

## Proposed Marlborough Environment Plan

### Minute of the Hearing Panel

#### Minute 49

To: James Bentley, Section 42A Report Writer – Natural Character and Landscape

1. This Minute responds to your response dated 21 January, 2019 to Minute 47. You addressed the possibility of an improved methodology for mapping and table descriptors for reasons of both accuracy and ease of reference in Appendix 2 of the proposed Marlborough Environment Plan.
2. In the course of considering its decisions in respect of those issues, the Panel has also been considering other related issues such as the final Section 42A reply to the evidence, which recommended that Policy 6.2.3 is deleted.
3. That particular recommendation was made on the basis that Policy 6.2.3 promoted a level of natural character protection which was not contemplated by Policy 13 of the New Zealand Coastal Policy Statement. Policy 13 requires avoidance of adverse effects on areas of outstanding natural character, and otherwise that significant adverse effects be avoided on other areas having natural character attributes. In essence, the Section 42A reply to evidence recommended that as Policies 6.2.1 and 6.2.2 address those two protective issues adequately, Policy 6.2.3 should be deleted.
4. If that deletion recommendation, and your mapping solution for Appendix 2 maps was to be adopted by the Panel, that places considerable emphasis on how clear the differentiation is in the Table between the High and Very High natural character descriptors accompanying each map of those combined areas.
5. In your response you have stated in that regard:

*By removing the distinct colouration between high and very high will not change the identified status, as the high and very high values that contribute to the area being identified in the first place will still be outlined in the table.*

(Panel's underlining for emphasis)

6. Despite the additional commentary you have provided as an example in the Bulwer map series, the issue as to the clarity needed in the Key Values column in the Table still leaves concerns. In the Panel's Minute 47 the following observations were made:

*Key Values column in the Table to Appendix Two*

3. *The issue arises from the fact that at present the Key Values column does not always appear to clearly differentiate between the values identified as being 'High' and 'Very High' in the Table.*
4. ....
5. *The Hearing Panel is mindful of your evidence before it as to the spectrum approach you adopted to the rating of natural character attributes, where you emphasised that some areas may well have a mixture of values rated as both, or where those attributes merged into one another in the same area.*

The Hearing Panel has concerns that your new suggested additions in your response seem to only partially address that clarity issue.

7. The Panel has contemplated that the difficulty in the recommended new format of the Table in your response may lie in the fact that the 'Rating' column now suggested still raises potential confusion rather than providing clarity.
8. The Panel has reviewed your earlier evidence and various responses to Minutes describing how you consider High and Very High natural character are at one end of a progressive spectrum, with exceptional Outstanding Natural Character areas being able to be identified and mapped from areas containing either of those classifications.
9. As a consequence of that reconsideration, now that you are recommending that the mapping differentiation is not required between areas of High and Very High natural character, the Panel has also contemplated whether the overall thrust of your advice is not better reflected by two other possible amendments to remove present ambiguities in the Table:
  - (i) by deleting the Rating column – the reason being that as presently recommended that column itself possibly gives rise to potential lack of clarity as to which areas are rated as being of Very High as distinct from High natural character.

(ii) by replacing that Rating column with an amendment to the 'Key Values' column by adding in parentheses after the sub-header the following statement:

*Key Values*

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

10. The Panel wishes to ensure those changes would accurately capture the effect of your advice before deciding whether it prefers your overall advice to that of other witnesses.
11. The Hearing Panel wishes to have your comments for its consideration by Friday 8 March, 2019 as to:
  - (a) The proposed deletion of the rating column,
  - (b) The proposed wording insertion under the Key Values sub-header as set out in paragraph 9.

Dated 27 February 2019

A handwritten signature in black ink, appearing to read 'T Hook', with a small dot at the end.

Councillor Trevor Hook

Chair of the MEP Hearing Panel