	Appendix 13 Register of Significant Heritage Resources		Accept
1186	224	Te Atiawa o Te Waka-a-Maui	Volume 3	Appendix 13 Register of Significant Heritage Resources		Accept

1186	225	Te Atiawa o Te Waka-a-Maui	Volume 3	Appendix 13 Register of Significant Heritage Resources		Accept
1299	1	Philip James Sim	Volume 3	Appendix 13 Register of Significant Heritage Resources		TBC
768	69	Heritage New Zealand Pouhere Taonga	Volume 3	Appendix 13 Register of Significant Heritage Resources		Accept
768	72	Heritage New Zealand Pouhere Taonga	Volume 3	Appendix 13 Register of Significant Heritage Resources		Accept
768	73	Heritage New Zealand Pouhere Taonga	Volume 3	Appendix 13 Register of Significant Heritage Resources		Accept
<b>Planning Maps</b>						
1186	228	Te Atiawa o Te Waka-a-Maui	Volume 4	Zoning Map 37		Reject
1186	230	Te Atiawa o Te Waka-a-Maui	Volume 4	Zoning Map 41		Reject

**Appendix 2 – Report of John Gray**

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## **ASSESSMENT OF SUBMITTED TREES FOR THE SCHEDULE OF NOTABLE TREES**

*FOR*

**MARLBOROUGH DISTRICT COUNCIL**

*Prepared by*

**Brad Cadwallader** Dip.A.Hort NZ.Cert.Hort (Arb) Cert.Den FRIH

25 January 2018

## 1. Introduction

- 1.1 I have been requested by Marlborough District Council to carry out assessments of trees submitted for inclusion on the schedule of notable trees for the proposed Marlborough Environmental Plan (MEP).
- 1.2 A total of five individual trees and two groups of trees where the subject of four submissions to the MEP. These trees are shown on the following table;

Submission No.	Location	Tree/s
#432	West Bay, Lochmara	1 x Hinau
#516	30 Waihopai Valley Rd	1 x Atlas cedar & 2 x Giant sequoia
#517	Waihopai Valley Rd	3.3km Row of Eucalyptus
#869	Portage	Group of 4 Norfolk Island pines
#1089	Rarangi	1 x Tasmanian blue gum

- 1.3 Each site was visited and the trees assessed on the 16<sup>th</sup> January 2018.
- 1.4 My professional qualifications and experience are shown in Appendix II

## 2. Evaluation Process

- 2.1 The trees were assessed against the Plan criteria contained in Policy 10.2.1 as detailed below;

*Policy 10.2.1 - Increase the community's awareness of the contribution that trees make to historic heritage and/or amenity values by identifying trees that meet any of the following criteria for significance in the Marlborough Environment Plan:*

- (a) *any tree commemorating an important local event in Marlborough's history, settlement and development;*
- (b) *any tree regarded as an important landmark and acknowledged as such for a significant period of time;*
- (c) *any tree that has historic association with a well-known public figure or has had strong public association for some reason;*
- (d) *any rare or important species;*
- (e) *any tree that accumulates a score greater than 150 points when using the Standard Tree Evaluation Method assessment system for amenity trees; and a stand of trees conforming to any of the above.*

2.2 In the latter criteria (e) the Standard Tree Evaluation Method (STEM) requires an assessment of each tree or group against the criteria listed in three categories:

- Condition Evaluation
- Amenity Evaluation
- Notable Evaluation

2.3 A STEM assessment for each tree or group is provided in Appendix 1.

### 3. Summary of Assessments

#### 3.1 Submission 432, Hinau (*Elaeocarpus dentatus*), West Bay - Lochmara Bay

This substantial tree is located at the head of West Bay at the edge of the foreshore reserve. An identification plaque attached to the tree states that the tree is 500 years old. The submitter states that the tree is an 'iconic asset to the bay'. A STEM score of 153 points has been assessed for this tree.

#### 3.2 Submission 516, 3 Trees - Upper Wairau Valley Cemetery

##### i) Blue Atlas cedar (*Cedrus atlantica 'Glauca'*)

This fine specimen is located prominently front and centre of the cemetery. The submitter offers that the tree was planted as a marker for the Dillon family graves. A STEM score of 162 points has been assessed for this tree.

##### ii) Giant sequoia A (*Sequoiadendron giganteum*)

A substantial tree located prominently on the frontage of the cemetery and southern end of a row of mixed species. No history of planting has been supplied. A STEM score of 153 points has been assessed for this tree.

##### iii) Giant sequoia B (*Sequoiadendron giganteum*)

A highly visible tree that marks the junction of Waihopai Valley Road and State Highway 63. No history of planting has been supplied. Clearly a strong reference point in the landscape (landmark). A STEM score of 186 points has been assessed for this tree.

#### 3.3 Submission 517, Row of Manna gum (*Eucalyptus viminalis*) Waihopai Valley Rd

This 3.3km row of 466 trees (by my count) originally planted in the 1880's by Philip Lee Dillon is stated as being the longest known single planting of Eucalyptus in New Zealand. I am not aware of any other planting that would challenge this. 1km of the trees at the southern end is protected by a QE II 'Life of Trees' covenant. Being present for nearly 140 years the trees are most certainly an important part of the heritage and character of the area. A STEM score of 231 points has been assessed for the entire group of trees.

#### 3.4 Submission 869, 4 Norfolk Island pine (*Araucaria heterophylla*), Portage

The trees are referred to as historical in the submission but other than an age of 90 plus years no history has been supplied. Collectively the trees provide considerable amenity to the carpark a strip of reserve. A STEM score of 153 points has been assessed for the group of 4 trees.



**3.5 Submission 1089, Tasmanian blue gum (Eucalyptus globulus subsp. globulus), Rarangi**

Located at a bend in the road and locally referred to by the submitter as 'Blue Gum Corner'. By inference the tree is considered to be a reference point in the landscape and therefore a landmark. Early aerial images supports that it has been there for some time. The tree has sustained damage at the base but shows a good wound-wood response and the tree is healthy. A STEM score of 129 points has been assessed for this tree.

#### **4. Conclusion**

**4.1 Submission 432, Hinau (Elaeocarpus dentatus), West Bay - Lochmara Bay**

Based on the age of the tree, recognition of the it as a landmark feature of West Bay and the STEM score of 153 I consider the tree meets the criteria set out in Policy 10.2.1 (b) and (e).

**4.2 Submission 516, 3 Trees - Upper Wairau Valley Cemetery**

**i) Blue Atlas cedar**

Based on the association of the tree to an early settler family and it achieving a STEM score of 162 I consider that it meets the criteria set out in Policy 10.2.1 (a) and (e).

**ii) Giant sequoia A**

Based on the STEM score of 153 I consider the tree meets the criteria set out in Policy 10.2.1 (e).

**iii) Giant sequoia B**

Based on recognition of the tree as being a local landmark feature and achieving a STEM score of 186 I consider that it meets the criteria set out in Policy 10.2.1 (b) and (e).

**4.3 Submission 517, Row of Manna gum, Waihopai Valley Rd**

Based on the age of the trees, association with an early settler family, recognition of the group as a landmark feature of Waihopai Valley, including their national prominence, and achieving a STEM score of 231 I consider the group of trees meets the criteria set out in Policy 10.2.1 (b), (c) and (e).

**4.4 Submission 869, 4 Norfolk Island pines, Portage**

Based on recognition of the group of trees as being a local landmark feature and achieving a combined STEM score of 153 I consider they meet the criteria set out in Policy 10.2.1 (b) and (e).

**4.5 Submission 1089, Tasmanian blue gum, Rarangi**

Based on recognition of the tree as being a local landmark feature I consider it meets the criteria set out in Policy 10.2.1 (b).

Brad Cadwallader Dip.A.Hort. Cert.Den. NCH L4 (Arb). FRIH  
Tree Consultant

25 January 2018

**APPENDIX I**  
**STEM EVALUATIONS**

**MARLBOROUGH DISTRICT COUNCIL**  
**Standard Tree Evaluation Method (STEM) Assessment Sheet**  
**SUBMISSION 432**

Address	Foreshore Reserve, West Bay, Lochmara		
Tree name	<i>Elaeocarpus dentatus</i> (hinau)		
Location of the tree on the site	At the head of the bay on the edge of the foreshore reserve		
Legal address	Unknown		
Lat / Long (NZTM)	1683192 /5436362		
Date of STEM Assessment	16.01.2018	Assessed by	Brad Cadwallader

**Tree Dimensions**

Height:	14 m (Nikon Forestry 550)	Girth:	293 cm @ 1.4m	Spread:	18 x 16 m
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**Condition (Health) Evaluation**

Points	3	9	15	21	27	Score
Form	Poor	Moderate	Good	Very Good	Specimen	21
Occurrence	Predominant	Common	Infrequent	Rare	Very Rare	9
Vigour & Vitality	Poor	Some	Good	Very Good	Excellent	15
Function	Minor	Useful	Important	Significant	Major	21
Age (years)	10+	20+	40+	80+	100+	27
<b>Condition Subtotal</b>						<b>93</b>

**Amenity (Community Benefit) Evaluation**

Points	3	9	15	21	27	Score
Stature (m)	3-8m	9 - 14m	15 - 20m	21 - 26m	27+	15
Visibility (km)	0.5	1.0	2.0	4.0	8.0	3
Proximity	Forest	Parkland	Group of 10+	Group of 3+	Solitary	3
Role	Minor	Moderate	Important	Significant	Major	15
Climate	Minor	Moderate	Important	Significant	Major	15
<b>Amenity Subtotal</b>						<b>51</b>

**Notable Evaluation**

Recognition Points	3	9	15	21	27	Score
Stature						
Feature	Local	District	Regional	National	International	3
Form	Local	District	Regional	National	International	
Historic						
Age 100+	Local	District	Regional	National	International	3
Association	Local	District	Regional	National	International	
Commemoration	Local	District	Regional	National	International	
Remnant	Local	District	Regional	National	International	3
Relict	Local	District	Regional	National	International	
Scientific						
Source	Local	District	Regional	National	International	
Rarity	Local	District	Regional	National	International	
Endangered	Local	District	Regional	National	International	
<b>Notable Subtotal</b>						<b>9</b>

**Total Evaluation Points 153**

## EVALUATION NOTES

Condition (Health) Evaluation Notes	
Form	An open grown broad-spreading tree. A fine clear single stem.
Occurrence	Commonly occurring in the Sounds
Vigour & Vitality	Some die-back but has good strong regenerating internal growth
Function	A good source of seed and well visited by bellbirds at the time of visit
Age (years)	The formal plaque states the tree is 500 years old. The size of the tree is consistent with this

Amenity (Community Benefit) Evaluation Notes	
Stature (m)	Scored based on the broad canopy spread of 18m
Visibility (km)	Only visible within close proximity
Proximity	The surrounding hills are bush-clad
Role	The only large tree on the foreshore. A reminder of pre-settlement tree cover
Climate	Providing welcome shade at the water's edge.

Notable Evaluation Notes	
Stature	
Feature	Well identified as a n 'iconic asset' to the bay by residents, has an information plaque
Form	
Historic	
Age 100+	Clearly of great age
Association	
Commemoration	
Remnant	A survivor from pre-settlement days
Relict	
Scientific	
Source	
Rarity	
Endangered	

### Further Notes / Recommendations:

A metal band is present to protect from possum. Huge crop of fruit was present at time of visit

IMAGES



Image 1: A substantial tree located on the edge of the foreshore reserve



Image 2: The tree as seen when entering the bay

MARLBOROUGH DISTRICT COUNCIL  
Standard Tree Evaluation Method (STEM) Assessment Sheet  
**SUBMISSION 516**

Address	Upper Wairau Valley Cemetery, 30 Waihopai Valley Road.		
Tree name	<i>Cedrus atlantica</i> (Atlas cedar)		
Location of the tree on the site	Near the front boundary with the road		
Legal address	SECTION 20 BLK XVI ONAMALUTU SD- UPPER WAIRAU CEMETERY		
Lat / Long (NZTM)	1666525 / 5403544		
Date of STEM Assessment	16.01.2018	Assessed by	Brad Cadwallader

Tree Dimensions

Height:	17 m (Nikon Forestry 550)	Girth:	398 cm @ 1.4m	Spread:	24 x 19 m
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Condition (Health) Evaluation

Points	3	9	15	21	27	Score
Form	Poor	Moderate	Good	Very Good	Specimen	27
Occurrence	Predominant	Common	Infrequent	Rare	Very Rare	15
Vigour & Vitality	Poor	Some	Good	Very Good	Excellent	27
Function	Minor	Useful	Important	Significant	Major	9
Age (years)	10+	20+	40+	80+	100+	21
Condition Subtotal						99

Amenity (Community Benefit) Evaluation

Points	3	9	15	21	27	Score
Stature (m)	3-8m	9 - 14m	15 - 20m	21 - 26m	27+	21
Visibility (km)	0.5	1.0	2.0	4.0	8.0	3
Proximity	Forest	Parkland	Group of 10+	Group of 3+	Solitary	15
Role	Minor	Moderate	Important	Significant	Major	9
Climate	Minor	Moderate	Important	Significant	Major	9
Amenity Subtotal						57

Notable Evaluation

Recognition Points	3	9	15	21	27	Score
Stature						
Feature	Local	District	Regional	National	International	3
Form	Local	District	Regional	National	International	
Historic						
Age 100+	Local	District	Regional	National	International	
Association	Local	District	Regional	National	International	3
Commemoration	Local	District	Regional	National	International	
Remnant	Local	District	Regional	National	International	
Relict	Local	District	Regional	National	International	
Scientific						
Source	Local	District	Regional	National	International	
Rarity	Local	District	Regional	National	International	
Endangered	Local	District	Regional	National	International	
Notable Subtotal						6

**Total Evaluation Points 162**

## EVALUATION NOTES

Condition (Health) Evaluation Notes	
Form	Single-stemmed with an open grown with a broad-spreading canopy
Occurrence	Not a common tree in the district
Vigour & Vitality	A full healthy canopy
Function	Providing a typical range of ecosystem benefits
Age (years)	A good size tree in 1938 aerial images although appears younger than 100

Amenity (Community Benefit) Evaluation Notes	
Stature (m)	Scored based on higher canopy spread
Visibility (km)	Only visible in immediate area
Proximity	A number of trees along the road edge
Role	A prominent tree in the landscape. Provides a marker for an early settler family
Climate	Providing welcome shade on the frontage of the cemetery

Notable Evaluation Notes	
Stature	
Feature	The tree makes quite a statement on the frontage of the cemetery
Form	
Historic	
Age 100+	
Association	Reportedly associated with the Dillon family graves
Commemoration	
Remnant	
Relict	
Scientific	
Source	
Rarity	
Endangered	

### Further Notes / Recommendations:

A very old tree that would benefit from reduction in canopy spread to manage loads. Supplied information says planted to mark the original Dillon family graves.

IMAGES



Image 1: The cedar as seen from within the cemetery



Image 2: One of the memorials located at the base of the tree



**MARLBOROUGH DISTRICT COUNCIL**  
**Standard Tree Evaluation Method (STEM) Assessment Sheet**  
**SUBMISSION 516**

Address	Upper Wairau Valley Cemetery, 30 Waihopai Valley Road.		
Tree name	<i>Sequoiadendron giganteum</i> (giant redwood) - A		
Location of the tree on the site	In the right corner near the front boundary with the road		
Legal address	SECTION 20 BLK XVI ONAMALUTU SD- UPPER WAIRAU CEMETERY		
Lat / Long (NZTM)	1666537 / 5403576		
Date of STEM Assessment	16.1.2018	Assessed by	Brad Cadwallader

**Tree Dimensions**

Height:	29.8 m (Nikon Forestry 550)	Girth:	528 cm @ 1.4m	Spread:	14 x 15 m
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**Condition (Health) Evaluation**

Points	3	9	15	21	27	Score
Form	Poor	Moderate	Good	Very Good	Specimen	21
Occurrence	Predominant	Common	Infrequent	Rare	Very Rare	9
Vigour & Vitality	Poor	Some	Good	Very Good	Excellent	15
Function	Minor	Useful	Important	Significant	Major	9
Age (years)	10+	20+	40+	80+	100+	27
<b>Condition Subtotal</b>						<b>81</b>

**Amenity (Community Benefit) Evaluation**

Points	3	9	15	21	27	Score
Stature (m)	3-8m	9 - 14m	15 - 20m	21 - 26m	27+	27
Visibility (km)	0.5	1.0	2.0	4.0	8.0	9
Proximity	Forest	Parkland	Group of 10+	Group of 3+	Solitary	15
Role	Minor	Moderate	Important	Significant	Major	9
Climate	Minor	Moderate	Important	Significant	Major	9
<b>Amenity Subtotal</b>						<b>69</b>

**Notable Evaluation**

Recognition Points	3	9	15	21	27	Score
Stature						
Feature	Local	District	Regional	National	International	
Form	Local	District	Regional	National	International	
Historic						
Age 100+	Local	District	Regional	National	International	3
Association	Local	District	Regional	National	International	
Commemoration	Local	District	Regional	National	International	
Remnant	Local	District	Regional	National	International	
Relict	Local	District	Regional	National	International	
Scientific						
Source	Local	District	Regional	National	International	
Rarity	Local	District	Regional	National	International	
Endangered	Local	District	Regional	National	International	
<b>Notable Subtotal</b>						<b>3</b>

**Total Evaluation Points 153**

## EVALUATION NOTES

Condition (Health) Evaluation Notes	
Form	Minor asymmetry from proximity to adjacent tree
Occurrence	A common sight in the District
Vigour & Vitality	Some cypress canker present
Function	Part of shelterbelt
Age (years)	Most certainly over 100 years although no history of the tree is recorded

Amenity (Community Benefit) Evaluation Notes	
Stature (m)	As recorded
Visibility (km)	Can be seen 1km south on SH 63
Proximity	There are number of trees along the road edge
Role	Creating a strong visual element when viewed from the cemetery
Climate	Providing some shade for parked vehicles at the road edge

Notable Evaluation Notes	
Stature	
Feature	
Form	
Historic	
Age 100+	Can be seen as a good size tree in 1938 aerial image
Association	
Commemoration	
Remnant	
Relict	
Scientific	
Source	
Rarity	
Endangered	

### Further Notes / Recommendations:

Installation of a new fence has caused minor damage to base

IMAGE



Image 1: As seen from within the cemetery

MARLBOROUGH DISTRICT COUNCIL  
Standard Tree Evaluation Method (STEM) Assessment Sheet  
**SUBMISSION 516**

Address	Upper Wairau Valley Cemetery, 30 Waihopai Valley Road.		
Tree name	<i>Sequoiadendron giganteum</i> (giant redwood) - B		
Location of the tree on the site	At the junction of Waihopai Valley Rd and SH 63		
Legal address	SECTION 20 BLK XVI ONAMALUTU SD- UPPER WAIRAU CEMETERY		
Lat / Long (NZTM)	1666579 / 5403687		
Date of STEM Assessment	16.1.2018	Assessed by	Brad Cadwallader

Tree Dimensions

Height:	38.5 m (Nikon Forestry 550)	Girth:	833 cm @ 1.4m	Spread:	19 x 17 m
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Condition (Health) Evaluation

Points	3	9	15	21	27	Score
Form	Poor	Moderate	Good	Very Good	Specimen	21
Occurrence	Predominant	Common	Infrequent	Rare	Very Rare	9
Vigour & Vitality	Poor	Some	Good	Very Good	Excellent	27
Function	Minor	Useful	Important	Significant	Major	15
Age (years)	10+	20+	40+	80+	100+	27
Condition Subtotal						99

Amenity (Community Benefit) Evaluation

Points	3	9	15	21	27	Score
Stature (m)	3-8m	9 - 14m	15 - 20m	21 - 26m	27+	27
Visibility (km)	0.5	1.0	2.0	4.0	8.0	15
Proximity	Forest	Parkland	Group of 10+	Group of 3+	Solitary	27
Role	Minor	Moderate	Important	Significant	Major	9
Climate	Minor	Moderate	Important	Significant	Major	3
Amenity Subtotal						81

Notable Evaluation

Recognition Points	3	9	15	21	27	Score
Stature						
Feature	Local	District	Regional	National	International	3
Form	Local	District	Regional	National	International	
Historic						
Age 100+	Local	District	Regional	National	International	3
Association	Local	District	Regional	National	International	
Commemoration	Local	District	Regional	National	International	
Remnant	Local	District	Regional	National	International	
Relict	Local	District	Regional	National	International	
Scientific						
Source	Local	District	Regional	National	International	
Rarity	Local	District	Regional	National	International	
Endangered	Local	District	Regional	National	International	
Notable Subtotal						6

**Total Evaluation Points 186**

## EVALUATION NOTES

Condition (Health) Evaluation Notes	
Form	Minor asymmetry from proximity of adjacent tree
Occurrence	A common sight in the District
Vigour & Vitality	A full canopy
Function	Leading edge of shelter belt. Very large tree
Age (years)	Most certainly over 100 years although no history of the tree is recorded

Amenity (Community Benefit) Evaluation Notes	
Stature (m)	As recorded
Visibility (km)	Clearly visible from 2km
Proximity	A single dominant tree in the landscape
Role	Most certainly a strong visual element and reference in the landscape. Considered a landmark.
Climate	Livestock and near the road

Notable Evaluation Notes	
Stature	
Feature	A local landmark that marks the junction with Waihopai Valley Rd & SH 63
Form	
Historic	
Age 100+	Can be seen as a good size tree in 1938 aerial image
Association	
Commemoration	
Remnant	
Relict	
Scientific	
Source	
Rarity	
Endangered	

### Further Notes / Recommendations:

The tree has been recently pruned.

IMAGES



Image 1: A local landmark at the junction of SH63 and Waihopai Valley Road



Image 2: Showing closer detail of the base of the tree

MARLBOROUGH DISTRICT COUNCIL  
Standard Tree Evaluation Method (STEM) Assessment Sheet  
**SUBMISSION 517**

Address	1018 & 1188 Waihopai Valley Road		
Tree name	<i>Eucalyptus viminalis</i> (mana gum)		
Location of the trees on the site	on western side road south of Waihopai Listening Station		
Legal address	Part LOTS 1 & 3 DP 7252 BLKS IX & XIV AVON SD (requires confirmation)		
Lat / Long	Between 1659673 / 5393995 and 1661334 / 5395910		
Date of STEM Assessment	16.01.2018	Assessed by	Brad Cadwallader

Tree Data

Number of trees:	466 trees (approx) planted in a 3.3 km row beside road
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Condition (Health) Evaluation

Points	3	9	15	21	27	Score
Form	Poor	Moderate	Good	Very Good	Specimen	15
Occurrence	Predominant	Common	Infrequent	Rare	Very Rare	9
Vigour & Vitality	Poor	Some	Good	Very Good	Excellent	15
Function	Minor	Useful	Important	Significant	Major	27
Age (years)	10+	20+	40+	80+	100+	27
Condition Subtotal						93

Amenity (Community Benefit) Evaluation

Points	3	9	15	21	27	Score
Stature (m)	3-8m	9 - 14m	15 - 20m	21 - 26m	27+	27
Visibility (km)	0.5	1.0	2.0	4.0	8.0	9
Proximity	Forest	Parkland	Group of 10+	Group of 3+	Solitary	21
Role	Minor	Moderate	Important	Significant	Major	27
Climate	Minor	Moderate	Important	Significant	Major	27
Amenity Subtotal						111

Notable Evaluation

Recognition Points	3	9	15	21	27	Score
Stature						
Feature	Local	District	Regional	National	International	21
Form	Local	District	Regional	National	International	
Historic						
Age 100+	Local	District	Regional	National	International	3
Association	Local	District	Regional	National	International	3
Commemoration	Local	District	Regional	National	International	
Remnant	Local	District	Regional	National	International	
Relict	Local	District	Regional	National	International	
Scientific						
Source	Local	District	Regional	National	International	
Rarity	Local	District	Regional	National	International	
Endangered	Local	District	Regional	National	International	
Notable Subtotal						27

Total Evaluation Points 231

## EVALUATION NOTES

Condition (Health) Evaluation Notes	
Form	An excellent row of trees with some gaps
Occurrence	A common species in the district
Vigour & Vitality	The stand overall is in good condition in this tough growing environment
Function	Significant environmental benefits are provided by this large group of trees
Age (years)	Reportedly planted in 1880's by Philip Lee Dillon (The Sun April 3 2015)

Amenity (Community Benefit) Evaluation Notes	
Stature (m)	As recorded
Visibility (km)	Clearly visible when approaching from 1km and likely to be visible from greater distance across the valley
Proximity	Several other shelterbelts in the area although not of this size
Role	The trees collectively make quite a significant visual statement in the landscape
Climate	The large numbers of trees will have a major cooling and sheltering effect

Notable Evaluation Notes	
Stature	
Feature	No other equal
Form	
Historic	
Age 100+	
Association	
Commemoration	
Remnant	
Relict	
Scientific	
Source	
Rarity	
Endangered	

### Further Notes / Recommendations:

The tree has had little recent care however some pruning of the lower canopy was occurring at the time of inspection. A very old tree that would benefit from reduction pruning to manage it in the long term. Given that the trees cover several titles it would pay to schedule each section individually.

NOTE: Attached aerial view shows 1km section protected by QEII 'Life of Trees' Covenant.



IMAGES

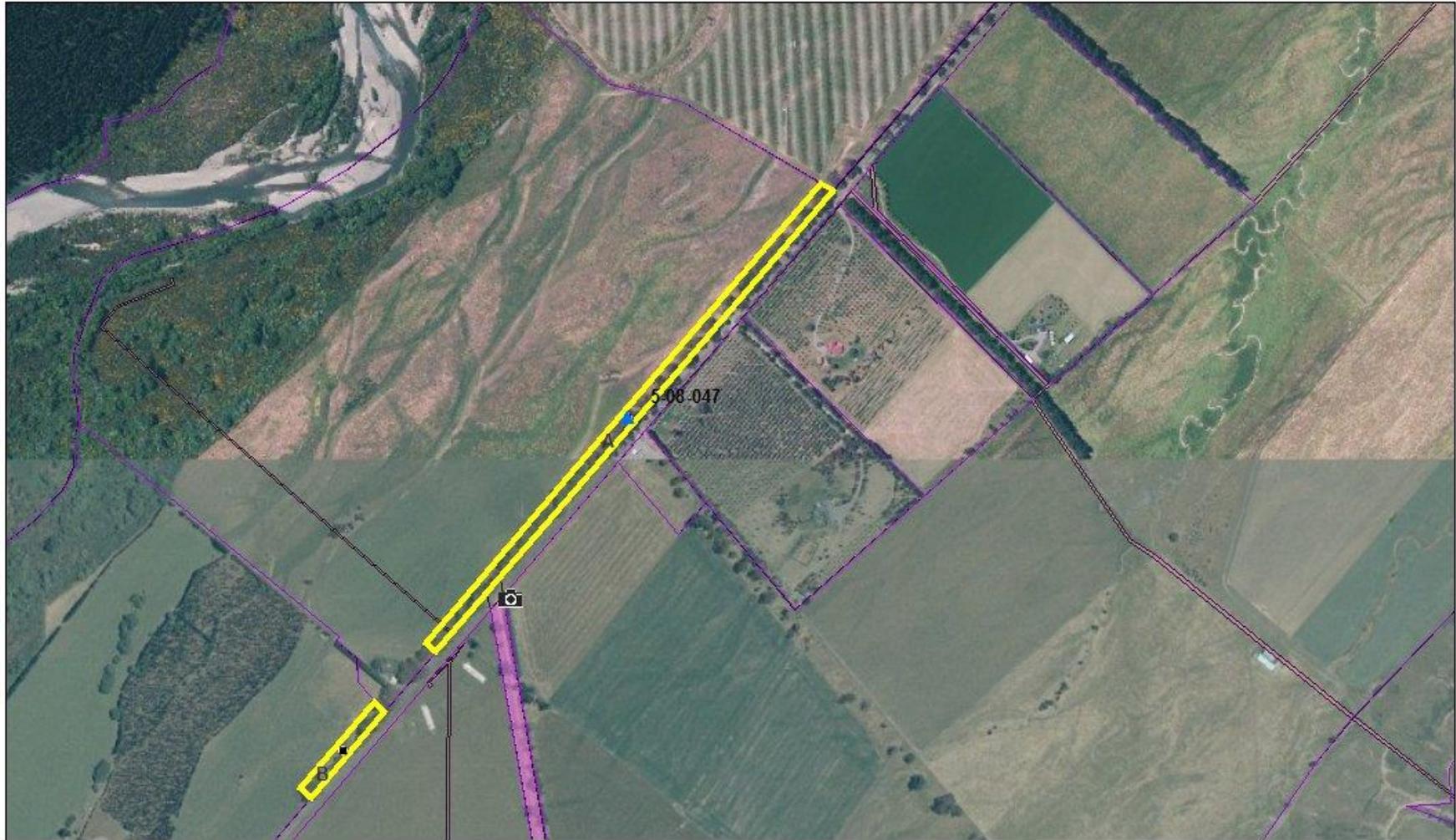


Image 1: As seen from Waihopai Valley Road looking north



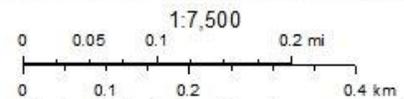
Image 2: A view from within the stand

# QEII National Trust Covenant Map



May 30, 2016

- Covenant Status**
-  Covenant\_Polygons
  -  Non-Primary Parcels
  -  Registered
  -  Titles
  -  Photopoints
  -  Primary Parcels



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MARLBOROUGH DISTRICT COUNCIL  
Standard Tree Evaluation Method (STEM) Assessment Sheet  
**SUBMISSION 869**

Address	Portage Foreshore Reserve		
Tree name	<i>Araucaria heterophylla</i> (Norfolk Island pine) x 4 trees		
Location of the tree on the site	Immediately beside the carpark at the landing		
Legal address	unknown		
Lat / Long (NZTM)	Between 686789 / 5438767 and 1686786 / 5438735		
Date of STEM Assessment	16.01.2018	Assessed by	Brad Cadwallader

Tree Dimensions

Height:	32.4 m –tallest (Nikon Forestry 550)	Girth:	404cm @ 1.4m (largest)	Spread:	43 x 15 m
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Condition (Health) Evaluation

Points	3	9	15	21	27	Score
Form	Poor	Moderate	Good	Very Good	Specimen	15
Occurrence	Predominant	Common	Infrequent	Rare	Very Rare	15
Vigour & Vitality	Poor	Some	Good	Very Good	Excellent	15
Function	Minor	Useful	Important	Significant	Major	15
Age (years)	10+	20+	40+	80+	100+	21
<b>Condition Subtotal</b>						<b>81</b>

Amenity (Community Benefit) Evaluation

Points	3	9	15	21	27	Score
Stature (m)	3-8m	9 - 14m	15 - 20m	21 - 26m	27+	27
Visibility (km)	0.5	1.0	2.0	4.0	8.0	3
Proximity	Forest	Parkland	Group of 10+	Group of 3+	Solitary	3
Role	Minor	Moderate	Important	Significant	Major	15
Climate	Minor	Moderate	Important	Significant	Major	21
<b>Amenity Subtotal</b>						<b>69</b>

Notable Evaluation

Recognition Points	3	9	15	21	27	Score
Stature						
Feature	Local	District	Regional	National	International	3
Form	Local	District	Regional	National	International	
Historic						
Age 100+	Local	District	Regional	National	International	
Association	Local	District	Regional	National	International	
Commemoration	Local	District	Regional	National	International	
Remnant	Local	District	Regional	National	International	
Relict	Local	District	Regional	National	International	
Scientific						
Source	Local	District	Regional	National	International	
Rarity	Local	District	Regional	National	International	
Endangered	Local	District	Regional	National	International	
<b>Notable Subtotal</b>						<b>3</b>

**Total Evaluation Points 153**

## EVALUATION NOTES

Condition (Health) Evaluation Notes	
Form	Appears to be one tree missing in the row. Trees of varying heights.
Occurrence	Not commonly seen in the area
Vigour & Vitality	Under some stress from tough environment and activity
Function	4 trees of this size make a significant contribution
Age (years)	Visible in 1959 V.C. Browne & Son aerial images. Submitter offers that the trees are 90+ years old

Amenity (Community Benefit) Evaluation Notes	
Stature (m)	Taken from the length of the group – 43m
Visibility (km)	Only visible in the immediate vicinity
Proximity	Surrounding hills covered in bush
Role	Collectively the trees make a strong visual element in the landscape
Climate	Important shade trees for recreation and parking area

Notable Evaluation Notes	
Stature	
Feature	Recognised as a local feature of the area and have been for some time
Form	
Historic	
Age 100+	
Association	
Commemoration	
Remnant	
Relict	
Scientific	
Source	
Rarity	
Endangered	

### Further Notes / Recommendations:

An historical significance of the trees is inferred in the submission but no detail was provided other than age.  
2 trees @ 24.4m, tallest @ 32.4 and 1 @26.2m

IMAGES



Image 1: The trees as seen from the landing



Image 2: Showing location of trees beside car parking area with picnic tables

MARLBOROUGH DISTRICT COUNCIL  
Standard Tree Evaluation Method (STEM) Assessment Sheet  
**SUBMISSION 1089**

Address	On Road Reserve, Rarangi		
Tree name	<i>Eucalyptus globulus subsp. globulus</i> (Tasmanian blue gum)		
Location of the tree on the site	Road Reserve at junction of Rarangi Road and Rarangi Beach Road		
Legal address	Unknown		
Lat / Long (NZTM)	1686318 / 5414247		
Date of STEM Assessment	16.01.2018	Assessed by	Brad Cadwallader

Tree Dimensions

Height:	11.8 m (Nikon Forestry 550)	Girth:	259 cm @ 1.4m	Spread:	13 x 12 m
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Condition (Health) Evaluation

Points	3	9	15	21	27	Score
Form	Poor	Moderate	Good	Very Good	Specimen	15
Occurrence	Predominant	Common	Infrequent	Rare	Very Rare	9
Vigour & Vitality	Poor	Some	Good	Very Good	Excellent	21
Function	Minor	Useful	Important	Significant	Major	3
Age (years)	10+	20+	40+	80+	100+	21
<b>Condition Subtotal</b>						<b>69</b>

Amenity (Community Benefit) Evaluation

Points	3	9	15	21	27	Score
Stature (m)	3-8m	9 - 14m	15 - 20m	21 - 26m	27+	9
Visibility (km)	0.5	1.0	2.0	4.0	8.0	9
Proximity	Forest	Parkland	Group of 10+	Group of 3+	Solitary	27
Role	Minor	Moderate	Important	Significant	Major	9
Climate	Minor	Moderate	Important	Significant	Major	3
<b>Amenity Subtotal</b>						<b>57</b>

Notable Evaluation

Recognition Points	3	9	15	21	27	Score
Stature						
Feature	Local	District	Regional	National	International	3
Form	Local	District	Regional	National	International	
Historic						
Age 100+	Local	District	Regional	National	International	
Association	Local	District	Regional	National	International	
Commemoration	Local	District	Regional	National	International	
Remnant	Local	District	Regional	National	International	
Relict	Local	District	Regional	National	International	
Scientific						
Source	Local	District	Regional	National	International	
Rarity	Local	District	Regional	National	International	
Endangered	Local	District	Regional	National	International	
<b>Notable Subtotal</b>						<b>3</b>

**Total Evaluation Points 129**

## EVALUATION NOTES

Condition (Health) Evaluation Notes	
Form	Some damage to base but is structurally sound
Occurrence	A common sight in the district
Vigour & Vitality	A full canopy
Function	Minor due to relative size
Age (years)	The tree appears a reasonable size in 1948 aerial images

Amenity (Community Benefit) Evaluation Notes	
Stature (m)	Scored based on 13m canopy spread
Visibility (km)	Clearly visible from 1km but obscured at 2km
Proximity	Nearest tree is some distance away
Role	The tree provides a reference point (landmark) in the landscape
Climate	A minor contribution

Notable Evaluation Notes	
Stature	
Feature	Local refer to the location (Blue Gum Corner) after the tree.
Form	
Historic	
Age 100+	
Association	
Commemoration	
Remnant	
Relict	
Scientific	
Source	
Rarity	
Endangered	

### Further Notes / Recommendations:

Additional blue gums have been planted nearby

IMAGES



Image 1: The blue gums as seen from the road



Image 2: Showing location of tree beside Waimea West Road and damage to 40% of base



**APPENDIX II**

**QUALIFICATIONS & EXPERIENCE**

## **Bradley Graham Cadwallader – Qualifications and Experience**

- 1.0 I hold the following qualifications:
  - 1.1 Diploma in Amenity Horticulture (Massey);
  - 1.2 A National Certificate in Horticulture (Arboriculture) Adv. L4 (NZ);
  - 1.3 Arborist Certificates I and II – the Tree Care Industry Association (USA);
  - 1.4 Arborist Certificate – British Columbia Institute of Technology (Canada); and
  - 1.5 Three Papers in Dendrology – University of British Columbia (Canada).
- 2.0 I also manage the NZ Tree Register (a national register of notable and historic trees for the New Zealand Notable Tree Trust). I have worked in the field of Arboriculture and Amenity Horticulture for 35 years.
- 3.0 I am a professional member of the NZ Arboricultural Association (NZ Arb) and the Royal New Zealand Institute of Horticulture. The following awards have been received from NZ Arb; Life Membership for services to the association (2008) & The Ronald Flook Award for excellence and contributions in the field of arboriculture (2014). In 2016 I was made a Fellow of the Royal New Zealand Institute of Horticulture.
- 4.0 Since 2009 I have been the appointed Tree Arbitrator for the Ministry of Economic Development - Energy Safety Service (pursuant to the Electricity (Hazards from Trees) Regulations 2003).
- 5.0 I have 25 years of practical experience working as an arborist in the following fields of practice; District Plan tree surveys for various Local Authorities, State Highway hazard tree surveys, consent monitoring, general tree report writing, tree inspection, hazard tree management, management of trees on development sites, heritage tree management, tree valuation and evaluation using variety of tree appraisal methodology.
- 6.0 I was a committee member of the STEM (NZ Standard Tree Evaluation Method) Review 2009 to 2011 subsequent to disbandment.
- 7.0 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it should I be called upon to. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

## **Arborist's Disclosure Statement**

Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the appearance and health of trees and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees, is to eliminate all trees. Trees that are regularly inspected by competent, knowledgeable arborists and maintained in accordance with modern arboricultural practices are far less likely to experience unexpected failures than unmanaged trees.

In the preparation of any report that may be used as expert testimony, the consultant acknowledges and will abide by the Code of Conduct for Expert Witnesses.

## **Assumptions and Limiting Conditions**

1. Any legal description provided to the consultant is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character, nor is any opinion rendered as to the quality of any title. Any and all existing liens and encumbrances have been disregarded, and any and all property is appraised/evaluated as though free and clear, under responsible ownership, and competent management.
2. It is assumed that any property is not in violation of any applicable codes, acts of Parliament, ordinances, statutes, or other governmental regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
4. The consultant shall not be required to give testimony or attend court by reason of this report unless subsequent contractual arrangements are made.
5. Loss or alteration of any part of this report invalidates the entire report.
6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person or party to whom it is addressed, without the prior expressed written consent of the consultant.
7. Neither all nor any part of the contents of this report, nor copy thereof, shall be used for any purpose by anyone but the person or party to whom it is addressed, without the prior written consent of the consultant; nor shall it be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the prior written or verbal consent of the consultant: particularly as to value conclusions, identity of the consultant, or any reference to any professional society or institute, or to any initialed designation conferred upon the consultant stated in his qualifications.
8. This report and any values expressed herein represent the opinion of the consultant and the consultant's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
9. Sketches, diagrams, graphs, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys.
10. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflect the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible components without dissection, excavation, or probing unless otherwise noted. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.