

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

EnvC-CHC-2020-

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of an appeal under Clause 14, Schedule 1 of the RMA in relation to a decision on the proposed Marlborough Environment Plan

BETWEEN **THE NEW ZEALAND KING SALMON CO. LIMITED** a duly incorporated company having its registered office at 93 Beatty Street, Annesbrook, Nelson, 7011 , New Zealand

Appellant

AND **MARLBOROUGH DISTRICT COUNCIL**

Respondent

**NOTICE OF APPEAL
Dated this 8th day of May 2020**

Next Event Date:

Judicial Officer:

**GASCOIGNE WICKS
LAWYERS
BLLENHEIM**

Solicitors: Quentin A M Davies | Amanda L Hills
(qdavies@gwlaw.co.nz | ahills@gwlaw.co.nz)

Appellant's Solicitors
79 High Street
PO Box 2
BLLENHEIM 7240
Tel: 03 578 4229
Fax: 03 578 4080

Notice of Appeal to Environment Court against decision on a proposed Plan

Clause 14(1) of Schedule 1, Resource Management Act 1991 (the Act)

To: The Registrar
Environment Court
Christchurch

Name of Appellant and Decision Maker

- 1 The New Zealand King Salmon Co. Limited (“NZ King Salmon”) appeals against part of the decision of the Marlborough District Council (“MDC”) on the proposed Marlborough Environment Plan (“proposed Plan”).
- 2 NZ King Salmon made a submission on the proposed Plan.

Trade Competition

- 3 NZ King Salmon is not a trade competitor for the purposes of s 308D of the Act.

Date of Decision appealed against

- 4 The reasons for the decision was released from 21 February 2020, with the tracked changes decision version of the Plan being released on 3 March 2020.

Date on which Notice of Decision was received by Appellant

- 5 NZ King Salmon received notice of the decision on 21 February and 3 March 2020.

The Decision and Reasons

- 6 The parts of the decision that NZ King Salmon is appealing, and the reasons for the appeal are as follows:

Natural Character and Landscape

- 7 NZ King Salmon appeals the following provisions regarding Natural Character and Landscape:
 - (a) The seaward extent and methodology of mapping of High, Very High and Outstanding Natural Character in Cook Strait, as found in Maps 2 and 4 of the Natural Character Rating Maps of Volume 4 of the proposed Plan.
 - (b) The extent and methodology of mapping of High Natural Character as shown in Map 1 of the Natural Character Rating Maps in Volume 4 of the proposed Plan.

- (c) The extent and methodology of mapping of High Natural Character as shown in Map 3 of the Natural Character Rating Maps of Volume 4 of the proposed Plan.
- (d) The extent and methodology of mapping of High and Very High Natural Character as shown in Map 4 of the Natural Character Rating Maps of Volume 4 of the proposed Plan.
- (e) The methodology and content in the Coastal Natural Character Schedule of Values at Appendix 2 of Volume 3 of the proposed Plan, in particular the lack of recognition of marine farms as part of the existing environment of the Marlborough Sounds.
- (f) Appendix 4 of Volume 4 of the proposed Plan.
- (g) Chapter 6 of Volume 1 of the proposed Plan.
- (h) The seaward extent and methodology of mapping of Outstanding Natural Landscape (ONL) in Cook Strait, as found in Maps 2 and 5 in the Landscape maps of Volume 4 of the proposed Plan.
- (i) The extent and methodology of mapping of ONL as found in Maps 1 and 5 in the Landscape maps of Volume 4 of the proposed Plan.
- (j) The methodology and content in the Landscape Schedule of Values at Appendix 1 of Volume 3 of the proposed Plan, in particular the lack of recognition of marine farms as part of the existing environment of the Marlborough Sounds.
- (k) Chapter 7 of Volume 1 of the proposed Plan.
- (l) Policy 13.2.1(a) and (g) in Volume 1 of the proposed Plan.

Natural Character– Specific Reasons

- 8 The mapping:
- (a) Does not align with the recommendations of the s 42A Report writer and the intent of the Panel in their decision.
 - (b) The approach to assessing natural character seems to be contrary to the law¹ and the scientific information which exists for the values of the area. For example, the scientific evidence is that the parts of the near-

¹ *Clearwater Mussels Limited v Marlborough District Council* [2018] NZEnvC 88 (8 June 2018) at [154]

shore environment and McManaway Rock are highly valued in a biotic and abiotic sense, but “there is trawling on the offshore banks and some commercial scallop dredging occurring”².

- (c) Is inconsistent with the underlying Natural Character Report³ which states:

The present study therefore focused on the marine environment closer to shore, specifically:

- All enclosed waters of the Marlborough Sounds
- The outer Marlborough Sounds bounded by the main headlands and offshore islands and stacks;
- Out to 2 km offshore from the outer coast (including from offshore islands and stacks around the outer Sounds).⁴

The mapping here extends 5 kilometres from the outer coast.

- (d) Does not have any relationship with topography or flora or fauna. For example, Mr Bentley, the key author of the Marlborough Landscape Study 2015⁵ and co-author of The Natural Character of the Marlborough Coast Study 2014⁶ stated in his s 42A Report to the MEP process⁷ that:

Within the Coastal Report, the seaward boundary of the natural character mapping is blurred indicating that the extent fades away. Unfortunately this has not been indicated in the MEP maps where a hard line is used. The blurred line indicates where information is less readily available (unless specific).

- 9 Further, the basis for natural character (and landscape) mapping extending so far offshore has not been explained in the decision.

- 10 The boundaries for natural character should be legible and coherent to the community.

Landscape – Reasons

- 11 With regards to the mapping:

² Letter James Bentley to Pere Hawes, 16 August 2016 “Marlborough Environment Plan – Response to Gascoigne Wicks”

³ Bentley, J. and others Natural Character of the Marlborough Coast: Defining and Mapping the Marlborough Coastal Environment, June 2014, prepared for the Marlborough District Council

⁴ At page 216

⁵ Bentley, J. and others Marlborough Landscape Study: Landscape Characterisation and Evaluation, August 2015, prepared for the Marlborough District Council.

⁶ Bentley, J. and others Natural Character of the Marlborough Coast: Defining and Mapping the Marlborough Coastal Environment, June 2014, prepared for the Marlborough District Council at page 316.

⁷ Bentley, J.

- (a) The approach to assessing landscape seems to be contrary to the law⁸ and the scientific information which exists for the values of the area. The evaluation must be at the appropriate geographic scale treating landscape, feature or natural character areas a whole.
- (b) ONF and ONL boundaries should be legible and coherent to the community.
- (c) There should be a correlation between the Outstanding Natural Landscapes and Features mapping in Volume 4 and the landscapes identified at Map 2, Appendix 1 of Volume 3 of the proposed Plan.
- (d) The values identified in Appendix 1 of Volume 3 of the proposed Plan are largely terrestrial characteristics or reflect the interplay between land and sea.
- (e) The Marlborough Landscape Study 2015⁹ uses these definitions of seascapes:

Seascapes have been described as:

"Landscapes with views of the coast or seas, and coasts and the adjacent marine environment" (Landscape Institute/ IEMA 2013, p17) and

"An area of sea, coastline and land, as perceived by people, whose character results from the actions and interactions of land with sea, by natural and/ or human factors" (Natural England 2012, p8)¹⁰

Locations 5km or more from land lack the interactions between land and sea.

- (f) The issues with the natural character mapping have influenced landscape. The 2015 Study states:

... the extent of seascape ONFLs have been determined predominately by the marine component of the coastal natural character study 2014. This captures the land/sea interface, where information of marine based-values is generally the greatest. Refer to Appendix 6 of Natural Character of the Marlborough Coast [Boffa Miskell et al, 2014] for further explanation. Other landscape factors have also been considered in determining this mapping approach.¹¹

⁸ *Hawthenden v Queenstown Lakes District Council* [2019] NZEnvC 160 (20 September 2019)

⁹ Bentley, J. and others Marlborough Landscape Study: Landscape Characterisation and Evaluation, August 2015, prepared for the Marlborough District Council.

¹⁰ Page 20

¹¹ Page 21

- (g) An assessment of biophysical attributes is the appropriate starting point for assessment.

Natural character and Landscape reasons generally

- 12 In relation to natural character and landscape more generally:
- (a) The scheduling of landscapes, features and natural character needs to go beyond broad generic descriptions of characteristics and values if a schedule is to serve its intended purpose in assisting consent application processes and guiding future users of the Plan. The proposed Plan needs to provide as much certainty as possible on what is being protected and why. The proposed Plan fails to achieve Policy 4.3.3.
 - (b) The policies and other methods should identify parameters within which change could occur and, where change is anticipated, specify the extent to which change may occur in the schedules.
 - (c) In relation to policy 13.2.1(a) it is the values and not the characteristics and qualities of landscapes and features which are relevant. In relation to policy 13.2.1(g) it is community expectations and not individual expectations about coastal amenity values which are relevant.
 - (d) The decision incorrectly equates amenity as a subset of landscape, and further equates visual amenity as amenity generally.
 - (e) The methodology used to reach the issues, objectives, policies, other methods and mapping on landscape and natural character was contrary to law and good practice.

Ecologically Significant Marine Sites (ESMS)

- 13 NZ King Salmon appeals:
- (a) Rule 16.6.6 in Chapter 16 of Volume 2 of the proposed Plan.
 - (b) Rule 16.7.7 in Chapter 16 of Volume 2 of the proposed Plan.
 - (c) The extent of the buffer around ESMS 5.8 on Ecologically Significant Marine Sites Maps 14 and 15 of Volume 4 of the proposed Plan.
 - (d) The extent of the buffer around ESMSs 5.4 and 5.6 on Ecologically Significant Marine Sites Map 14 of Volume 4 of the proposed Plan.
 - (e) Appendix 27 in Volume 3 of the proposed Plan, to the extent that the buffers overlap with existing marine farms.

- (f) Policy 8.1.1 of Chapter 8 in Volume 1 of the proposed Plan in that it ought to be amended to refer to Appendix 3 of Volume 3, and the requirement for an expert panel assessment in advance of a 1st Schedule process.
- (g) The commentary of Policy 8.1.2 of Chapter 8 of Volume 1 of the proposed Plan, as it refers to buffers around Ecologically Significant Marine Sites (ESMS).
- (h) Policy 8.3.1(d) of Chapter 8 of Volume 1 of the proposed Plan.
- (i) Policy 8.3.8 of Chapter 8 of Volume 1 of the proposed Plan, to the extent that existing aquaculture should be excluded from the ambit of the policy.
- (j) Method of implementation 8.M.1 of Chapter 8 of Volume 1 of the proposed Plan, to the extent that existing aquaculture should be excluded from the ambit of prohibited activity rules.
- (k) Method of implementation 8.M.4 of Chapter 8 of Volume 1 of the proposed Plan, to the extent that it refers to buffers around ESMSs.

Ecological Significance Criteria

- 14 NZ King Salmon appeals Appendix 3 of Volume 3 of the proposed Plan.

ESMS and Ecological Significant Criteria – Reasons

- 15 Policy 8.1.1 should refer to Appendix 3 in Volume 3 of the proposed Plan, as it refers to criteria which are explored in that Appendix. The process for determining significance needs to be undertaken by an expert panel before going through the 1st Schedule process. This is because of Policy 8.3.1(b) which requires effects on significant sites to be avoided.
- 16 In terms of Appendix 3 itself, NZ King Salmon appeals the lack of clarity in this appendix. The appendix does not reflect recent amendments in 2015 to the underlying Davidson 2011 report from which this appendix has been adopted.¹² In particular, “pattern” is no longer part of the Davidson criteria, and “sustainability” has been added at 8.1.1(g).

¹² Davidson, R. J.; Baxter, A. S.; Duffy, C. A. J.; Gaze, P.; du Fresne, S.; Courtney, S.; Brosnan, B. 2015. Reassessment of selected significant marine sites (2014-2015) and evaluation of protection requirements for significant sites with benthic values. Prepared by Davidson Environmental Limited for Marlborough District Council and Department of Conservation. Survey and monitoring report no. 824, at pp 9-11. A copy is available at:

- 17 The commentary to Policy 8.1.2 now refers to creation of buffers around ESMSs. Policy 8.3.1(b) also refers to buffers, as does method of implementation 8.M.4. The buffer surrounding an ESMS should be removed where it overlaps an existing marine farm, as sought for specific sites listed above. In these circumstances, the farm itself acts as a buffer to protect the sites. The activity status of those farms, and the appropriate rule framework can then be determined as part of the MEP aquaculture provisions. In turn, NZ King Salmon also appeals the extent of the mapping of buffers around ESMS in Volume 4 of the proposed Plan, and the specified buffer distances in Appendix 27 of Volume 3 of the proposed Plan, for this reason.
- 18 In terms of the rules in Volume 2, while the wording of the decision makes it clear that it is the deposition of ‘dredged material’ that is to be captured by the Chapter 16 Volume 2 rules, the wording of the rules on their face is unclear. There should be an amendment to the technical wording of Rules 16.6.6 and 16.7.7, and method of implementation 8.M.1 (in Chapter 8 of Volume 1), to make it clear that they apply only to the deposition of dredged material, as set out in Schedule A to this Notice of Appeal. That approach would align with the decision of the Hearings Panel on Topic 6: Indigenous Biodiversity.¹³ Rules 16.6.6 and 16.7.7, on their current wording, are broad and could apply to more than deposition of dredged material. Policy 8.3.8 should not apply to aquaculture as these matters will be addressed under the aquaculture chapter.
- 19 Rules should not be inconsistent with corresponding policies. Rule 16.7.7 prohibits “deposition” (among other things) within a Category B ESMS. The decision and related policies only refer to deposition of dredged materials. The rule should be so confined.
- 20 Extending the buffer zone around Category B Ecologically Significant Marine Sites to encompass existing salmon farms does not recognise that those farms act as a defacto buffer against other activities that may physically disturb the seabed. The appropriate activity status governing aquaculture activities should be determined as part of the MEP aquaculture provisions.

Marine Mammals

- 21 NZ King Salmon appeals:

https://www.marlborough.govt.nz/repository/libraries/id:1w1mps0ir17q9sgxanf9/hierarchy/Documents/Environment/Coastal/Significant%20Marine%20Sites/26112015_Item_6_Expert_Panel_Assessment_of_2014-15_monitoring_site_categorisation_and_buffers.PDF

¹³ Decision of the Hearings Panel on Topic 6: Indigenous Biodiversity, at [177], [198] and [170].

- (a) Method of implementation 8.M.4 in Volume 1 of the proposed Plan.
- (b) The location of the Marine Mammal Distribution Maps under the ESMS heading in Volume 4 of the proposed Plan.

22 The reasons for the appeal are:

- (a) Reference to the Marine Mammal Distribution Maps is inappropriate under Method of Implementation 8.M.4, which relates to areas with significant biodiversity value. Including those maps under 8.M.4 is inconsistent with the definition of ESMS in Chapter 25 of Volume 2 of the proposed Plan,¹⁴ and with the decision.¹⁵ Those maps should be included under their own method of implementation.
- (b) The whale and dolphin distribution maps should be separated from the ESMS maps in the index to Volume 4, and placed under a new heading “Marine Mammal Distribution Maps”, consistent with the Hearing Panel’s decision.¹⁶

Navigation

23 NZ King Salmon appeals:

- (a) Policy 13.15.2 in Chapter 13 of Volume 1 of the proposed Plan.
- (b) The definition of “recognised navigational route” in Volume 2, Chapter 25.
- (c) In the alternative, if Policy 13.15.2 is retained, it appeals the lack of maps showing “recognised navigational routes” in Volume 4 of the proposed Plan.
- (d) Policy 13.15.1 in Chapter 13 of Volume 1 of the proposed Plan.
- (e) The extent of the mapping of the National Transportation Route (“NTR”) in Volume 4 of the proposed Plan.

24 The reason for appealing 13.15.2, is that the ambit of the policy is uncertain. An “avoid” policy in respect of navigation is not warranted. The focus of the policy should be to minimise risk as far as reasonably practical. References to “avoiding” should be replaced with “appropriately managing” and references to “not affected” should be replaced by “not significantly affected.” The

¹⁴ Which is defined to include only ESMS Maps 1 – 16.

¹⁵ Decision of the Hearings Panel on Topic 6: Indigenous Biodiversity, at [225] and [226].

¹⁶ Decision of the Hearings Panel on Topic 6: Indigenous Biodiversity, at [226].

avoidance policy is not justified in terms of the regional-level approach to navigation. For example, the recent Revised Harbour Safety Management System¹⁷ refers to a risk-management system, not an avoidance system. Risk management is a dynamic process, which identifies risks, properly manages and controls risks and seeks to reduce risk “so far as is reasonably practicable.”¹⁸

- 25 Further, Policy 13.15.2(b) refers to “recognised navigational routes”. These are not mapped in the proposed Plan and should be mapped, again for clarity on scope of application. Leaving such unmapped leaves it unclear in each case. That can lead to inconsistent decision-making.
- 26 The definition of “recognised navigational route” in Chapter 25 of Volume 2 is too broad. This paired with the lack of mapping of such routes could lead to over-reach of policy 13.15.2. The definition of “recognised navigational route” could conceivably apply anywhere in the Sounds, especially if kayaks and smaller recreational vessels are taken into account, as these also travel inshore of point-to-point navigation routes.
- 27 Policy 13.15.1 refers to avoiding “adverse effects on the safety and efficiency of ships transiting” the NTR. As above, an avoidance policy is not justified in terms of the regional-level approach to navigation, and is inconsistent with the Revised Harbour Safety Management System.
- 28 The mapped NTR encompasses side bays of Tory Channel. This is inconsistent with the purpose of mapping the NTR, that being to identify the actual NTR itself, not its side bays. The side bays should be removed from the NTR, so as to distinguish them from the NTR itself. The approach taken to mapping the NTR in the Northern Entrance of Queen Charlotte Sound is to be preferred.

Noise

- 29 NZ King Salmon appeals:
- (a) Rule 16.2.3.1 in Chapter 16 of Volume 2 of the proposed Plan.
 - (b) Rule 16.2.3.2 in Chapter 16 of Volume 2 of the proposed Plan.

¹⁷ Comprised of the Harbour Safety Management System, Harbour Safety Plan, Harbour Risk Management Standard and Incident Management – Operational MRA – Commercial, available here: <https://www.marlborough.govt.nz/your-council/meetings?item=id:28dhrpjtiv1cxbyklh9qf>

¹⁸ Harbour Safety Management System at pp 11 – 12.

- 30 Rule 16.2.3.1 states that specified noise standards therein must not be exceeded “at any point within the zone”. It is inappropriate for noise within the Coastal Marine Zone to be measured at source. This does not align with the approach in other zones, or with the findings of the relevant s42A Report writer¹⁹, which were not picked up in subsequent lists of amendments.
- 31 Further, an exemption for “noise ordinarily generated by commercial fishing activities, including marine farming servicing and harvesting ships” should be included in standard 16.2.3.2, as provided for in the Operative Marlborough Sounds Resource Management Plan.

Coastal Occupancy Charges

- 32 NZ King Salmon appeals:
- (a) Policies 13.19.10 and 13.19.11, and
 - (b) Method of Implementation 13.M.34
- 33 The proposed Plan should not defer the setting of coastal occupation charges to the Annual Plan process, as stated in Policy 13.19.10. Coastal occupation charges are supported in principle, but the level of charges needs to be reasonable and specified. The proposed Plan should include a methodology for determining the quantum of charges payable, and the proposed Plan should require a representative body be established to assist the Council to determine how those funds are spent. In short:
- (a) The quantum (or formula for assessing quantum) of coastal occupancy charges should be set out in the proposed Plan;
 - (b) The quantum of charges should be calculated in accordance with the analysis undertaken by Boffa Miskell Ltd and Executive Finesse Limited; and
 - (c) It should be clearer in the proposed Plan how such funds can be spent, including the formation of a consultative group to assist the Council in allocating funds derived from the charges.

¹⁹ Proposed Marlborough Environment Plan Section 42A Hearings Report for Hearing Commencing 12 November 2018 Report dated 5 October 2018 Report on submissions and further submissions Topic: 18 - Nuisance Effects/Temporary Military Training (Noise) at page 87.

Recreational Use

- 34 NZ King Salmon appeals Policy 13.3.4 in Chapter 13 of Volume 1 of the proposed Plan.
- 35 Tory Channel and East Bay should be excluded from the ambit of the policy. Plainly commercial activities do have priority in Tory Channel, as commercial ferries have priority over all recreational activities. There are a number of commercial activities in East Bay, including marine farming, forestry and some farmland. Policy 13.3.4 as it stands ignores the presence of existing marine farms in that area, and other commercial uses such as the Cook Strait ferries.

Exclusive Occupation

- 36 NZ King Salmon appeals Policy 13.10.3 in Chapter 13 of Volume 1 of the proposed Plan.
- 37 There is an inconsistency within the proposed Plan in that Policy 13.19.6 states that “the area of exclusive occupation should be minimised to that reasonably necessary to undertake the activity”. That is consistent with the statutory test in the Act (per the definition of “occupy” in s 2 of the Act). By contrast, Policy 13.10.3 says “Efficient use of the coastal marine area can be achieved by using the minimum area necessary for structures”. All such policies should refer to what is “reasonably necessary”.

Barges

- 38 NZ King Salmon appeals Policy 7.2.7 in Chapter 7 of Volume 1 of the proposed Plan.
- 39 Policy 13.7.2, which relates to restricting the long-term or permanent anchorage of boats, now includes a note stating that policy does not apply to the anchoring of marine farm barges and structures. NZ King Salmon, in its submission on the proposed Plan, sought to amend policy 7.2.7, which seeks to protect the values of ONLs by avoiding “new dwellings” adjacent to the foreshore. It is still unclear whether that would capture a salmon barge.

Consent Duration

- 40 NZ King Salmon appeals Policy 13.2.3 in Chapter 13 of Volume 1 of the proposed Plan.
- 41 Policy 13.2.3 states that consents in the coastal environment will generally be limited to a period not exceeding 20 years. NZ King Salmon has supported the

submission of the Marine Farming Association, including that this policy should refer to a 20 year minimum. Policy 13.2.3 should reflect s 123A of the Act.

- 42 The reason for this appeal is that the 20 year maximum duration of coastal permits is not justified *carte blanche* and is inconsistent with, for example, s 123A(2) of the Act which specifies a 20 year minimum duration for aquaculture activities. Section 123A of the Act is an aquaculture-specific provision which effectively mandates that a consent for aquaculture activities must not be less than 20 years from the date of commencement, except in limited circumstances, per s 123A(2). Having a blanket policy doing the opposite to this, ie. saying consents must not be *more than 20* years in duration, ignores the existence of the statutory provision enabling *at least 20* years in duration.

Cumulative Effects

- 43 NZ King Salmon appeals Policy 6.2.6 in Chapter 6 of Volume 1, and Policy 7.2.12 in Chapter 7 of Volume 1 of the proposed Plan.
- 44 In terms of cumulative effects, such as shown in Policies 6.2.6 and 7.2.12, the proposed Plan does not provide guidance to existing resource users. Recognition should be given to existing modifications.²⁰ In particular, Policies 6.2.6 and 7.2.12 shift the cost of strategic planning to individual applicants at the consenting stage. Cumulative effects in the coastal environment are best addressed through a strategic planning approach.²¹

Overarching Policies

- 45 NZ King Salmon seeks the following additions to the proposed Plan, as shown in Schedule A:
- (a) Add new Issue 4D – Recognise that limiting development has a trade-off;
 - (b) Add new Policy 4.4.1 – Consequence of not allowing development;
 - (c) Add new Objective 4.3A – Qualities and values of the Sounds (recognise cultural and social use);
 - (d) Add new Policy 4.1.1A – Existing Use;
 - (e) Add new Policy 4.1.2A – Experimentation and Innovation;
 - (f) Add new Policy 4.1.2B – Net Improvement; and

²⁰ As per the MFA's submission on natural character cumulative effects policy 6.2.7 (now 6.2.6 in the Decisions Version).

²¹ In accordance with policy 7(2) NZCPS 2010.

(g) Add new Adaptive Management policy to chapter 8.

46 The reason for seeking these new overarching policies is that Chapter 4 of Volume 1 needs to identify that the proposed Plan starts from the position that community, social, economic and cultural activity occurs within Marlborough. Those activities are central to the fabric of Marlborough. It is from that position that Marlborough should be planned for. In addition, the Plan should provide policy support for experimentation, innovation and net improvement where that could result in better social, environmental, economic or cultural outcomes.

Section 32

47 That the analysis under s 32 of the Act has been incomplete and consequently s 32 has not been complied with.

48 For example in the landscape and natural character s 42A report the report writer states that it would require too much work to undertake spatial planning. Instead that has been deferred that to a consent by consent process:²²

While there is merit seen in the approach proposed by Aquaculture NZ and the Marine Farming Association, significant work would be required to develop this approach. It would require ensuring that there is sufficient information as to the nature scale of all cumulative effects sources, and require development of policy or guidelines to occur collaboratively with all relevant stakeholders to achieve a comprehensive approach that can be effectively implemented. In regard to the coastal environment for example, such an approach could be best delivered through first undertaking holistic coastal spatial planning approach. Given the amount of work required to deliver a robust and workable management approach, including consultation, it is not recommended to change the policy to require the extent of acceptable modification to be established at this time.

49 The decision on the proposed Plan states:²³

²² Proposed Marlborough Environment Plan Section 42A Hearings Report for Hearing Commencing Monday 26 February 2018 Report dated 20 November 2017 Report on submissions and further submissions Topic 5: Natural Character – Issues, Objectives, Policies, and Methods page 17

²³ Topic 5:Natural Character decision at [53]

A number of submissions also effectively seek inclusion in ‘policy’ of the degree of modification or change to natural character providing an acceptable threshold of the limits to change. The Section 42A Report explores this concept at some length in a number of paragraphs concluding that while there is merit in this approach, it would require significant research to provide an answer.

- 50 The Decisions Version would transfer the costs of identifying the extent of appropriate modification to resource consent applicants. However, plans have a statutory purpose of fleshing out and contextualising part 2 of the Act (including ss 6(b) and 7(c)). While there are transactional costs for ratepayers in 1st Schedule planning processes, those are as a consequence of the proper exercise of the planning authority’s responsibility.²⁴

General Reasons for the Appeal

- 51 While NZ King Salmon is generally supportive of the proposed Plan provisions, NZ King Salmon considers that some change is required to ensure that the proposed Plan:
- (a) Promotes the purpose of the Act, being the sustainable management of resources (section 5);
 - (b) Is not contrary to Part 2 and other provisions of the Act;
 - (c) Is not contrary to other relevant planning documents;
 - (d) Will meet the reasonably foreseeable needs of future generations; and
 - (e) Is consistent with the New Zealand Coastal Policy Statement 2010.

Relief Sought

- 52 The Appellant seeks the following relief:
- (a) Amendments to the relevant rules as set out in **Schedule A** to this notice; and
 - (b) Any necessary consequential amendments; or
 - (c) Other equivalent relief.
- 53 The Appellant agrees to participate in mediation or other alternative dispute resolution of the proceeding.

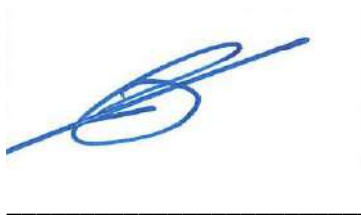
²⁴ *Upper Clutha Environmental Society Incorporated v Queenstown Lakes District Council* [2019] NZEnvC 205 (19 December 2019) at [138]

Attached Documents

54 The following documents are **attached** to this notice:

- (a) **Schedule A**, as referenced above;
- (b) A copy of NZ King Salmon's submission and further submission (**Schedule B**);
- (c) A copy of the relevant parts of the decision (**Schedule C**); and
- (d) Persons to be served with this notice (**Schedule D**).

55 A copy of this notice will be lodged electronically with the Environment Court and the Marlborough District Council in accordance with the updated and amended directions in the Court's Minute of 15 April 2020. The Appellant notes that the requirements to serve a copy of this notice on other parties and provide a list of names to the Registrar have been waived.



Quentin A M Davies and Amanda L Hills
Solicitors for the Appellant

Address for service of the Appellant

Gascoigne Wicks, 79 High Street, Blenheim 7201.

Telephone: 021 045 8608 or 03 578 4229

E-mail: ahills@gwlaw.co.nz | edeason@gwlaw.co.nz | shammerson@gwlaw.co.nz

Contact persons: A L Hills, Solicitor; E Deason, Solicitor; Sharyn Hammerson, Secretary

Advice to recipients of copy of notice of appeal*How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must, —

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission and (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Note to appellant

You may appeal only if—

you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and

in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

SCHEDULE A – Relief Sought

- Base text is the Decisions Version, with Hearing Panel’s recommendations accepted to remove tracking.
- Where the Appellant seeks additional text, this is shown in underline.
- Where the Appellant seeks to delete text, this is shown in ~~strikethrough~~.
- Relief sought is indicative. Relief sought includes alternative wording or approach which achieves similar goals.

Decisions Version	Relevant part of provision	Relief sought
Chapter 6, Volume 1	Entire Chapter	Replace Chapter 6 with notified version incorporating relief sought, as shown in mark-up at Appendix 1.
Chapter 7, Volume 1	Entire Chapter	Replace Chapter 7 with notified version incorporating relief sought, as shown in mark-up at Appendix 2.
Appendix 1, Volume 3	Methodology and content of appendix/values tables	Amend to recognise that marine farms are part of the existing environment of the Marlborough Sounds. In addition to broad appeal relating to methodology, for each area where there is an existing marine farm, include an express statement to the following effect (following the approach in the Auckland Unitary Plan at Chapter L, Schedule 7): <i><u>“Some bays contain existing marine farms, but this does not compromise [relevant area’s name] current natural values.”</u></i>
Appendix 2, Volume 3	Methodology and content of appendix/values tables	In addition to broad appeal relating to methodology, for each area where there is an existing marine farm, include an express statement to the following effect (following the approach in the Auckland Unitary Plan at Chapter L, Schedule 8): <i><u>“Although marine farms occupy part of the [area], they do not compromise the overall ‘naturalness’ of the coastal environment.”</u></i>
Appendix 4, Volume 3	Text of appendix	Delete appendix in its entirety.
Natural Character Rating Maps 2 and 4, Volume 4	Mapping	Amend the seaward extent of the High, Very High and Outstanding natural character rating in Cook Strait in accordance with submissions relating to methodology; and The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.

Decisions Version	Relevant part of provision	Relief sought
Natural Character Rating Map 1, Volume 4	Mapping	<p>Amend the High natural character mapping in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Natural Character Rating Map 3, Volume 4	Mapping	<p>Amend the High natural character mapping in Crail Bay in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Natural Character Rating Map 4, Volume 4	Mapping	<p>Amend the High and Very High natural character mapping in Tory Channel, Ruakaka Bay and Otanerau Bay in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Landscape Maps 2 and 5, Volume 4	Mapping	<p>Amend the seaward extent of mapping in Cook Strait in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Landscape Map 1, Volume 4	Mapping	<p>Amend the extent of mapping at the western headlands at the entrance to Waitata Reach in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Landscape Map 5, Volume 4	Mapping	<p>Amend the extent of ONL mapping in Ruakaka Bay in accordance with submissions relating to methodology; and</p> <p>The MEP should expressly recognise that marine farms do not adversely impact the values that lead to that classification.</p>
Policy 7.2.12, Volume 1	Text of policy	<p>Amend policy to read:</p> <p>In assessing the cumulative effects of activities on outstanding natural features and landscapes, and landscapes with high amenity values, <u>recognition should be given to the extent of cumulative effects from existing modifications to the environment and consideration shall be given to:</u></p> <ul style="list-style-type: none"> (a) the effect of allowing more of the same or similar activity; (b) the result of allowing more of a particular effect, whether from the same activity or from other activities causing the same or similar effect; and (c) the combined effects from all activities in the locality.

Decisions Version	Relevant part of provision	Relief sought
Policy 13.2.1(a) and (g), Volume 1	Text of subparagraphs of policy	<p>Amend policy to read:</p> <p>Policy 13.2.1 – The appropriate locations, forms and limits of subdivision, use and development activities in Marlborough’s coastal environment are those that recognise and provide for, and otherwise avoid, remedy or mitigate adverse effects on the following values:</p> <p>(a) the characteristics and qualities <u>values</u> that contribute to natural character, natural features and landscape of an area; [...]</p> <p>(g) those attributes that collectively contribute to individual and community expectations about coastal amenity values.</p>
Rule 16.6.6, Volume 2	Text of rule	<p>Amend rule to read:</p> <p>Any dredging, bottom trawling, or deposition <u>of dredged material</u> within the buffer for any Ecologically Significant Marine Site specified in Appendix 27.</p>
Rule 16.7.7, Volume 2	Text of rule	<p>Amend rule to read:</p> <p>Dredging, bottom trawling, deposition <u>of dredged material</u> and reclamation within any Category B Ecologically Significant Marine Site listed within Appendix 27.</p>
Ecologically Significant Marine Site Maps 14 and 15, Volume 4	Blue overlay denoting buffer around site 5.8	<p>The MEP should expressly recognise that marine farms do not adversely affect the colonies of hydroids in Tory Channel.</p> <p>Remove buffer where it overlaps with marine farm 8634.</p>
Ecologically Significant Marine Site Map 14, Volume 4	Blue overlay denoting buffer around sites 5.4 and 5.6	<p>The MEP should expressly recognise that marine farms do not adversely affect the bryozoans, hydroids, sponges and ascidians in Tory Channel.</p> <p>Remove buffer where it overlaps with marine farms 8407 and 8408.</p>
Policy 8.1.1, Volume 1	Text of policy	<p>Amend policy to read:</p> <p>Policy 8.1.1 – When assessing whether terrestrial, wetlands, freshwater or marine ecosystems, habitats and areas have significant indigenous biodiversity value, the following criteria <u>set out in Appendix 3 will be used</u> applied by suitably qualified and experienced ecologists in their field of expertise: [...]</p>
Policy 8.1.2, Volume 1	Commentary of policy	<p>Add to the commentary that the effects of aquaculture will be addressed in the aquaculture chapter.</p>

Decisions Version	Relevant part of provision	Relief sought
Policy 8.3.1(d), Volume 1	Text of policy	Amend 8.3.1(d) to read: (d) creating a buffer to manage activities (<u>except existing aquaculture</u>) in proximity to an Ecologically Significant Marine Site in order to avoid adverse effects on the Ecologically Significant Marine Site. Add to the commentary that the effects of aquaculture will be addressed in the aquaculture chapter.
Policy 8.3.8, Volume 1	Text of policy and commentary	Amend policy to read: Policy 8.3.8 – Within vulnerable ecologically significant marine sites, activities that disturb the seabed (<u>except existing aquaculture</u>) must be avoided. Add to the commentary that the effects of aquaculture will be addressed in the aquaculture chapter.
Method of Implementation 8.M.1, Volume 1	Text of method	Amend method to exclude existing aquaculture from ambit of method. Add to the commentary that the effects of aquaculture will be addressed in the aquaculture chapter.
Method of Implementation 8.M.4, Volume 1	Text of method	Make consequential amendments from removal of buffers which overlay with a marine farm. Add to the commentary that the effects of aquaculture will be addressed in the aquaculture chapter.
Appendix 3, Volume 3	Text of the appendix	Amend Appendix so that it reflects 2015 Davidson amendments to the Davidson 2011 report, from which this appendix has been adopted.
Appendix 27, Volume 3	Text of the appendix	Make consequential amendments from removal of buffers which overlay with a marine farm.
New Method of Implementation, Chapter 8 of Volume 1	Text	Move final paragraph of 8.M.4 in the Decisions Version to a new method of implementation entitled “Marine Mammal Distribution Maps”
Marine Mammal Distribution Maps	Volume 4 map index	The whale and dolphin distribution maps should be separated from the ecologically significant marine sites at the index to Volume 4 and placed under a new heading “Marine Mammal Distribution Maps” (and the corresponding change made to the electronic maps).

Decisions Version	Relevant part of provision	Relief sought
National Transportation Route Map, Volume 4	Extent of mapping	Remove the dark blue overlay mapping of the National Transportation Route from all of the side bays of Tory Channel.
Policy 13.15.1, Volume 1		<p>Amend policy to read:</p> <p>Activities and/or structures along the National Transportation Route shall be sited and/or undertaken in such a way that adverse effects on the safety and efficiency of ships transiting this route are avoided <u>appropriately managed</u>.</p>
Policy 13.15.2, Volume 1	Text of policy	<p>Amend policy to read:</p> <p>Policy 13.15.2 – Avoid, remedy or mitigate adverse effects on water transportation by:</p> <ul style="list-style-type: none"> (a) maintaining safe, clear navigation routes around headlands; unimpeded by structures; (b) avoiding appropriately managing activities (excluding water transportation) and/or locating structures within recognised navigational routes where the activity or structure would have an adverse effect on water transportation; (c) avoiding appropriately managing emissions of light that could affect the safe navigation of ships; (d) ensuring the safety of navigation and use of or access to mooring sites including Mooring Management Areas, boat sheds and ramps, jetties, wharves, ports, marinas, water ski access lanes and areas that provide shelter from adverse weather are not <u>significantly</u> affected by activities or structures in the coastal marine area; (e) ensuring that areas that provide for anchorages of refuge are not <u>significantly</u> adversely affected by activities or structures within the coastal marine area; and (f) requiring structures to be maintained or marked in a way that protects the safety of water transportation activities. <p>And either amend policy 13.15.2(b) to exclude “recognised navigational routes” or map such routes in Volume 4 of the Plan. If mapped, also delete the definition of “recognised navigational route” in Chapter 25 of Volume 2, and replace with maps of recognised navigational routes.</p>
Standard 16.2.3.1, Volume 2	Text of standard	<p>Amend standard to read:</p> <p>16.2.3.1. An activity must be conducted to ensure that noise when measured at any point within the <u>notional boundary of a dwelling zone</u> does not exceed the following noise limits: [...]</p>

Decisions Version	Relevant part of provision	Relief sought
New standard 16.2.3.2(d), Volume 2	Add new standard	<p>Amend standard to include:</p> <p>[...]</p> <p><u>(d) noise ordinarily generated by commercial fishing activities, including marine farming servicing and harvesting ships.</u></p>
Policy 13.19.10, Volume 1	Text of policy and commentary	<p>Amend policy to read:</p> <p>The manner in which the level of coastal occupancy charges will be <u>has been determined is as follows outlined in the January 2013 Report prepared by Executive Finesse, and set out in Appendix 28.:</u></p> <p>(a) the expenditure related to the Marlborough District Council's role in the sustainable management of Marlborough's coastal marine area will be determined on an annual basis through the Annual Plan process;</p> <p>(b) the annual costs required to fulfil Marlborough District Council's role in the sustainable management of Marlborough's coastal marine area will be allocated between the beneficiaries from the sustainable management of the coastal marine area on the following basis:</p> <p>(i) ratepayers: 25 per cent</p> <p>(ii) coastal occupiers: 75 per cent</p> <p>(c) the charges that will be issued to eligible coastal occupiers to meet the annual costs required to fulfil Marlborough District Council's role in the sustainable management of Marlborough's coastal marine area will be based on;</p> <p>(i) the types of occupations;</p> <p>(ii) the characteristics of the types of occupations;</p> <p>(iii) the number of occupations in each group;</p> <p>(iv) the relative benefit allocations, including expenditure on environmental science and monitoring, policy development, compliance and education.</p> <p>(d) coastal occupancy charges will only be imposed upon coastal occupations that are not exempt from the charging regime on the basis of the circumstances set out in Policy 13.9.8.</p> <p>(e) the Council will maintain records of all coastal occupiers who have sought and obtained a waiver from the base charge for their type of coastal occupation. This waiver will be reflected in the final charge that is issued to those coastal occupiers.</p> <p>Insert new Appendix 28 to reflect January 2013 report prepared by Executive Finesse Ltd.</p> <p>Amend the commentary to policy 13.19.10 as follows:</p> <p>In determining who should meet the cost of sustainably managing the coastal marine area, an allocation of costs needs</p>

Decisions Version	Relevant part of provision	Relief sought
		<p>to occur between beneficiaries. The Council has considered that a contribution towards the costs should be made by ratepayers (25%) as well as those benefitting from the occupation of public space (75%): <u>Moorings (12%), jetties and wharves (5%), marine farms (48%), boatsheds (8%) and other structures (2%).</u> The Council will give consideration to exemptions and waivers that have been granted and the number and size of the various occupations. From this assessment, a schedule of charges will be <u>has been</u> derived and <u>is</u> set out in the Council's Annual Plan <u>Appendix 28, Volume 3.</u></p>
<p>Policy 13.19.11, Volume 1</p>	<p>Text of policy</p>	<p>Amend policy to read:</p> <p>13.19.11 - Any coastal occupancy charges collected will be used on the following <u>in accordance with a research priority strategy</u> to promote the sustainable management of the coastal marine area:</p> <p>[...]</p> <p>Add the following to the body of the policy after sub-policy (h) (i.e. before the explanatory text):</p> <p><u>The research priority strategy will be determined in conjunction with the Marlborough District Council, central government, science providers, industry, and the community.</u></p>
<p>Method of Implementation 13.M.34, Volume 1</p>	<p>Text of method</p>	<p>Amend this method to read:</p> <p>13.M.34 Annual Plan <u>Appendix 28</u></p> <p>The level of charge to be applied to any activity for which a coastal permit is granted to occupy the coastal marine area is set out in the Council's Annual Plan <u>Appendix 28, Volume 3.</u></p>
<p>Policy 13.3.4</p>	<p>Text of policy and commentary</p>	<p>Amend policy to read:</p> <p>Policy 13.3.4 – Ensure recreational use has priority over commercial activities that require occupation of the coastal marine area in Queen Charlotte Sound, including <u>excluding</u> Tory Channel and East Bay. (This policy does not apply to areas zoned Port or Marina.)</p> <p>Insert new text into commentary:</p> <p>The policy recognises that for Queen Charlotte Sound and Tory Channel, recreational use is significant and is to have a priority over commercial interests that require occupation of the coastal marine area. Recreational use is particularly important in these areas, with a large number of holiday homes being a base for recreation and with good access points in Picton and Waikawa (including through launching ramps and marinas).</p>

Decisions Version	Relevant part of provision	Relief sought
		Historically, activities such as marine farming have been prevented from occurring in these areas, <u>except in appropriate locations</u> , because of the extent of recreational activities. The exclusion of Port and Marina Zones in Queen Charlotte Sound acknowledges the establishment of these zones for port and marina activities within which recreational activities may not be appropriate.
Policy 13.10.3, Volume 1	Text of the policy	Amend policy to read: Policy 13.10.3 – Efficient use of the coastal marine area can be achieved by using the minimum area necessary <u>reasonable</u> for structures.
Policy 7.2.7, Volume 1	Text of the policy	Amend policy to read: Policy 7.2.7 – Protect the values of outstanding natural features and outstanding natural landscapes and maintain and enhance the high amenity values of the Marlborough Sounds High Amenity Landscapes by: (a) In respect of structures: (i) avoiding visual intrusion on when viewed from public places; (ii) avoiding new dwellings in -adjacent to the foreshore, <u>excluding barges used for aquaculture</u> ;
Policy 13.2.3, Volume 1	Text of the policy	Amend policy to read: [...] (b) the duration of coastal permits granted for activities in the coastal marine area for which limitations on durations are imposed under the Resource Management Act 1991 will generally be limited to a period not exceeding <u>granted for a minimum period of 20 years</u> .
New Issue, Chapter 4, Volume 1	Insert new issue	Add new Issue 4D to read: <u>Issue 4D – Recognise that the choice whether or not to use natural and physical resources has consequences.</u>
New objective, Chapter 4, Volume 1	Insert new objective	Add new objective 4.4 to read: <u>Objective 4.4 Recognise that limiting development has a tradeoff.</u>
New policy, Chapter 4, Volume 1	Insert new policy	Add new policy 4.4.1 to read: <u>Policy 4.4.1 Identify the consequence of not allowing development in terms of:</u> <u>(i) Substitution;</u>

Decisions Version	Relevant part of provision	Relief sought
		<p><u>(ii) Adverse effects from other alternative activities in the area; and</u> <u>(iii) Loss of environmental, economic and social benefits.</u></p>
New Policy 4.1.1A, Chapter 4, Volume 1	Insert new policy	<p>Add new policy: <u>Recognise existing uses of natural and physical resources.</u></p>
New policy, Chapter 4, Volume 1	Insert new policy	<p>Add new Policy 4.1.2A to read: <u>Allow for experimentation and innovation where there are sufficient controls to appropriately manage adverse effects.</u></p>
New policy, Chapter 4, Volume 1	Insert new policy	<p>Add new Policy 4.1.2B to read: <u>Allow for appropriate development where it will achieve a net improvement in sustainability or efficiency by:</u> <u>(a) Offsetting effects;</u> <u>(b) Compensating for effects; or</u> <u>(c) Substituting one use for another.</u></p>
New objective 4.3A or new Policy 4.3.6, Chapter 4, Volume 1	Insert new objective or policy	<p><u>Recognise the visual, ecological and physical qualities of the Marlborough Sounds have been altered by past human activities and have become part of the character of the Marlborough Sounds and do not detract from it.</u></p>
Chapter 8, Volume 1		<p>Add new policy 8.3.xx to Chapter 8 to read: <u>The risk of an effect occurring will be considered in light of the following:</u> <u>(a) Whether the effects of an activity are likely to be reversible at all;</u> <u>(b) Could sufficient controls be put in place so that adverse effects are likely to be reversible before they reach a significant level;</u> <u>(c) Whether the normal state of the environment can be adequately defined;</u> <u>(d) Could the development occur on a staged basis; and/or</u> <u>(e) Does the temporal and spatial scale impact on the full range of the species or relevant habitat or area.</u> <u>Note: See EIANZ Guidelines for Ecological Impact Assessment 2015.</u></p>

APPENDIX 1

6. Natural Character

Commented [QD1]: Combine into natural heritage chapter MFA submission point 57. (Or delete natural character and refer to content in indigenous biodiversity chapter) 426.063

Introduction

Natural character includes the natural elements, patterns, processes and experiential qualities of an environment. The natural character of the coastal environment, and freshwater bodies and their margins, is comprised of a number of key components which include:

- coastal or freshwater landforms and landscapes (including seascape);
- coastal or freshwater physical processes (including the movement of water and sediments);
- biodiversity (including individual indigenous species, their habitats and communities they form);
- biological processes and patterns;
- water flows and levels, and water quality; and
- the ways in which people experience the natural elements, patterns and processes.

Commented [QD2]: Oppose Friends of Nelson Haven 716.55 MFA/AQNZ Further Sub 35

Collectively, these combine to create the overall natural character of the environment. Provisions included elsewhere in the Marlborough Environment Plan (MEP) target the individual components of natural character and provide direction on how adverse effects on particular values can be managed. These include:

- Chapter 5 - Allocation of Public Resources
- Chapter 7 - Landscape
- Chapter 8 - Indigenous Biodiversity
- Chapter 9 - Public Access and Open Space
- Chapter 13 - Use of the Coastal Environment
- Chapter 15 - Resource Quality (Water, Air, Soil)

However, there is a need for this management to be integrated in order to preserve natural character in coastal and freshwater environments. This ensures that the management of the individual components of natural character is co-ordinated to achieve a common end in the context of Section 6(a) of the Resource Management Act 1991 (RMA), of the New Zealand Coastal Policy Statement 2010 (NZCPS) and of the National Policy Statement for Freshwater Management 2014 (NPSFM).

Issue 6A – Resource use and changes in resource use can result in the degradation–modification of the natural character of the coastal environment, and of lakes, rivers and their margins.

Commented [QD3]: MFA submission point 40. (And consequential amendments to language in ch 6) 426.044.

Section 6(a) of the RMA requires the Council to preserve the natural character of the coastal environment, wetlands, and lakes, rivers and their margins and to protect this natural character

from inappropriate subdivision, use and development. The NZCPS sets a similar objective for the coastal environment.

The entire coastal environment and all freshwater bodies possess some or all of the components of natural character (natural elements, patterns, processes and experiential qualities) and therefore all hold some degree of natural character. The extent of human-induced modification has a significant influence on the level of natural character that exists in the coastal environment and in and adjacent to freshwater bodies. Some environments will have high natural character due to the lack of human-induced modification and may even be in a natural state. In other areas, there will be little remaining natural character due to extensive human-induced modification of the environment.

Preservation of natural character is a matter of national importance and there is a real risk that further human-induced modification within coastal or freshwater environments will have adverse effects. This risk is greatest in unmodified environments, as it is more likely that subdivision, use and development will change the existing natural elements, patterns, processes and experiential qualities. As the degree of existing human-induced modification in the coastal or freshwater environment increases, so too does the ability of the environment to assimilate change into the components that contribute to natural character.

Even in areas with low overall natural character, components of high natural character may remain and the protection of this natural character from inappropriate subdivision, use and development may still be important to the local community, wider public and intrinsically. These areas could also become the focus of restoration efforts.

[RPS]

Objective 6.1 – Establish the degree of natural character in the coastal environment, and in lakes and rivers and their margins. Establish the extent of acceptable modification.

Marlborough's coastal and freshwater environments are diverse, reflecting a range of landforms and landscapes, natural processes and characteristics, and biodiversity. The degree of human-induced modification in our coastal environment and in our wetlands, lakes and rivers also varies significantly. Some areas are in a relatively natural state, while others have been significantly modified as a result of human activity. This variation explains why it is necessary to establish the degree of natural character in coastal and freshwater environments. Achieving this objective will assist in establishing which activities are inappropriate in the context of Section 6(a) of the RMA.

The natural character of wetlands has been established through an integrated process of assessing wetland values. Provisions to preserve the natural character of wetlands are included in Chapter 8 - Indigenous Biodiversity.

Commented [QD4]: MFA submission point 41. 426.045.

Commented [AH5]: Support Totoranui Ltd 233.017 (new policy – development may be appropriate in defined areas within an area of ONC, VHNC or HNC). MFA further submission point 38.

Commented [AH6]: Oppose Clova Bay Residents 152.020 – identify Clova Bay at risk from adverse cumulative effects on NC (no specific text proposed). MFA further submission point 37. Oppose Friends of Nelson Haven 716.057 (add Dr Steven 7 point scale). MFA further submission point 39.

[RPS]

~~Policy 6.1.1 – Natural character is natural, physical and biological processes, and how those processes are perceived. Recognise that the following natural elements, patterns, processes and experiential qualities contribute to natural character:~~

- ~~(a) — areas or water bodies in their natural state or close to their natural state;~~
- ~~(b) — coastal or freshwater landforms and landscapes (including seascape);~~
- ~~(c) — coastal or freshwater physical processes (including the natural movement of water and sediments);~~
- ~~(d) — biodiversity (including individual indigenous species, their habitats and communities they form);~~
- ~~(e) — biological processes and biological patterns (As compared with perceptual patterns);~~
- ~~(f) — water flows and levels and water quality; and~~

~~the experience of the above elements, patterns and processes, including unmodified, scenic and wilderness qualities.~~

~~(g) The include in discussion a record that the intent of this policy is to provide for a biological definition of natural character, overlaid with perceptions of biology.~~

~~This policy describes those matters considered to contribute to the natural character of coastal and river environments. This provides MEP users with a clear understanding of the meaning of natural character.~~

[RPS]

Policy 6.1.2 – The extent of the coastal environment is identified in the Marlborough Environment Plan to establish the areas of land and coastal marine area to which management may need to be applied in order to protect the natural character of the coastal environment from inappropriate subdivision, use and development. Beyond recreational diving depth (40m) the indigenous biodiversity policies are all that is relevant.

The coastal environment includes the coastal marine area, an active coastal interface area (where the sea is the dominant element and influence on landform, vegetation and perception) and a coastal significance area (which generally includes the land up to the first coastal ridge) - see Figure 6.1. This recognises the characteristics set out in Policy 1 of the NZCPS. All of the Marlborough Sounds is considered to be coastal environment, while the south coast of Marlborough is more complex due to variation in landform.

Commented [QD7]: MFA submission point 42. 426.046.

Commented [AH8]: Oppose EDS 698.039. MFA further submission point 40.

Formatted: Heading 3

Formatted: Heading 3, Space After: 0 pt

Commented [QD9]: MFA submission point 43. 426.047
This approach is supported by the commentary in Natural Character of the Marlborough Coast (Boffa Miskell, 2014) at Appendix 6, page 316. Seaward extent of coastal natural character mapping should be reduced accordingly.

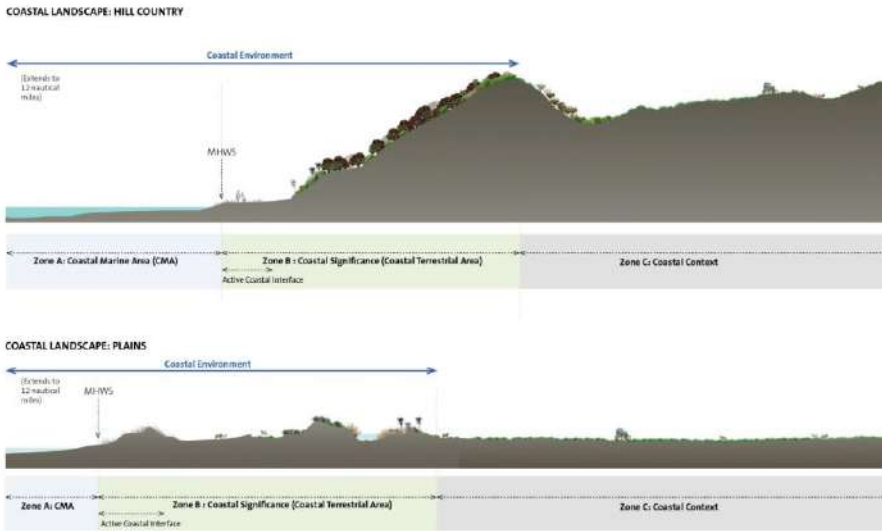


Figure 6.1: Extent of the coastal environment.

The landward extent of Marlborough’s coastal environment is mapped in the MEP. Establishing the extent of the coastal environment defines the areas in which activities may need to be managed in a particular way to preserve the natural character of this environment in accordance with Section 6(a) of the RMA. This will provide resource users and the community with certainty as to the spatial area to which the natural character and other provisions of the NZCPS apply.

[RPS]

Policy 6.1.3 – Determine the degree of natural character in both the coastal marine and coastal terrestrial components of the coastal environment by assessing:

- (a) ~~the degree of human-induced modification on abiotic systems and landforms, marine and terrestrial biotic systems and experiential qualities; and~~
~~natural character at a range of scales.~~
- (a) ~~[Content to be added and changed]~~

Commented [QD10]: MFA submission point 44. 426.048

Commented [AH11]: Oppose EDS 698.040. MFA further submission point 42
 Oppose Friends of Nelson Haven 716.060. MFA further submission point 43.

Formatted: Indent: Left: 2 cm, No bullets or numbering

The natural character of the coastal environment can vary significantly from place to place. An evaluation of the degree of natural character in Marlborough’s coastal environment has been undertaken. This comprised an assessment of the extent of human-induced modification in the coastal marine area and on land within the coastal environment. To assist this process, Marlborough’s coastal environment was divided into nine distinct coastal marine areas and 17 distinct coastal terrestrial areas based on land typology. For each area, abiotic systems and landforms, biotic systems and experiential attributes were assessed. Freshwater values within the coastal environment were identified in the coastal terrestrial areas.

~~The analysis of natural character should be undertaken at the detail scale (Level 5) only. The Natural Character of the Marlborough Coast Study should be redone in light of these changes, was undertaken at a range of scales from broad (i.e. at the Marlborough Sounds or South Marlborough level) through to a more detailed scale, which in some cases was bay-level assessment. As a result, natural character can be perceived at different levels and different scales, depending on the level of information that is available. The scales at which the assessments have been undertaken can be seen in Figure 6.2.~~

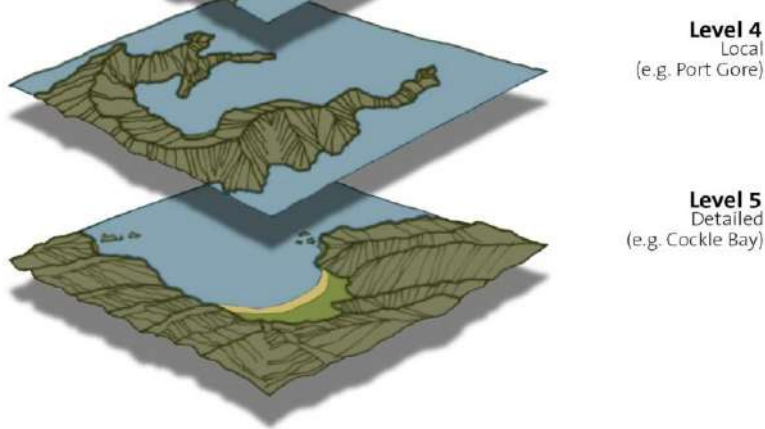


Figure 6.2: Natural Character Assessment Scale

Appendix 2 identifies the values that contribute to high and very high coastal natural character in each of the discrete natural character areas (reaching Levels 4 to 5 on the assessment scale). The values for areas with outstanding coastal natural character are also included within Appendix 2.

[RPS]

Policy 6.1.3A4 – Identify those areas of the coastal environment that have high, very high or outstanding natural character.

Policy 13 of the NZCPS requires that areas of at least high natural character be mapped or otherwise identified. The Council considers that the most effective form of identification is mapping, as it provides certainty on the location and extent of those spatial areas. For this reason, the MEP identifies through mapping areas of the coastal environment that have high or very high natural character following an evaluation in accordance with Policy 6.1.3. Because of the gaps in knowledge of marine ecosystems, it is difficult to map an exact line where natural character shifts from high to very high. For this reason the maps show a 'transition' area between areas of high and very high natural character in marine areas.

Policy 13(1)(a) of the NZCPS specifies requirements for areas of outstanding natural character. For the purposes of the MEP, those areas of the coastal environment that have very high natural character and which also exhibit a combination of natural elements, patterns and processes that are exceptional in their extent, intactness, integrity and lack of built structures (and other modifications) compared to other areas in Marlborough, are identified as having outstanding coastal natural character. These areas are also mapped in the MEP.

The mapping of high, very high and outstanding natural character through this policy will enable appropriate management to be applied to relevant parts of the coastal environment to give effect to the NZCPS. Outstanding, in the context of natural character, means obviously exceptional, notable, eminent

Policy 6.1.4 - Identify the biological characteristics and the values inherent in the perception of those biological characteristics for each area mapped under Policy 6.1.3

[RPS]

Policy 6.1.5 – Determine the degree of natural character in and adjacent to lakes and rivers by assessing the degree of human-induced modification to the following:

- (a) channel shape and bed morphology;
- (b) flow regime and water levels;
- (c) water quality;
- (d) presence of indigenous flora and fauna in the river channel;
- (e) absence of exotic flora and fauna;
- (f) absence of structures and other human modification in the river channel/lake;
- (g) vegetation cover in the riparian margin;
- (h) absence of structures and other human modification in the riparian margin; and
- (i) the experience of the above elements, patterns and processes including unmodified, scenic and wilderness qualities.

The matters identified in (a) to (i) are those elements, patterns, processes and experiential qualities that contribute to the natural character of Marlborough's lakes and rivers and their margins. The extent to which these have been modified by human activities will determine the degree of natural character. Where the matters in (a) to (i) have not been modified or have been

cter

Commented [QD12]: MFA submission point 45. 426.049

Commented [QD13]: MFA submission point 46. 426.050

Oppose Friends of Nelson Haven 716.61
MFA/AQNZ Further Sub 44
Oppose KCSRA 868.003. MFA further submission 45 (NB. ref should be to 868.003, not 870.003)
Oppose CBRA 152.001. MFA further submission point 46.

only been slightly modified, then the natural character will be assessed as being very high. As the degree of human-induced modification of the river and its margins increases, the degree of natural character will reduce from high, through moderate, low and finally, very low (where the river environment has been heavily modified).

[RPS]

Policy 6.1.6 – Identify those rivers or parts of rivers that have high or very high natural character.

Although there is no specific requirement for the Council to identify rivers that have high or very high natural character, the Council has undertaken an assessment to determine the natural character values of a number of Marlborough's rivers. This has been carried out to recognise and provide for Section 6(a) of the RMA. Using the criteria in Policy 6.1.5, a five-point assessment scale on the significance of the waterbodies has allowed natural character to be determined. The rivers with high or very high natural character have been mapped in the MEP. Further information on a range of values for Marlborough's rivers, including natural character values, is set out in Appendix 5.

[RPS, R, C, D]

Objective 6.2 – Preserve the natural character of the coastal environment, and lakes and rivers and their margins, and protect them from inappropriate subdivision, use and development.

This objective meets the expectations of Section 6(a) of the RMA, which establishes that preservation of natural character is a matter of national importance.

[RPS, R, C, D]

Policy 6.2.1 - In the coastal environment:

- (a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character.
- (b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character. Methods which may achieve this include:
 - i. Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and
 - ii. In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and
 - iii. Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character has already been compromised.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(1).

Commented [QD14]: MFA submission point 47-49. 426.051-55

Commented [QD15]: Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(1).

Policy 6.2.2 - Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of the natural character of freshwater bodies. A method which may achieve this includes minimising indigenous vegetation clearance and modification (including earthworks / disturbance and structures) to natural wetlands, the beds of lakes, rivers and their margins.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(2).

New Policy 6.2.3 - When considering whether there are any adverse effects on the characteristics and qualities of the natural character values in terms of 6.2.1(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of 6.2.1(b) and 6.2.2, and in determining the character, intensity and scale of the adverse effects:

- (a) Recognise that a minor or transitory effect may not be an adverse effect;
- (b) Recognise that many areas contain ongoing use and development that:
 - i. Were present when the area was identified as high or outstanding or have subsequently been lawfully established
 - ii. May be dynamic, diverse or seasonal;
- (c) Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects;
- (d) Have regard to any restoration and enhancement on the characteristics and qualities of that area of natural character;
- (e) Recognise it may be appropriate to offset significant residual adverse effects on natural character to result in no net loss and preferably a net natural character gain. A natural character offset should be developed in a manner consistent with the principles contained in Policy 6.2.6;
- (f) Recognise that where adverse effects cannot be practicably avoided, adverse effects could be minimised; and
- (g) Acknowledge that a future adverse effect may be avoided where the effect is temporary and is authorised for a finite term.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(3); save for (e), which is based on the proposed Bay of Plenty Regional Coastal Environment Plan at Policy NH 11(d); and (f), which is based on the proposed Auckland Unitary Plan (AUP) Regional Policy Statement Chapter D9.3(1)(a). Proposed new policy 6.2.3(g) adopts an approach similar to policy 7.2.6 in the MEP.

~~**Policy 6.2.1 – Avoid the adverse effects of subdivision, use or development on areas of the coastal environment with outstanding natural character values and on lakes and rivers and their margins with high and very high natural character values.**~~

~~Where the natural character of the coastal environment is outstanding, Section 6(a) of the RMA indicates that this level of preservation should be retained, particularly when coupled with the similar direction in Policy 13 of the NZCPS. This means that any adverse effects on natural character values should be avoided. That is not to say that no subdivision, use or development can occur within the coastal environment – activities may not adversely affect the natural character of the surrounding environment, or may include features or benefits that maintain the existing levels of natural character.~~

~~For freshwater bodies there is also a requirement in Section 6(a) to preserve the natural character of wetlands, lakes and rivers and their margins and to protect this natural character from inappropriate subdivision, use and development. Having regard to Policy 6.1.5, the Council has assessed the values of rivers and lakes and their level of significance in order to give effect to Section 6(a). In undertaking this assessment, the Council has determined that where the freshwater values are high or very high, then adverse effects on these values should be avoided.~~

Commented [QD16]: Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(2).

Commented [QD17]: Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(3); save for (e), which is based on the proposed Bay of Plenty Regional Coastal Environment Plan at Policy NH 11(d); and (f), which is based on the proposed Auckland Unitary Plan (AUP) Regional Policy Statement Chapter D9.3(1)(a). Proposed new policy 6.2.3(g) adopts an approach similar to policy 7.2.6 in the MEP.

Commented [QD18]: Support Sanford point 1140.16
MFA/AQNZ cross submission point 47
Oppose Forest & Bird 715.65
MFA/AQNZ cross submission point 48
Oppose Clova Bay 152.17 & 19
MFA/AQNZ cross submission point 51, 49
Oppose EDS 698.44
MFA/AQNZ cross submission point 50

[RPS, R, C, D]

~~Policy 6.2.2 — Avoid significant adverse effects of subdivision, use or development on coastal natural character, having regard to the significance criteria in Appendix 4.~~

~~The degree of adverse effects on coastal natural character is an important consideration under Policy 13(1)(b) of the NZCPS. Where the extent of change in the coastal environment from subdivision, use or development causes significant adverse effects on natural character, the NZCPS states those effects should be avoided. There is therefore a threshold beyond which remediation and/or mitigation of those adverse effects is not an appropriate management option. That threshold will be determined on a case-by-case basis through the resource consent or plan change process. The significance of the adverse effect will depend on the nature of the proposal, the natural character context within which the activity is proposed to occur and the degree of change to the attributes that contribute to natural character in that context.~~

~~In addition to using information in the appendices on the degree of natural character at particular locations, consideration should also be given to other chapters of the MEP, which help to inform how adverse effects can be avoided. For example, the policies in Chapter 7 — Landscape, Chapter 8 — Indigenous Biodiversity and Chapter 13 — Use of the Coastal Environment, target the individual components of natural character and therefore provide a framework on how to avoid significant adverse effects on natural character values.~~

[RPS, R, C, D]

~~Policy 6.2.3 — Where natural character is classified as high or very high, avoid any reduction in the degree of natural character of the coastal environment or freshwater bodies.~~

~~The degree of adverse effects on coastal natural character is an important consideration under Policy 13 of the NZCPS. This policy establishes a threshold for the extent of further change that can be made in coastal environments that have high or very high natural character. Any activity that would have the effect of reducing the natural character at or near the site to a classification below that which exists at the time of making a resource consent application or plan change request, will be considered a significant adverse effect in the context of Policy 13(1)(b) of the NZCPS and should therefore be avoided. Although there is no equivalent direction in a statutory sense for freshwater bodies that reflects Policy 13(1)(b) of the NZCPS, the Council considers that the same policy approach is relevant given that freshwater bodies are included within the direction in Section 6(a).~~

~~The extent of change in natural character at or near a site will be determined on a case-by-case basis through the resource consent or plan change process. The change will depend on the nature of the proposal, the natural character context within which the activity is proposed to occur and the degree of change to the attributes that contribute to natural character in that context. For the coastal environment specifically, Appendix 2 contains information on the elements, patterns, processes and experiential qualities that give discrete areas high or very high natural character. For freshwater environments, information on a range of values for Marlborough's rivers, including natural character values, is set out in Appendix 5. This will help to inform any assessment of environmental effects on natural character of Marlborough's rivers and the coastal environment.~~

[RPS, R, C, D]

~~Policy 6.2.4 — Where resource consent is required to undertake an activity within coastal or freshwater environments with high, very high or outstanding natural character, regard will be had to the potential adverse effects of the proposal on the elements, patterns, processes and experiential qualities that contribute to natural character.~~

~~Where it is proposed that an activity will take place in an area of high, very high or outstanding natural character, it is appropriate that the applicant assesses the impact of the proposal on natural character at the site and in the surrounding environment. To undertake the assessment, regard must be had to the elements, patterns, processes and experiential qualities that contribute to natural character. For the coastal environment, Appendix 2 of the MEP contains information on these matters for each area, which will assist the assessment process. The level of assessment~~

~~undertaken should reflect the scale of the proposed activity and the potential adverse effects on the attributes that contribute to the natural character in the coastal environment. The values of freshwater bodies, including natural character values, can be found in Appendix 5.~~

[RPS, R, C, D]

Policy 6.2.5 – ~~Recognise that development in parts of the coastal environment and in those rivers and lakes and their margins that have already been modified by past and present resource use activities is less likely to result in adverse effects on natural character.~~

Modified coastal and freshwater environments have greater potential to absorb change than those that have not been modified previously or that have low levels of modification. For this reason, the Council will use a combination of regional and district rules, zoning and overlays to provide direction about where development should be located. This will help to preserve the natural character of coastal and freshwater environments.

[RPS, R, C, D]

Policy 6.2.6 – ~~In assessing the appropriateness of subdivision, use or development in coastal or freshwater environments, regard shall be given to the potential to enhance natural character in the area subject to the proposal.~~

It may be possible to improve the natural character of coastal environments and freshwater bodies through appropriate subdivision, use and development of natural resources. Any improvement to the landscape, natural processes, biodiversity, water flows or quality incorporated into the proposal will be considered in this regard. Enhancement of natural character is particularly desirable where the coastal environment and freshwater bodies have been substantially modified by past resource use activities. Enhancement in this context is to be used in its broadest term and can include restoration and rehabilitation. However, for the purposes of this policy it does not include addressing the effects of a proposal. Any actions proposed by an applicant or imposed by the consent authority (through consent conditions) begin the process of remedying past resource use impacts on natural character. The policy also implements Policy 14 of the NZCPS.

[RPS, R, C, D]

Policy 6.2.7 – ~~In assessing the cumulative effects of activities on the natural character of the coastal environment, or in or near lakes or rivers, recognition should be given to the extent of cumulative effects from existing modifications to the environment and consideration shall be given to:~~

- (a) ~~the effect of allowing more of the same or similar activity;~~
- (b) ~~the result of allowing more of a particular effect, whether from the same activity or from other activities causing the same or similar effect; and~~
- (c) ~~the combined effects from all activities in the coastal or freshwater environment in the locality.~~

Although individual activities may not adversely affect the natural character of the coastal environment or freshwater bodies, when combined with the effects of similar activities or other activities with similar effects, the activities may collectively have cumulative effects on natural character. This policy describes how the cumulative effects of activities on the natural character of the coastal environment or freshwater bodies will be considered. For the coastal environment specifically, any consideration of cumulative effects should take into account scale and may need to include consideration of the intactness of the coastal terrestrial and coastal marine natural character areas.

[RPS, R, C, D]

Policy 6.2.8 – ~~Require land use activities to be set back from rivers, lakes and the coastal marine area in order to preserve natural character except where activities have a functional or operational need to be located adjacent to the coastal marine area.~~

The proximity of land use activity to rivers, lakes and the coastal marine area has a significant influence on the potential for adverse effects on natural character. The closer the activity, the

Commented [QD19]: Support MFA submission point 50.
426.056
Oppose Etheridge 879.1
MFA/AQNZ cross submission 52

Commented [QD20]: Support MFA submission point 51.
426.057
Oppose Kenepuru 868.9
MFA/AQNZ cross submission 53

Commented [QD21]: MFA submission point 52.
426.058
Oppose Clova Bay 152.16; Kenepuru 868.10
MFA/AQNZ cross submission 54

Commented [QD22]: Support Port Marlborough 433.21
MFA/AQNZ cross submission 55

greater the potential for modification to the elements, patterns, processes and experiential qualities that contribute to natural character. For this reason, land use activities will be required to be set back from rivers, lakes and the coastal marine area. The setback will be implemented through permitted activity standards and application can be made for resource consent to undertake an activity within the setback. The adverse effects of any such proposal will be assessed against the provisions of this chapter.

[RPS, R, C, D]

Policy 6.2.9 – Encourage and support private landowners, community groups, businesses, and others in their efforts to restore the natural character of the coastal environment, wetlands, lakes and rivers.

Not all of the responses to preserving natural character need to be achieved through regulatory methods, particularly when restoring natural character in parts of the coastal environment and in wetlands, lakes and rivers already significantly modified by historic human activity. This policy acknowledges the significant efforts of private landowners, community groups and others to restore natural character in modified coastal and aquatic environments. The Council will seek to support existing restoration initiatives and will encourage new restoration initiatives to be established. Given that natural character consists of a range of abiotic, biotic and experiential attributes, methods elsewhere in the MEP targeting an improvement in the quality of the environment will also contribute to the restoration of natural character.

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[RPS, R, C, D]

6.M.1 Regional and district rules

As necessary, apply district or regional rules to activities that have the potential to threaten identified attributes that contribute to natural character, particularly areas with high, very high and outstanding natural character. The status of activities will depend on the severity of the threat and range from permitted activity standards through to prohibited activities. Activities to be regulated include:

- subdivision;
- erection and placement of structures, especially location, scale, density and appearance;
- land disturbance;
- indigenous vegetation removal; and
- the planting of certain species of exotic tree.

[RPS]

6.M.2 Identifying natural character within Marlborough's freshwater and coastal environments

An assessment of Marlborough's coastal and freshwater environments has identified areas of high, very high and outstanding natural character. For freshwater environments, the assessment is included within the document "The Natural Character of Selected Marlborough Rivers and Their Margins," and identifies rivers and parts of rivers that have high or very high natural character. For Marlborough's coastal environments, the assessment is included within the document "Natural Character of the Marlborough Coast." The results of the assessments are mapped in the MEP. Appendix 2 of the MEP also identifies the attributes that contribute to the high, very high or outstanding natural character of these mapped areas of coastal environment, while Appendix 5 identifies the values of Marlborough's rivers, including natural character values.

Commented [QD23]: MFA submission point 53. 426.059

Commented [QD24]: Support provided that existing aquaculture can remain: MFA submission point 55. 426.061

6.M.2A Identifying Natural Character Assessment Method

Appendix XXX sets out a detailed method to encourage consistency of approach between landscape architects.

[R, C, D]

Commented [QD25]: MFA submission point 54. 426.060

6.M.3 Information

The Council has made available background information on the natural character of Marlborough’s coastal and freshwater environments. This information is included in the documents identified in Method 6.M.2. The contents of the documents is useful reference material generally, but can also be used by resource consent applicants to assist any assessment of adverse effects on natural character.

[R, C, D]

6.M.4 Restoration of natural character

The document “Natural Character of the Marlborough Coast” provides information on potential actions that can be taken to restore the natural character of the coastal environment. This information will help land owners and resource users to implement measures to restore natural character on their property or as part of their operations.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental result of the natural character provisions of the MEP. The anticipated environmental result is a ten year target from the date that the MEP becomes operative. An indicator that will be used to monitor the effectiveness of the natural character provisions is also identified.

Anticipated environmental result	Monitoring effectiveness
6.AER.1 The natural character of Marlborough’s coastal environment and of lakes, rivers and their margins is retained. The intactness of the individual coastal marine and coastal terrestrial areas of the Marlborough Sounds is retained in order to preserve the natural character of the Sounds.	Only appropriate development is allowed to occur within the coastal environment and in lakes, rivers and their margins, as measured by reassessment of the degree magnitude of change of natural character within these environments. The abiotic systems and landforms, biotic systems and experiential attributes that contribute to the natural character of the coastal environment are retained, as measured by reassessment of Marlborough’s natural character.

Commented [AH26]: MFA submission point 55. Support, on the basis that natural character can be retained while allowing for existing activities. 426.061

Commented [QD27]: MFA submission point 56. (And consequential amendments throughout ch 6) 426.062

As the natural character of coastal and freshwater environments is formed by a number of natural elements, patterns, processes and experiential qualities, the anticipated environmental results and indicators in the following chapters will also help to determine whether the anticipated environmental result above is achieved:

- Chapter 5 - Allocation of Public Resources;
- Chapter 7 - Landscape;
- Chapter 8 - Indigenous Biodiversity;
- Chapter 9 - Public Access and Open Space;

6: Natural Character

Volume One

- Chapter 13 - Use of the Coastal Environment; and
- Chapter 15 - Resource Quality (Water, Air, Soil).

APPENDIX 2

7. Landscape

Introduction

Our landscapes provide us with a Marlborough identity and are an integral part of the Marlborough environment. Landscapes are distinct spatial areas influenced by location-specific processes within the environment. These processes can be natural or human-induced (e.g. land use change). Natural features within the landscape can also help to define a landscape. The resulting landscape characteristics are expressed visually, but can be valued for their ecological significance or for intrinsic reasons (e.g. by providing a sense of place).

The Resource Management Act 1991 (RMA) identifies the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development as a matter of national importance (Section 6(b)). Those landscapes that do not meet the threshold of being considered 'outstanding' may still make a contribution to the visual appreciation or amenity values of Marlborough. The RMA seeks to maintain and enhance these landscapes with visual amenity value (Section 7(c)). For the purposes of this chapter, landscapes that are identified for Section 6(b) or 7(c) reasons are referred to as "significant landscapes."

There are five broad landscape areas in Marlborough: the Richmond Range and associated mountain ranges; the Wairau and Awatere River Valleys; the mountainous interior; the Marlborough Sounds; and the remainder of the coastal environment.

Richmond Ranges

These mountains enjoy a wetter climate than their counterparts to the south. As a consequence, and due to the steep landform, the slopes and valleys are predominantly covered in indigenous forest. Although plantation forestry and intensive pastoral farming are evident within the valleys and on some of the lower slopes, especially along the north bank of the Wairau River, the majority of the land is managed by the Department of Conservation. A number of European and Māori historic and cultural elements can also be found within this landscape, particularly within the eastern coastal margin from Rarangi in the south to Oyster Bay in the north.

Wairau and Awatere River valleys

These river valleys are characterised by their broad, low lying outwash plains confined to the Wairau River plain and the Awatere River valley. These plains are bounded by the characteristic rolling hills of Southern Marlborough. This vastly modified landscape contains urban developments, pasture, forestry, horticulture and vineyards.

Mountainous interior

The mountainous interior south of the Wairau River is an extensive, largely inaccessible tract of land comprising rugged hills and mountains that reach 2,800 metres above sea level in some places. This landscape is largely bare, although remnant indigenous vegetation exists in alpine areas and in many of the river gorges. Some of the land is used for extensive pastoral farming. Due to vegetation clearance that has occurred, the biophysical aspects of this area are somewhat diminished; however, its bold landform, characterised by underlying geology, geomorphology and natural erosion processes, is typical of high country areas.

The Marlborough Sounds

The Marlborough Sounds display a unique combination of landforms formed by drowned river valleys, resulting in a highly fractured coastline with numerous offshore islands.

Shaped largely by physical and climatic influences, the Marlborough Sounds include very steep to moderately steep dissected coastal hills and a mixture of vegetated and cleared mountain slopes. Some parts of the Marlborough Sounds are modified through agricultural, forestry and residential land uses and aquaculture activities in the coastal marine area. A number of significant Māori and European historic and cultural elements also contribute to this landscape.

The East Coast

From Rarangi in the north to Willawa Point on the Kaikoura Coast, the east coast of Marlborough provides a variety of landforms. In the north, the coastal environment comprises a sequence of dunes and swales moving inland, although these features have been modified by agricultural and residential activities. There are two significant river mouths - the Wairau and Awatere rivers - and two significant saline lagoons - Vernon Lagoons and Lake Grassmere. Salt is harvested from Lake Grassmere. The remainder of the coastline is rugged and relatively inaccessible. From Cape Campbell south, this coastline is characterised by dramatic limestone features.

The presence of water, in terms of lakes, rivers, wetlands or the sea, makes a significant contribution to the overall landscape and any reference to landscape within the Marlborough Environment Plan (MEP) includes reference to these water environments.

It is important to recognise that there is significant diversity in landscape within the broad areas identified above. This diversity is partly a response to variation in geological and ecological processes. Human activity has also had a considerable effect on our landscape over time, while current land use continues to influence the landscape character of Marlborough. Because the underlying human and natural processes are subject to change and evolution, landscapes are dynamic systems.

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

The use and development of natural and physical resources has always played an important role in sustaining Marlborough communities. The landscape within which this resource use occurs also makes a significant contribution in this regard. For Marlborough's tangata whenua iwi in Marlborough, particular features within the landscape are taonga. The wider community enjoys and values the landscapes that exist within the Marlborough Sounds, Richmond Ranges, in the Wairau and Awatere River valleys and in the mountainous interior. Our landscapes collectively make a significant contribution to our wellbeing and help provide us with a Marlborough identity.

The use and development of natural and physical resources changes the landscape. This can take several forms, such as: the introduction of built form where there is currently none or where it is introduced into prominent locations; the introduction of colour contrasts those in the existing landscape; or the introduction or removal of vegetation that affects pattern and texture within the landscape. Landscape change can occur at a range of scales and timeframes, be they site-specific or broad scale, immediate or incremental and potentially cumulative.

Not all change in the landscape will result in a loss of landscape values. In fact, some changes have enhanced landscape values. An example of this is the indigenous revegetation in the Marlborough Sounds. Other landscapes are a direct result of resource use. For example, the conversion of pastoral land to viticulture in the river valleys has created a landscape of structure, seasonal colour contrast and colour contrast with the surrounding landscape. These examples demonstrate the dynamic nature of our landscape.

Commented [MJ1]: MFA submission point 58.
426.064

Although our landscape is dynamic and will continue to change in response to future resource use, there are some landscapes that the community values above others. The importance of these significant landscapes and the contribution they make to community wellbeing is recognised by the RMA. The value placed on our significant landscapes means that they are often more sensitive to change.

Issues can arise where the effects of resource use, especially the subdivision, use and development of land result in the loss or degradation of the values fundamental or integral to a landscape being considered significant. As the community gains economic wellbeing from the productive use of natural and physical resources, it can be challenging to balance this against the need to retain the values that contribute to our significant landscapes. Judgements are therefore required to determine appropriate development within our significant landscapes.

[RPS]

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

Identification of the nature and extent of outstanding natural features and landscapes ~~and landscapes with high amenity~~ value allows the application of appropriate management mechanisms. The identification process is a complex task, given the dynamic nature of Marlborough’s landscapes as well as the diverse range of values that contribute to Marlborough’s landscape character and the variation in the sensitivity of these values to change. In addition, our perception of landscape varies widely depending on our own culture and life experience. In this context, it is very important to identify those values that make particular landscapes significant.

[RPS]

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

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

Multiple values contribute to landscape. Primarily, landscape is the expression of natural processes and human activity in and on the land. However, it is also a function of how people perceive the results of this interaction. Those values considered relevant in a Marlborough context are identified in (a) to (c) of the policy. Landscapes may have one or more of these values. The criteria are derived from national and international landscape assessment criteria. More detail on what constitutes the values in (a) to (c) and how the values are assessed is included within the report “Marlborough Landscape Study August 2015” undertaken by expert landscape consultants. The Council will use these values as the basis of any assessment of landscape.

[RPS]

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

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

Commented [MJ2]: MFA submission point 58. 426.064
Oppose Friends of Nelson Haven 716.072. MFA/AQNZ further submission 56.57

Commented [MJ3]: Support MFA submission point 60. 427.066
Oppose EDS 698.47. MFA/AQNZ further submission 58.
Oppose Forest & Bird submission 715.145. MFA/AQNZ further submission point 59.
Oppose Friends of Nelson Haven submission 716.73 MFA/AQNZ further submission point 60.

Commented [MJ4]: MFA submission point 61. 426.067.
Includes deleting map 2, Vol 3, Appendix 1, and replacing with a map reflecting visual catchment approach.

Formatted: Space After: 6 pt

The identification of significant landscapes requires the extent or boundary of these significant landscapes to be identified. This policy identifies the methods that will be used to establish the boundaries, as follows:

- Land typing: uses a change in landform to establish a boundary at and following the edge of the landform.
- Contour line: uses a specific contour line(s) to establish a boundary.
- Contained landscape feature: uses an enclosed area of land around a landscape feature, such as an island.
- Visual catchment: uses ridgelines and spurs to establish a boundary.
- Land use: uses a variation in land use to establish a boundary.

The method to be used will depend on the values that contribute to the landscape and how they are expressed in the landscape.

7.1.2A - Define the boundaries of a feature as a coherent land and sea type.

[RPS]

Policy 7.1.3 – Assessment of the values in Policy 7.1.1 will determine:

- (a) whether a landscape is identified as an outstanding natural feature and landscape in terms of Section 6(b) of the Resource Management Act 1991;**
- ~~**(b) whether the landscape has high amenity value in terms of Section 7(c) of the Resource Management Act 1991; or**~~
- (c) where landscape values are not sensitive to change.**

Once an assessment of a landscape has been undertaken based on the values identified in Policy 7.1.1, a determination will be made as to whether the landscape values are significant enough for the landscape to be considered outstanding in the context of Section 6(b) of the RMA. If a landscape is considered to exhibit exceptional or very high biophysical, sensory and/or associative values, then it will be identified as an outstanding natural landscape. Outstanding natural features can also be included within this assessment.

There are also landscapes in Marlborough that, although their values are not as significant as those for an outstanding natural feature or landscape, can still make a significant contribution to the appreciation and quality of our environment. A range of sensory values can contribute to the amenity of these landscapes, including scenic beauty, coastal character, dramatic or attractive natural features within the landscape and the openness or naturalness of the landscape. Where these sensory values are collectively considered to be high, the landscape can be categorised as a landscape with high amenity value.

Controls will apply to both of these landscapes, as set out in subsequent policy. Landscapes not identified as being sensitive to change will not be subject to specific management for landscape outcomes.

[RPS, R, C, D]

Policy 7.1.4 – Landscapes that meet the criteria to be identified as an outstanding natural feature and landscape, ~~or landscapes with high amenity value, where those values are more sensitive to change;~~

- (a) are specifically identified on the Landscape Overlay; and**
- (b) the specific values associated with the identified landscapes are set out in Appendix 1 of Volume 3 of the Marlborough Environment Plan.**

Commented [MJ5]: MFA submission point 62. 426.069
Map features/describe values in Vol 3, Appendix 1

Commented [MJ6]: MFA submission point 58. 426.064 (arguably delete policy 7.1.3(b) altogether)
MFA submission point 63. 426.071. (delete ref to "high")

Formatted: Indent: Left: 2 cm, Space After: 6 pt, No bullets or numbering

Commented [MJ7]: MFA submission point 58. 426.064

MFA submission point 64. 426.072.
And re-write Appendix 1, Vol 3 to include values.

Those landscapes that are an outstanding natural feature or landscape will be identified (and mapped) in the MEP. For the coastal environment particularly, this policy helps to give effect to Policy 15(d) of the New Zealand Coastal Policy Statement 2010 (NZCPS), which requires regional policy statements and plans to map or otherwise identify areas that need protection. ~~For those landscapes identified as having high amenity value, only landscapes that are more sensitive to change have been identified.~~ The two specific areas considered sensitive to change are the Marlborough Sounds Coastal Landscape and the Wairau Dry Hills Landscape.

Commented [MJ8]: MFA Submission point 58. 426.064

Mapping makes it clear to resource users where Marlborough's significant landscapes are located. Additionally, the values that make these landscapes significant are described in Appendix 1. These values should be considered when resource consent applications are made and decided upon including the extent to which they may be affected by a particular use or development.

[RPS, R, C, D]

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

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

Commented [MJ9]: MFA submission point 65. 426.074.

~~Although it is intended to identify Marlborough's outstanding natural features and landscapes and landscapes with high amenity value, landscape is also dynamic and is constantly changing. Change may occur quickly as a result of land use change or a catastrophic event (e.g. earthquake) or slowly as a result of natural processes (e.g. indigenous revegetation). Where landscape change occurs over time or where there is a more detailed assessment of landscape values at a particular site, it may be necessary to refine the boundaries of the identified outstanding natural features and landscapes and landscapes with high amenity value. Any changes to the boundaries of these identified landscapes will have to pass through the First Schedule process of the RMA.~~

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[RPS]

~~**7.M.1** Identifying Marlborough's outstanding natural features and landscapes and landscapes with high amenity value that are sensitive to change~~

~~An extensive assessment of Marlborough's landscapes was undertaken in 2009 by professional landscape consultants. This assessment identified Marlborough's outstanding natural features and landscapes as well as those landscapes with high amenity value. After consultation with landowners (including site visits where requested by landowners, resource users and the community), those landscapes that meet national and international criteria for significance have been identified in the MEP. Appendix 1 of the MEP also identifies the values (as listed in Policy 7.1.1) that make each landscape significant.~~

Commented [MJ10]: MFA Submission point 58. 426.064

Oppose Pinder 578.16 Guardians of the Sounds 752.16 and Sea Shepherd New Zealand 1146.16. MFA/AQNZ further submission point 70.

Commented [MJ11]: MFA Submission point 58. 426.064

[RPS, R, C, D]

7.M.2 Information

The Council has made available information on Marlborough's diverse landscape character and the results of any evaluation of landscape significance (following consultation with relevant landowners). This will be a useful reference document generally, but can also be used by resource consent applicants to assist in any assessment of adverse effects on landscape values.

[RPS, R, C, D]

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

Section 6(b) of the RMA requires the Council to protect outstanding natural features and landscapes from inappropriate subdivision, use and development, ~~while Section 7(c) of the RMA requires the Council to have particular regard to the maintenance and enhancement of amenity values.~~ This objective reflects these statutory obligations and recognises the significant contribution of landscape to community wellbeing. Protecting the biophysical, sensory and associative values that contribute to our significant landscapes means that locals and visitors alike can continue to appreciate this important part of Marlborough's identity, character and environment.

It is important to acknowledge that the landscape management mechanisms that stem from this objective do not anticipate that there will be no landscape change. Rather, the objective focusses on determining what is appropriate resource use and development in relation to the values that make the landscape significant.

[R, C, D]

~~Policy 7.2.1 – Control activities that have the potential to degrade those values contributing to outstanding natural features and landscapes by requiring activities and structures to be subject to a comprehensive assessment of effects on landscape values through the resource consent process.~~

~~One of ways in which the Council is to fulfil its statutory obligations with respect to landscape is to control inappropriate subdivision, use and development through regional and district rules. Because some of Marlborough's natural features and landscapes have been identified as having outstanding value, it is important that activities in these areas are assessed through the resource consent process to determine whether the activity will have an adverse effect on landscape values. The activities to be controlled vary between each outstanding natural feature and landscape as the values that contribute to the significant landscape, and the sensitivity of these values to change, will differ from place to place. For example, the threats to landscape values in the coastal environment could be different to those in the mountainous interior. Appendix 1 of the MEP identifies the values that make each outstanding natural feature and landscape significant. The MEP will also contain the regional and district rules.~~

Policy 7.2.1A – Activities that are consistent with the values and factors of outstanding natural landscapes will be recognised for their contribution to the landscape and provided for. Primary production activities will be enabled.

[D]

Policy 7.2.2 – Control activities that have the potential to degrade the amenity values that contribute to the Wairau Dry Hills Landscape by:

- (b)(c) setting permitted activity standards that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and**
- (e)(d) requiring resource consent for commercial forestry activities.**

The Wairau Dry Hills Landscape is more sensitive to change than other landscapes with high amenity value as it forms the visual backdrop to Blenheim and the Wairau Plain, providing an attractive contrast to the valley floor. (The specific values that are present within this landscape are set out in Appendix 1 of the MEP.) While most landscapes identified as having high amenity value have a non-regulatory approach as the means of maintaining and enhancing landscape value, for the Wairau Dry Hills landscape a regulatory approach is considered more appropriate in order to fulfil statutory obligations under Section 7(c) of the RMA. Only one activity, commercial forestry, needs to be assessed through the resource consent process, as it could have a

Commented [MJ12]: MFA Submission point 58. 426.064

MFA submission point 59. 426.065

Oppose Clova Bay Residents 152.12. MFA/AQNZ further submission point 57.

Commented [MJ13]: MFA Submission point 58. 426.064

Commented [MJ14]: Oppose EDS 698.51 MFA/AQNZ further submission point 62.

Support Kiwi Rail 873.18. MFA/AQNZ further submission point 63.

Support TrustPower 1201.69 MFA/AQNZ further submission 64.

MFA submission point 68. 426.078

Commented [MJ15]: Support Federated Farmers 425.104. MFA/AQNZ further submission point 61.

significant adverse effect on the landscape values of this area. The use of standards for permitted activities is considered appropriate for other activities in order to manage effects on landscape values, as resource use and development is generally to be expected within this landscape.

[C, D]

~~**Policy 7.2.3** | Control activities that have the potential to degrade the amenity values that contribute to those areas of the Marlborough Sounds Coastal Landscape not identified as being an outstanding natural feature and landscape by:~~

- ~~(a) using a non-regulatory approach as the means of maintaining and enhancing landscape values in areas of this landscape zoned as Coastal Living;~~
- ~~(a) setting standards/conditions that are consistent with the existing landscape values and that will require greater assessment where proposed activities and structures exceed those standards; and~~
- ~~(b) requiring resource consent for commercial forestry activities.~~

~~Similar to the Wairau Dry Hills Landscape, the Marlborough Sounds Coastal Landscape is more sensitive to change than other landscapes with high amenity values. The Marlborough Sounds is an iconic and unique landscape with considerable scenic beauty. While some parts of the Sounds have more significant values than others, in its entirety the Sounds has considerable landscape value, which is why the whole of the Sounds have been included within the Marlborough Sounds Coastal Landscape. However, the areas subject to the management framework of this policy are those not identified as an outstanding natural feature and landscape.~~

~~Because the Marlborough Sounds is subject to development pressure for a range of subdivision, use and development, it is appropriate to control these activities through a range of means. For those areas zoned Coastal Living, there has already been a degree of modification to landscape values and in these areas a non-regulatory approach is considered appropriate to manage further landscape impacts. The remaining areas within the Marlborough Sounds Coastal Landscape have a management approach that includes standards for permitted activities and conditions on consent for controlled activities, as it is expected that there will be some resource use within these areas. The one exception is a discretionary activity resource consent requirement for commercial forestry to ensure that this activity can be assessed for its impact on the landscape values identified in Appendix 1.~~

[R, C, D] ~~[Delete Map 4 at Vol 3, Appendix 1, page 32]~~

~~**Policy 7.2.4** | Where resource consent is required to undertake an activity within an outstanding natural feature and landscape or a landscape with high amenity value, regard will be had to the potential adverse effects of the proposal on the values that contribute to the landscape.~~

~~Where it is proposed that an activity will take place in an outstanding natural feature and landscape or in a landscape with high amenity value, it is appropriate that an assessment of the impact of the proposal on these significant landscapes is carried out. To undertake the assessment, regard must be had to the values that contribute to the outstanding natural feature and landscape or a landscape with high amenity value as identified in Appendix 1 of the MER. The level of assessment should reflect the scale of the proposed activity and the potential adverse effects on the values that contribute to the landscape.~~

[R, C, D]

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

~~Where resource consent is required to undertake a particular activity in an outstanding natural feature or landscape, this policy provides a clear preference for avoiding adverse effects on the~~

Commented [MJ16]: MFA submission point 66. 426.075. (And delete Map 4, Vol 3, App 1)

Oppose Clova Bay 152.14, Kenepuru and Central Sounds 868.12 and Gerard 424.21
MFA/AQNZ further submission point 65.

Oppose Friends of Nelson Haven 716.81
MFA/AQNZ further submission point 67.

Formatted: Highlight

Commented [MJ17]: MFA submission point 67. 426.077.

Oppose Kenepuru and Central Sounds 868.13.
MFA/AQNZ further submission point 66.

MFA submission point 68.
426.078

Commented [MJ18]: MFA submission point 68. 426.078

Subject to our primary submission, support in part and oppose in part EDS 698.53.
MFA/AQNZ further submission point 68.

biophysical, sensory or associative values within the landscape. This does not mean that there can be no new resource use within outstanding natural features or landscapes; rather, the use or development of natural and physical resources may be able to be undertaken in a way that the quality and significance of the values is not diminished. Alternatively, adverse effects may be able to be remedied through careful planning or remedial works. Policy 7.2.7 provides further guidance in this regard. The option of remedying adverse effects on landscape values does not apply to activities occurring within the coastal environment, as Policy 15 of the NZCPS requires that such adverse effects are avoided.

[R, C, D] New Policy 7.2.5 – In the coastal environment:

(a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural features and outstanding natural landscapes.

(b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural features and natural landscapes. Methods which may achieve this include:

(i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and

(ii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural landscape has already been compromised.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(1).

New Policy 7.2.5A - Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of outstanding natural features and outstanding natural landscapes. Methods which may achieve this include:

(a) In outstanding natural landscapes, requiring that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins; and

(b) In outstanding natural features, requiring that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(2).

New Policy 7.2.5B – When considering whether there are any adverse effects on the characteristics and qualities of the natural features and landscape values in terms of 7.2.5(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of 7.2.5(b) and 7.2.5A, and in determining the character, intensity and scale of the adverse effects:

(a) Recognise that a minor or transitory effects may not be an adverse effect;

(b) Recognise that many areas contain ongoing use and development that:

(i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established.

Commented [MJ19]: Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(1).

Commented [MJ20]: Note: This is the approach taken in the Regional Policy Statement for Northland (May 2016), at Policy 4.6.1(2).

(ii) May be dynamic, diverse or seasonal;

(c) Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects;

(d) Have regard to any restoration and enhancement of the characteristics and qualities of that area of natural features and/or natural landscape.

(e) Recognise it may be appropriate to offset significant residual adverse effects on a landscape or feature to result in no net loss and preferably a net landscape gain.

(f) Recognise that where adverse effects cannot be practicably avoided, adverse effects could be minimised; and

(g) Acknowledge that a future adverse effect may be avoided where the effect is temporary and is authorised for a finite term.

Note: This is the approach taken in the Regional Policy Statement for Northland (May 2017), at Policy 4.6.1(3); save for (e), which is based on the proposed Bay of Plenty Regional Coastal Environment Plan at Policy NH 11(d); and (f), which is based on the proposed Auckland Unitary Plan (AUP) RSP Chapter D9.3(1)(a). Proposed 7.2.5B(g) is based on the premise underlying the proposed change to Policy 7.2.6 (below).

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

(a) activities involving the development and operation of regionally significant infrastructure;

(b) activities that enhance passive recreational opportunities for the public where these are of a smaller scale; **and**

(c) activities involving the development and operation of renewable electricity generation schemes within Marlborough where the method of generation is reversible; **and-**

(e)(d) Aquaculture activities where the method and effects of farming are reversible.

This policy relaxes the direction provided by Policy 7.2.5 for outstanding natural features and landscapes in limited circumstances. These circumstances are described in (a) to (c) and reflect the considerable benefits that the listed activities provide to the social and economic wellbeing, health and safety of our community.

Regionally significant infrastructure is essential to allowing our communities to function on a day-by-day basis. This infrastructure may need to be expanded in the future and that expansion may need to occur in areas of outstanding natural features and landscapes. In respect of (b), many outstanding natural features and landscapes can already be accessed for passive recreational purposes and the RMA seeks to maintain and enhance these amenity values. Enhancement may take the form of new tracks or huts in the landscape, but would be of a small scale. The MEP seeks to optimise the use of the Marlborough’s renewable energy and encourages the use and development of renewable electricity resources. This is recognised in (c) of the policy. However, (c) does not apply where the structures associated with the generation cannot be realistically removed from the environment with minimal trace, as any landscape effects in these circumstances are permanent. It is also important in consideration of this policy to acknowledge that the Council is required to give effect to the NPSREG, which sets out a framework to enable the sustainable management of renewable electricity generation.

Commented [MJ21]: Note: This is the approach taken in the Regional Policy Statement for Northland (May 2017), at Policy 4.6.1(3); save for (e), which is based on the proposed Bay of Plenty Regional Coastal Environment Plan at Policy NH 11(d); and (f), which is based on the proposed Auckland Unitary Plan (AUP) RSP Chapter D9.3(1)(a). Proposed 7.2.5B(g) is based on the premise underlying the proposed change to Policy 7.2.6 (below).

Commented [MJ22]: Oppose EDS 698.54, Forest & Bird 715.158 and Friends of Nelson Haven 716.84 MFA/AQNZ further submission point 69.

Commented [MJ23]: MFA submission point 69. 426.081.

The policy does not allow the activities in (a) to (c) to occur without consideration of the impact they may have on outstanding natural features and landscapes. Any adverse effects on the biophysical, sensory or associative values within the landscape must still be mitigated as much as possible. As adverse effects can occur at various scales, there should also be consideration of the impacts of the proposed activity on the overall qualities and integrity of the wider outstanding natural feature or landscape. The policy requires that the overall quality and integrity of the landscape should be retained.

This policy does not apply to activities occurring in the coastal environment, as Policy 15 of the NZCPS requires that adverse effects of activities on outstanding natural feature or landscape be avoided.

[R, C, D]

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

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

Commented [MJ24]: MFA Submission point 58. 426.064

Commented [MJ25]: MFA submission point 70. 426.082.

(iii) recognising the potential for wilding pine spread.

The sensory values of outstanding natural features and landscapes are vulnerable to change brought about by resource use. The introduction of new structures, tracks and roads into the landscape, and the planting of new vegetation, all have the ability to affect our visual perception and appreciation of the landscape. Although not an exhaustive list, this policy describes how the visual integrity of the landscape can be maintained in response to changes in resource use. The subdivision of land can act as a pre-cursor to such changes, so it is also appropriate to have regard to this policy when considering subdivision consent applications.

The matters in (a) to (c) guide how visual intrusion into significant landscapes can be avoided, remedied or mitigated. These mostly relate to undertaking land use activities in ways that limit the visual intrusion into the landscape. These actions will be implemented through a range of activity status as well as standards on permitted activity rules. Policy 7.2.1 provides guidance on how these controls will be applied to outstanding natural features and landscapes. For landscapes with high amenity value, guidance is provided through Policies 7.2.2 and 7.2.3.

This policy cannot apply to existing land use activities that have been lawfully established due to existing use rights under Section 10 of the RMA.

[C, D]

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

In some areas where outstanding natural features and landscapes and landscapes with high amenity values have been identified in the MEP, there are a range of primary production activities taking place.

Some landscapes, especially south of the Wairau River, are a product of past and present extensive pastoral farming. In this situation, the continuation of such pastoral farming is not anticipated to threaten the biophysical, sensory or associative values that contribute to landscape significance. This will be reflected in the status of regional and district rules that apply in identified outstanding natural features and landscapes and landscapes with high amenity value in rural areas. Existing land uses within these areas will also have existing use rights under Section 10 of the RMA.

Primary production activities currently also occur in the Marlborough Sounds in locations identified within the MEP as having landscape significance. Rules applying to land uses do require consent for new commercial forestry activity and land disturbance over certain limits. However given the existing use rights under Section 10 of the RMA, existing land-based primary production activity, even within an area of landscape significance, can continue to take place. Existing marine farming does not interfere with amenity values.

[R, C, D]

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

~~The extent of outstanding natural features and landscapes are identified in the MEP. Establishing a boundary beyond which values no longer contribute to landscape significance is difficult. For this reason it may be appropriate to assess the impacts on landscape values for activities outside of, but in close proximity to, an identified outstanding natural feature or landscape. Application of this policy will be determined on a case-by-case basis, depending on the nature of the proposal and its proximity to the outstanding natural feature or landscape.~~

Commented [MJ26]: MFA submission point 71. 426.083.
This submission point assumes it is accepted that amenity is different from landscape.

Commented [MJ27]: MFA submission point 72. 426.084.

[D]

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

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

The ability of pine trees to spread from commercial plantations, soil conservation plantings, rural shelterbelts and isolated plantings is well documented in Marlborough. As pines spread, they alter the landscape due to their visual dominance and colour contrast. In addition, where forests have been harvested but not replanted there is the potential for rapid growth of wilding seedlings, creating more unmanaged sources of wilding pine spread. Many in the community believe that these landscape changes are unacceptable and some locals have initiated control programmes in an effort to reduce the presence of wilding pines in the landscape and limit their spread to other areas. These efforts are to be supported as a means of effective landscape protection. Additionally, there are certain species of tree grown for commercial wood production that are more prone to wilding pine spread. Controls on planting certain species will assist to reduce the risk of wilding pine spread and therefore reduce impacts on landscape values.

[D]

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

A significant proportion of outstanding natural features and landscapes occur on Crown land administered by the Department of Conservation. Because this land is managed for conservation purposes and is not likely to attract development, there are fewer threats to the biophysical, sensory and associative values in these landscapes compared to those areas with outstanding natural features and landscapes on privately owned land. However, that is not to say that potential threats do not exist. For example, applications can be made to operate concessions within areas administered by the Department and vegetation change can occur as a result of pest plant incursions (including wilding pines, broom and gorse). The Council will liaise with the Department on an ongoing basis to discuss landscape issues as they arise and to develop and implement appropriate management responses.

[R, C, D]

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

~~The primary means of maintaining and enhancing landscapes with high amenity value is through non-regulatory methods, except in the Wairau Dry Hills and Marlborough Sounds Coastal Landscapes where a management framework for a range of activities is set out in Policies 7.2.2, 7.2.3 and 7.2.7. Other landscapes with high amenity values have not been identified in the MEP, as these landscapes are usually located in remote areas or areas where sensory values are not under any critical threat. Nonetheless, it may appropriate to consider landscape qualities in these areas as part of a resource consent application.~~

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified.

[R, C, D]

7.M.3 District and regional rules

As necessary, apply district or regional rules to activities that have the potential to threaten identified values that contribute to the landscape character of outstanding natural features and

Commented [MJ28]: Support. MFA submission point 73. 426.085.

Commented [MJ29]: MFA submission point 74. 426.086.

Commented [MJ30]: Oppose Kenepuru and Central Sounds 868.18. MFA/AQNZ further submission point 71.

landscapes. Rules may also be required to maintain and enhance the Wairau Dry Hills Landscape and the Marlborough Sounds Coastal Landscape. The status of activities will depend on the severity of the threat and range from permitted activity standards through to prohibited activities. Activities to be regulated include:

- subdivision;
- erection and placement of structures, especially location, scale, density and appearance;
- land disturbance;
- indigenous vegetation removal;
- commercial forestry; and
- the planting of certain species of exotic tree.

7.M.3A Landscape Assessment Method

[R, C, D]

7.M.4 Guidelines

The Council will provide guidelines to help landowners and resource users to avoid, remedy or mitigate the adverse visual effects of development on landscape values. Guidelines for forest harvest activities and new structures will be priorities for development. These guidelines are intended to encourage landowners and resource users to consider landscape qualities when using or developing natural and physical resources. This may result in improved recognition of the landscape within which the resource use or development is proposed to occur and therefore improved (harvest or structure) design from a landscape perspective. In this way, the guidelines will assist with the implementation of the regulatory methods and are complimentary to these methods.

[D]

7.M.5 Colour palette

A colour palette had been developed to help protect, maintain and enhance landscapes in the Marlborough Sounds and south Marlborough. By contrasting and detracting from the colours present in the natural environment, built structures have the potential to adversely impact on the visual qualities and natural characteristics of landscape areas. To minimise this potential, colour palettes will help to integrate new buildings (or the repainting of existing buildings) into the landscape through the use of appropriate colour hues, tonalities and reflectivity.

The colour palette does not form part of any rule framework; however, a number of landowners within the significant landscape areas, particularly those in the Marlborough Sounds, have used the colour palette in guiding choices about repainting of dwellings. The colour palette can be downloaded from the Council's website.

[D]

7.M.6 Incentives

Consider providing rates relief where landscape protection is formalised by way of covenant or similar methods of protection.

Consider providing funding to wilding pine control programmes and other community initiated control programmes for undesirable plants and animals.

[D]

7.M.7 Investigation

Undertake research into alternative forestry and land use options available to pine forest owners in the Marlborough Sounds. The investigations should include how best to manage the transition

from pine plantations to the chosen alternatives in a manner that minimises landscape effects, especially those caused by wilding pines.

[RPS, R, C, D]

7.M.8 Information

Make available background information on Marlborough’s diverse landscape character, particularly through Appendix 1, which identifies the values of Marlborough’s significant landscapes.

Provide forest owners in the Marlborough Sounds with information on alternative forestry options and alternative land uses so that they can make informed decisions regarding succession planning leading up to and upon the harvesting of existing pine forests.

Provide the community with information on effective control practices for wilding pines.

[RPS, R, C, D]

7.M.9 Advocacy

Advocate for increased guidance to be provided at a national level for assessing the adverse effects of resource use and development on landscape values.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results of the landscape provisions of the MEP. The anticipated environmental results are ten year targets from the date that the MEP becomes operative, unless otherwise specified. For each anticipated environmental result, a series of indicators will be used to monitor the effectiveness of the landscape provisions.

Anticipated environmental result	Monitoring effectiveness
<p>7.AER.1</p> <p>Marlborough’s outstanding natural features and landscapes and landscapes with visual amenity value are protected from degradation.</p>	<p>Outstanding natural features and landscapes and landscapes with high amenity value are included within the MEP. This will include the identification of values that make each landscape significant and mapping of the extent of the significant landscapes.</p> <p>The awareness of Marlborough’s outstanding natural features and landscapes and landscapes with high amenity value increases, as measured by public perception survey.</p> <p>The biophysical, sensory and associative values that contribute to the significance of particular landscapes are maintained (or enhanced), as measured by reassessment of Marlborough’s landscape.</p> <p>Only appropriate development is allowed to occur in outstanding natural features and landscapes, as measured by reassessment of Marlborough’s landscape.</p> <p>The area of land vegetated by wilding pines in the Marlborough Sounds decreases.</p>

Commented [MJ33]: MFA Submission point 58. 426.064

Commented [MJ32]: Can you comment on text. Support - MFA submission point 77. 426.089.

Commented [MJ34]: MFA Submission point 58. 426.064

Schedule B: Submissions of NZ King Salmon

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR
POLICY STATEMENT OR PLAN, CHANGE OR VARIATION**

Clause 6 of First Schedule, Resource Management Act 1991

To MARLBOROUGH DISTRICT COUNCIL

Name of submitter: THE NEW ZEALAND KING SALMON CO. LIMITED

NZ King Salmon was formed in 1996 as the result of a merger between Regal Salmon Ltd and Southern Ocean Seafoods Ltd, and is now the largest producer of King salmon in the world. NZ King Salmon has been successfully farming salmon in Marlborough for over 30 years. The company has been majority owned by the Oregon Group (whose parent company is the Tiong Group) for over 20 years and more recently Direct Capital has acquired a significant shareholding.

NZ King Salmon farms approximately 6,000 tonnes of King salmon per annum and expects to grow significantly. The company has consent for eleven salmon farms, located within the Marlborough Sounds. NZ King Salmon has a current staff of approximately 440, with around 85 working in Marlborough. Average earning per employee is above the Marlborough average and is approximately \$55,000.

NZ King Salmon generates significant regional and national economic benefits. Annual revenue is approximately \$115 million. In addition, NZ King Salmon provides significant contributions to support services such as charter boats, freight, road, sea and air haulers, specialist divers, hardware suppliers, science providers and a host of other New Zealand based companies.

1. This is a submission on the following proposed plan (the **proposal**):
 - (a) Proposed Marlborough Environment Plan
2. The New Zealand King Salmon Co. Limited could not gain an advantage in trade competition through this submission.
- 3.

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
Those set out in the Marine Farming Association Incorporated (MFA)	Support the MFA submission in its entirety.	As set out in the MFA submission.

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
submission		
Specific points set out in the MFA submission.	<p>In particular, NZ King Salmon supports the following submissions made by the MFA:</p> <ul style="list-style-type: none"> • Add new guiding principle to promote economic development (Chp 1); • Add new Issue 4D – Recognise that limiting development has a trade-off; • Add new Objective 4.3A – Qualities and values of the Sounds (recognise cultural and social use); • Add new Policy 4.1.1A – Existing Use; • Add new Policy 4.1.2A – Experimentation and Innovation; • Add new Policy 4.1.2B – Net Improvement; • Add new Policies 6.2.1 – 6.2.3 (avoidance policies – natural character); • Add new Policies 7.2.5 – 7.2.5B (avoidance policies – landscape); • Amend Policy 7.2.7(a)(ii) – Barges used in Aquaculture; • Add new Policies 8.3.1 – 8.3.2C (avoidance policies – indigenous biodiversity); • Add new Policy 8.3.8 – Biodiversity offsets; • Add new Adaptive Management policy to chapter 8; • Amend Policy 13.2.3(b) – Term of consent; • Amend Policy 13.3.4 – commercial activities to have priority in Tory Channel and East Bay; 	As set out in the MFA submission.

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
	<ul style="list-style-type: none"> • Exclude aquaculture barges from the ambit of Policy 13.7.2; • Amend Rule 2.34.10 – Signage; • Amend Monitoring Equipment Standards 13.3.10, 14.3.5.1, 15.3.9, and 16.3.9; • Exclude any ship or barge used in aquaculture from the ambit of standard 16.3.2; • Oppose the seaward extent of mapping of ONL and Coastal Natural Character in Vol 4, Overlays; and • Support the submissions in respect of the Appendices (Vol 3) and Maps (Vol 4). 	
Vol 3, Appendix 1	Social and cultural uses, including existing salmon farming, are part of the qualities and values of the Marlborough Sounds. This should be expressly recognised in the landscape values assessment at Appendix 1.	<p>For each area where there is an existing salmon farm, include an express statement to the following effect (following the approach in the proposed Auckland Unitary Plan at Chapter L, Schedule 7):</p> <p><i>“Some bays contain existing salmon farms, but this does not compromise [relevant area’s name] current natural values.”</i></p>
Vol 3, Appendix 2	Social and cultural uses, including existing salmon farming, are part of the qualities and values of the Marlborough Sounds. This should be expressly recognised in the natural character values assessment at Appendix 2.	<p>For each area where there is an existing salmon farm, include an express statement to the following effect (following the approach in the proposed Auckland Unitary Plan at Chapter L, Schedule 8):</p> <p><i>“Although salmon farms occupy part of the [area], they do not compromise the overall ‘naturalness’ of the coastal</i></p>

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
		<i>environment.”</i>
Vol 4, Overlays, National Transportation Route	The National Transportation Route in Tory Channel and Queen Charlotte Sound should not be mapped to extend into all of the side bays.	The National Transportation Route map should be redrafted to show the route as being confined to the main part of Tory Channel and Queen Charlotte Sound.
Vol 4, Overlays, Coastal Natural Character Map 1 AND Vol 3, Appendix 2	<ul style="list-style-type: none"> • Support the natural character mapping in respect of Waihinau Bay; and • Oppose the extent of the high, very high and outstanding Natural character overlay. 	Retain the natural character mapping in Waihinau Bay; AND Remove natural character overlay from: <ul style="list-style-type: none"> • The eastern headlands of Waitata Reach (for example, at the entrance to Forsyth and Richmond Bays); and • The headland at the northeastern entrance to Waitata Bay. OR The MEP should expressly recognise that salmon farms do not adversely impact the values that lead to that classification, by amending the values at Vol 3, Appendix 2, as per separate submission.
Vol 4, Overlays, Coastal Natural Character Map 3 AND Vol 3, Appendix 2	Oppose the extent of the high natural character overlay	Remove the high natural character overlay from the land on the western side of Crail Bay. OR The MEP should expressly recognise that salmon farms do not adversely impact the values that lead to that classification,

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
		by amending the values at Vol 3, Appendix 2, as per separate submission.
<p>Vol 4, Overlays, Coastal Natural Character Map 4</p> <p>AND</p> <p>Vol 3, Appendix 2</p>	<p>Oppose the mapping of natural character in Tory Channel generally. The Natural Character of Tory Channel should encompass land and sea, rather than assessing land and sea separately. Blanket application of high natural character across all of the waters, with the exception of some bays with marine farms, is not an accurate assessment of natural character.</p> <p>There are some parts of the benthic environment in Tory Channel that are deserving of high natural character ranking, but it is not uniform as suggested.</p> <p>AND</p> <p>Oppose:</p> <ul style="list-style-type: none"> • The high natural character mapping of Ruakaka Bay; and • The very high natural character mapping of the seascape in East Bay and the land in Otanerau Bay. 	<p>Remove the natural character overlay from Ruakaka and Otanerau Bays;</p> <p>AND</p> <p>The natural character of Tory Channel should be accurately mapped;</p> <p>OR</p> <p>The MEP should expressly recognise that salmon farms do not adversely impact the values that lead to that classification, by amending the values at Vol 3, Appendix 2, as per separate submission.</p>
<p>Vol 4, Overlays, Landscape Map 1</p>	<p>Support the extent of the outstanding natural landscape (ONL) mapping in respect of:</p> <ul style="list-style-type: none"> • Waitata Bay; • Waihinou Bay; • Forsyth Bay; and • Kopaua (Richmond Bay). <p>AND</p>	<p>Retain the ONL mapping of Waitata, Waihinou, Forsyth and Richmond Bays;</p> <p>AND</p> <p>Remove the ONL mapping of the western headlands at the entrance to Waitata Reach.</p>

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
	Oppose the extent of the landscape mapping of the western headlands at the entrance to Waitata Reach.	
Vol 4, Overlays, Landscape Map 4	Support the extent of the ONL mapping in: <ul style="list-style-type: none"> • Crail Bay; and • The southwestern headland at the entrance to Richmond Bay. 	Retain the ONL mapping.
Vol 4, Overlays, Landscape Map 5	Support the extent of the ONL mapping in: <ul style="list-style-type: none"> • Ruakaka Bay; • Otanerau Bay; • Te Pangu Bay; • Clay Point; and • Ngamahau Bay. Oppose the western extent of the ONL on the southeastern headland at the entrance to Tory Channel.	Retain the ONL mapping, save for reducing the western extent of the ONL overlay on the southeastern headland at the entrance to Tory Channel.
Vol 4, Overlays, Ecologically Significant Marine Sites Maps 1 - 16	It is unclear from the mapping whether these sites are intended to be regionally or nationally significant sites. NZ King Salmon opposes the policies implemented in respect of these sites.	Changes to Vol 1, Chapter 8 provisions and the Significance Criteria in Vol 3, Appendix 3, as per the MFA submission.
Vol 4, Overlays, Marine Mammal (Whale), Map 17	Whales have been rarely observed travelling through Tory Channel. The Davidson 2011 work refers to the migratory route being in Cook Strait, rather than Tory Channel proper. NZ King Salmon has appropriate management plans in place in respect of marine mammals.	Marine Mammal (Whale) Map 17 is redrafted to be consistent with the text of the Davidson 2011 Ecologically Significant Marine Sites report.

The specific provisions of the proposal that our submission relates to are	Our submission is	We seek the following decision from the local authority
Vol 4, Overlays, Marine Mammal (Dolphin), Map 18	Oppose the mapping of area 4.17 extending into East Bay. There is insufficient evidence that this area is significant for dolphins, either on a national or regional basis.	Amend Map 18, so that area 4.17 does not extend into East Bay.

Where changes are proposed, further consequential amendments may be required. Alternative relief securing the same outcomes could be granted.

4. The New Zealand King Salmon Co. Limited wishes to be heard in support of its submission.
5. If others make a similar submission, The New Zealand King Salmon Co. Limited will consider presenting a joint case with them at a hearing.



.....
QAM Davies and A L Hills

Solicitors for Submitter

Date: 1 September 2016

Address for service of Submitter:

Gascoigne Wicks

79 High Street, Blenheim 7201

PO Box 2

BLenheim 7240

Telephone: 03 578 4229

Email: ahills@gwlaw.co.nz

Fax: 03 578 4080

Contact person/s: Quentin Alexander Davies and Amanda Leigh Hills

Note to person making submission

If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Form 6

Further submission in support of, or in opposition to, submissions on the publicly notified proposed
Marlborough Environment Plan

Clause 8 of Schedule 1, Resource Management Act 1991

To: The Marlborough District Council

Name of person making further submission: THE NEW ZEALAND KING SALMON CO. LIMITED

This is a further submission in support of or in opposition to submissions on the proposed Marlborough Environment Plan (being a combined Regional Policy Statement, Regional Plan and District Plan).

NZ King Salmon is the largest producer of King salmon in the world. We have been successfully farming salmon in Marlborough for over 30 years.

NZ King Salmon farms approximately 7,000 tonnes of King salmon per annum and expects to grow significantly. The company has consent for eleven salmon farms, located within the Marlborough Sounds. NZ King Salmon has a current staff of approximately 440, with around 125 working in Marlborough. Average earning per employee is above the Marlborough average and is approximately \$55,000.

Our company generates significant regional and national economic benefits. Annual revenue is approximately \$114 million. In addition, NZ King Salmon provides significant contributions to support services such as charter boats, freight, road, sea and air haulers, specialist divers, hardware suppliers, science providers and a host of other New Zealand based companies.

NZ King Salmon has an interest in the proposal that is greater than the interest of the general public, because we own marine farms in areas directly relevant to the submissions identified in this further submission. There will be consequences not only for our company, but also for a host of other companies that provide NZ King Salmon with support services.

We set out in the **attached** schedule each of the submission points we support or oppose (or in some cases a combination of the two). In addition to the reasons listed for supporting or opposing a provision (as the case may be):

- a. We support the identified submissions, because what is proposed in accordance with:
 - i. The Resource Management Act 1991;
 - ii. A section 32 analysis; and
 - iii. Other relevant plan provisions and policy statements.
- b. We oppose the identified submissions, because what is proposed is not in accordance with:
 - i. The Resource Management Act 1991;
 - ii. A section 32 analysis; and
 - iii. Other relevant plan provisions and policy statements.

In addition, we **attach** three maps as part of our further submission. These maps depict:

- a. The Outstanding Natural Landscapes or Features in the overlay maps in Volume 4 of the proposed Plan, along with the extensions to that overlay as proposed by various submitters;
- b. The Outstanding Natural Character overlay in the maps in Volume 4 of the proposed Plan, along with the extensions to the areas mapped as outstanding, very high, high or moderate to high natural character as proposed by various submitters; and
- c. The Ecologically Significant Sites overlay in the maps in Volume 4 of the proposed Plan, along with the extensions to those areas as proposed by various submitters.

These maps are based on our best interpretation of the written descriptions of proposed extensions, as set out in various submissions. Maps identifying specific proposed demarcations were not provided by submitters. Our further submissions in relation to these points are set out in detail in the **attached** schedule.

We support the detailed further submissions of The Marine Farming Association Incorporated and Aquaculture New Zealand Limited in their entirety.

NZ King Salmon wishes to be heard in support of our further submission.

If others make a similar submission, we would consider presenting a joint case with them at a hearing.



Quentin A M Davies / Amanda L Hills

For and on behalf of:
The New Zealand King Salmon Co. Limited

23 June 2017

Address for Service: Gascoigne Wicks, PO Box 2, Blenheim 7240, 79 High Street, Blenheim 7201.
Telephone: (03) 578-4229
Fax: (03) 578-4080
E-mail: gdavies@gwlaw.co.nz / ahills@gwlaw.co.nz
Contact person: Quentin Davies / Amanda L Hills

Note to person making further submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on local authority.

If you are making a submission to the Environment Protection Authority, you should use Form 16C.

SCHEDULE

Further Sub No.	Further Submission
1	<p>We oppose the submission of The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular parts of the submission we oppose are:</p> <p>Submission points 202, 205 and 206, which seek changes to the overlays in outstanding natural features and landscape maps 1, 2, 3, 4 and 5 in Volume 4. In particular, we oppose the extension of the overlay to include parts of the seascape in Waitata Reach and its side bays; the seascape in East Bay, Queen Charlotte Sound; other parts of the seascape in parts of the Pelorus Sound and Tory Channel; and all of the seascape on the northern side of Queen Charlotte Sound.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The enlargement of the areas of outstanding natural features and landscapes is not justified. <p>We seek that submission points 202, 205 and 206 be disallowed.</p>
2	<p>We oppose the submission of The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular parts of the submission we oppose are submission points 207 and 208, which seek to amend the area of natural landscape on landscape maps 1, 2, 4 and 5 in Volume 4. In particular we oppose the extension of the overlay to include parts of the seascape in Waitata Reach, Port Ligar and around Forsyth Island; and the extension of the overlay to include all of the seascapes on the northern side of Queen Charlotte Sound.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The change is not justified. <p>We seek submission points 207 and 208 be disallowed.</p>
3	<p>We oppose the submission of The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is submission point 209, which seeks amendments to landscape maps 1, 2, 4 and 5.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That it seeks to expand the area of outstanding natural features and landscapes and the expansion is not justified. <p>We seek that submission point 209 be disallowed.</p>
4	<p>We oppose the submission of the Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley, 7145 (716).</p>

	<p>The particular part of the submission we oppose is:</p> <p>Submission point 210, which seeks to make amendments to the outstanding natural features and landscapes map 5. In particular we oppose the extension of the overlay to include parts of the seascape in East Bay and the seascape within 300m of the northern side of Queen Charlotte Sound.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The changes to the landscape map are not justified. <p>We seek that submission point 210 be disallowed.</p>
5	<p>We oppose the submission of Judy and John Hellstrom, Private Bag 391, Picton 7250 (688).</p> <p>The particular part of the submission we oppose is submission point 44, which seeks that the D'Urville Island-Northern Cook Strait be described in its entirety as an outstanding natural landscape (seascape) including the long views from east-west from the ONL's of D'Urville Island, the Rangitoto Islands to the Chetwoods and the Capes.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. There is nothing in that area in landscape (seascape) terms which justifies the designation of the area as an ONL. <p>We seek all of submission point 44 be disallowed.</p>
6	<p>We oppose the submission of John and Judy Hellstrom, Private Bag 391, Picton 7250 (688).</p> <p>The particular part of the submission we oppose is the following statement:</p> <p>“However, we wonder why the whole of Waitata Reach has not been defined as an outstanding landscape, given that coastal or freshwater landforms and landscapes (including seascape) are within the definition of natural character (6.1.1).”</p> <p>If we interpret that submission correctly, it is seeking that the entire Waitata Reach on landscape maps 1 and 4 be recognised as an outstanding natural feature and landscape.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The area does not meet the high threshold required. <p>We seek that this part of the submission be disallowed.</p>
7	<p>We oppose the submission of The Pinder Family Trust, 4 Poynter Street, Blenheim 7201 (578); Guardians of the Sounds, PO Box 197, Picton 7220 (752); and Sea Shepherd New Zealand, 67 Milton Terrace, Picton 7220 (1146).</p> <p>The particular points we oppose are submission point 15 by each submitter, which seeks to identify the whole of Tory Channel and Queen Charlotte Sound as an outstanding natural feature and landscape.</p> <p>The reason for our opposition is:</p>

	<p>1. There is no justification for making the areas identified an outstanding natural feature and landscape.</p> <p>We seek that submission point 15 in each of the identified submissions be disallowed.</p>
8	<p>We oppose the submissions of:</p> <p>The Pinder Family Trust, 4 Poynter Street, Blenheim 7201 (578); and Guardians of the Sounds, PO Box 197, Picton 7220 (752); and Sea Shepherd New Zealand, 67 Milton Terrace, Picton 7220 (1146).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Point 16 of each of the three identified submissions - The characterisation of Tory Channel, East Bay and Melville Cove as outstanding natural features and/or landscapes.</p> <p>The reason for our opposition is:</p> <p>2. All of those areas lack the values to be characterised as outstanding.</p> <p>We seek that the whole of submission point 16 of each submitter listed above be disallowed.</p>
9	<p>We oppose the submission of the East Bay Conservation Society, Stingray Bay, Private Bag 427, Picton 7250 (100).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 28, which seek to map the whole of East Bay as an outstanding natural feature and landscape.</p> <p>The reason for our opposition is:</p> <p>1. East Bay as a whole is not an outstanding natural feature and landscape.</p> <p>We seek that the whole of submission point 28 be disallowed.</p>
10	<p>We oppose the submissions of The Port Gore Group, PO Box 310, Blenheim 7240 (468); The East Bay Conservation Society, Stingray Bay, Private Bag 427, Picton 7250 (100); and Karen Marchant, PO Box 310, Blenheim 7240 (493).</p> <p>The particular submission points we oppose are Port Gore Group point 6; East Bay Conservation Society point 2; and Karen Marchant point 6, which seek to include all of the waters of East Bay as an outstanding natural feature and landscape.</p> <p>The reason for our opposition is:</p> <p>1. There is no justification for inclusion of those areas as an outstanding natural feature and landscape.</p> <p>We seek that the submission points identified above be disallowed.</p>
11	<p>We oppose the submission of The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p>

	<p>The particular part of the submission we oppose is submission point 202, which seeks amendments to natural character maps 1 and 2.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The amendments as proposed are not justified. <p>We seek that submission point 202 be disallowed.</p>
12	<p>We oppose the submission of The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular parts of the submission we oppose are submission points 203 and 204, which seek to enlarge the area of natural character on natural character maps 1 and 2. In particular we oppose the inclusion of the area between North D’Urville Island and Port Gore, and the entrance to Queen Charlotte Sound, as areas of outstanding natural character.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The enlargement of the area as sought by the submitter is not justified. <p>We seek that submission points 203 and 204 be disallowed.</p>
13	<p>We oppose the submissions of The Port Gore Group, PO Box 310, Blenheim 7240 (468) and Karen Marchant, PO Box 310, Blenheim 7240 (493).</p> <p>The particular part of the submissions we oppose is point 3 by both submitters, in particular the inclusion of all East Bay and northern Arapawa Island as having outstanding natural character.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. The Plan for those areas should expressly recognise that marine farming does not impinge on natural character. 2. The benthic habitat in that area shows signs of substantial modification resulting from terrestrial land use practices. Those factors (and not marine farming) ought to have led to the recognition that those areas are not either outstanding or very high in natural character terms. <p>We seek that the whole of submission point 3 in both submissions identified above be disallowed.</p>
14	<p>We oppose the submission of The Port Gore Group, PO Box 310, Blenheim 7240 (468) and Karen Marchant, PO Box 310, Blenheim 7240 (493).</p> <p>The particular parts of the submissions we oppose are submission points 4 and 5, which seek an enlargement of the natural character area. In particular we oppose the inclusion of all East Bay and northern Arapawa Island as having outstanding natural character.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The proposed change is not justified.

	<p>We seek that submission points 4 and 5 of the submissions identified above be disallowed.</p>
15	<p>We oppose the submission of the East Bay Conservation Society, Stingray Bay, Private Bag 427, Picton 7250 (100).</p> <p>The particular part of the submission we oppose is submission point 31, which seeks to “exclude areas of East Bay or bubble zone the marine farms to prevent even more subdivision of the marine environment further degrading the outstanding natural character of East Bay.”</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. East Bay is not an area of outstanding natural character. 2. The marine farming provisions will be provided for in a separate chapter. <p>We seek that the whole of submission point 31 be disallowed.</p>
16	<p>We oppose the submission of the East Bay Conservation Society, Stingray Bay, Private Bag 427, Picton 7250 (100).</p> <p>The particular part of the submission we oppose is submission point 33, which seeks that all of East Bay, including the Land between East bay and The outer Queen Charlotte Sound and the entire water of the bay be zoned as Outstanding Natural Character or at the very least Very High Natural Character.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The areas identified do not meet the high threshold required to be mapped as outstanding natural character or very high natural character. <p>We seek that the whole of submission point 33 be disallowed.</p>
17	<p>We oppose the submission of:</p> <p>Pete and Takutai Beech, 316 Waikawa Road, Waikawa, Picton 7220 (699).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 5, where he submits that all shipping be prohibited in Tory Channel.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That shipping is appropriate in Tory Channel. <p>We seek that the whole of submission point 5 be disallowed.</p>
18	<p>We oppose the submission of:</p> <p>Port Underwood Association, PO Box 59, Blenheim 7240 (1042).</p> <p>The particular part of the submission we oppose is:</p>

	<p>Point 2, where they submit that policy 4.12 should be altered so that consents for more than 20 years should not be granted in the public space.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. 20 years is the statutory minimum under the RMA. 2. Prescribing the statutory minimum as a maximum in the Plan creates inefficiencies, by increasing the cost (both public and private) of consenting. 3. Consent for more than 20 provides greater certainty for businesses operating in the public space and ensures a financial return on investments. 4. Consents for more than 20 years are often justifiable, such as where the effects are well understood or able to be managed through adaptive management. <p>We seek that Point 2 of the submission be disallowed.</p>
19	<p>We support the submission of:</p> <p>The Waikawa Boating Club, 6 Rimu Terrace, Waikawa, Picton 7220 (580).</p> <p>The particular part of the submission we support is:</p> <p>Point 3, which adds a new policy under objective 5.10 as follows: “Recognition that there are inherent rights of a coastal permit holder over the use of the coastal structure(s) that occupy coastal space.”</p> <p>The reasons for our support are:</p> <ol style="list-style-type: none"> 1. This policy dovetails with policy 5.10.3. Exclusive occupation should be minimised. 2. Nevertheless, the crop on the mussel rope or the right to use a mooring are rights inherent in the resource consent. <p>We seek that the whole of submission point 3 be allowed.</p>
20	<p>We oppose the submission of:</p> <p>The East Bay Conservation Society, Stingray Bay, Private Bag 427, Picton 7250 (100).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 14 where it states “to add an anticipated environmental result” the “improvement of benthic performance under aquaculture – effectiveness all farms operating within industry Best Practice Guidelines and no farm operating at or near azoic and anoxic levels.”</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. These provisions would be more appropriate within the Marine Farming chapter.

	<p>2. Anoxic levels are seen in nature, particularly in areas of high density of marine organisms. The presence of a large number of living mussels directly underneath a mussel farm (and consequently the anoxic layer very close to the surface of sediment) can be the indicator of a healthy environment.</p> <p>We seek that the whole of submission point 14 be disallowed.</p>
21	<p>We oppose the submission of:</p> <p>The Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD2, Picton 7282 (868).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 13, which seeks to amend policy 7.2.4 to require, at a resource consent level, an assessment of cumulative effects of all similar activities in the locality.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. Effectively, this change would require every consent holder to justify the activity of every other consent holder undertaking the same activity or similar activities. It is inefficient to do that in a resource consent context. 2. The proposed amendment would make the cost of obtaining consent for a mooring or jetty significantly more expensive. <p>We seek that the whole of submission point 13 be disallowed.</p>
22	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 93 in relation to Issue 8A, page 8-3: Marine Environments. If the submission can be interpreted as seeking to include “feeding areas of seabirds including the threatened king shag in the Sounds... [as] ecologically significant marine sites” (which we deny) then we oppose that part of the submission.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. The submitter’s own publications suggest that the conservation management priorities for the king shag are: <ol style="list-style-type: none"> a. Protecting breeding grounds and ensuring that boats do not approach those colonies closer than 100 metres during the breeding season; b. Minimising seabird bycatch; c. Introducing pest quarantine measures to protect king shag breeding colonies; and d. Establishing king shags at new colony sites.

	<p>2. The proposed area has not been assessed through the protocol used to identify the ecologically significant marine sites in Marlborough.</p> <p>3. Feeding areas are diffuse. The present state of knowledge does not lend itself to use of broad areas as a decision-making tool.</p> <p>If submission point 93 has been validly made, we seek that it be disallowed.</p>
23	<p>We oppose the submission of:</p> <p>The Royal Forest and Bird Protection Society of New Zealand Incorporated, PO Box 266, Nelson 6140 (715).</p> <p>The particular part of the submission we oppose is:</p> <p>Submission point 96, which seeks to amend policy 8.1.1 to refer to the ecological significance criteria in Appendix 3 and then amend Appendix 3 to recognise important bird feeding areas as a criteria for determining ecological significance.</p> <p>The reasons for this opposition are:</p> <ol style="list-style-type: none"> 1. Set out in the Marine Farming Association Incorporated's original submission on policy 8.1.1. 2. In addition, the amendment to Appendix 3 is not warranted. The significance criteria has been used to identify discreet areas which warrant a high level of protection. A different form of protection may be warranted for broader areas. <p>We seek that the whole of submission point 96 be disallowed.</p>
24	<p>We oppose the submissions of:</p> <p>The Pinder Family Trust, 4 Poynter Street, Blenheim 7201 (578); The Guardians of the Sounds, PO Box 197, Picton 7220 (752); and Sea Shepherd New Zealand Incorporated, 67 Milton Terrace, Picton 7220 (1146).</p> <p>The particular parts of the submissions we oppose are:</p> <p>The Pinder Family Trust point 24, The Guardians of the Sounds point 24 and Sea Shepherd New Zealand Incorporated point 24.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The case has not been made for a substantial marine protected area/marine park, including all of Queen Charlotte Sound and Tory Channel. <p>We seek that the whole of submission point 24 in each of the submissions be disallowed.</p>
25	<p>We oppose the submission of:</p> <p>The Kenepuru and Central Sounds Residents Association Incorporated, 2725 Kenepuru Road, RD 2, Picton 7282 (869).</p>

	<p>The particular part of the submission we oppose is:</p> <p>Submission point 12, which seeks to insert into policy 13.1.1 after the words “in areas with” the phrase “, or in proximity to,”.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The introduction of the concept of proximity makes it impossible to judge with certainty whether an activity is or is not in accordance with the policies. <p>We seek that the whole of submission point 12 be disallowed.</p>
26	<p>We oppose the submissions of:</p> <p>The Clova Bay Residents Association Incorporated, tevor@offenadvisors.co.nz (152) and the Kenepuru and Central Sounds Residents Association, 2724 Kenepuru Road, RD 2, Picton 7282 (868).</p> <p>The particular parts of the submissions we oppose are:</p> <p>Points 21, 33, and 34 of the Clova Bay submission and point 72 of the Kenepuru submission, where they seek to add to policy 13.15.2 “Avoiding activities or structures in areas that may impede on or inhibit regular navigation routes”.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That while effects on navigation is an aspect which needs to be considered when installing structures in the coastal marine area, the effects do not need to be avoided. <p>We seek that the whole of Clova Bay submission points 21, 33 and 34 and Kenepuru submission point 72 be disallowed.</p>
27	<p>We support the submission of:</p> <p>The Cawthron Institute, Private Bag 2, Nelson 7042 (613).</p> <p>The particular part of the submission we support is:</p> <p>Point 2, which seeks to provide an exception for moorings desirable as part of scientific investigations.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. That moorings should be enabled where desirable as part of scientific work as an exception to the general policy. <p>We seek that the whole of submission point 2 be allowed.</p>
28	<p>We support the submission of:</p> <p>The Cawthron Institute, Private Bag 2, Nelson 7042 (613).</p> <p>The particular part of the submission we support is:</p>

	<p>Point 3, which seeks to alter policy 13.10.1 to enable permanent structures for scientific monitoring or research purposes.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. Permanent structures may be necessary for scientific monitoring or research purposes. <p>We seek that the whole of submission point 3 be allowed.</p>
29	<p>We support the submissions of:</p> <p>The Pinder Family Trust, 4 Poynter Street, Blenheim 7201 (578); and Guardians of the Sounds, PO Box 197, Picton 7220 (752); and Sea Shepherd New Zealand, 67 Milton Terrace, Picton 7220 (1146).</p> <p>The particular part of the submission we support is:</p> <p>The Pinder Family Trust point 34, and Guardian of the Sounds point 34, and Sea Shepherd New Zealand point 34, which suggest that the Marlborough Environment Plan should include methods on how nitrogen levels are monitored and managed in coastal waters, including the effects of forestry and salmon farming.</p> <p>The reason for our support is:</p> <ol style="list-style-type: none"> 1. That it is reasonable to monitor and manage nitrogen levels in coastal waters. <p>We seek that the whole of The Pinder Trust submission point 34, and The Guardians of the Sounds submission point 34, and Sea Shepherd New Zealand point 34 be allowed.</p>
30	<p>We oppose the submission of:</p> <p>Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 191. The Friends seek to make marine navigational aids (including lighting) and any supporting structure a controlled activity, unless authorised as ancillary by a consent through another activity.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. Marine navigational lighting is controlled under separate legislation. There is no need to control it under the Resource Management Act and the Maritime Transport Act 1994. <p>We seek that the whole of submission point 191 be disallowed.</p>
31	<p>We oppose the submission of:</p> <p>Friends of Nelson Haven and Tasman Bay Incorporated, PO Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p>

	<p>Point 194, which suggests that there should not be a general permitted noise standard, as in policy 16.2.3, and that noise is undesirable around bird colonies, dolphins and feeding areas.</p> <p>The reasons for our opposition are:</p> <ol style="list-style-type: none"> 1. It is unclear what is proposed in the alternative. 2. There are more practical and effective ways to manage the effects of noise from activities on wildlife. <p>We seek that the whole of submission point 194 be disallowed.</p>
32	<p>We oppose the submission of:</p> <p>The Bay of Many Coves Residents Association and Ratepayers Association Incorporated, 72 Ferry Road, Spring Creek 7202 (1190).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 34 as it applies to preventing anchoring within a buffer zone around an ecologically significant marine site.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. Anchoring may not be appropriate within an ecologically significant marine site, but ought to be permitted in the buffer zone. <p>We seek that point 34 of the submission be disallowed.</p>
33	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 200, which suggests that the definition of “Ecologically significant marine sites” includes maps 17 and 18 (dolphins and whales).</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. Davidson's mapped sites (including whales and dolphins) should not be equated with Policy 11(a) sites, because the significant sites work did not adopt the NZCPS Policy 11(a) criteria. The assessment of whether the 2011 significant sites fall within Policy 11(a) or 11(b) criteria in the NZCPS is yet to be undertaken. The authors of that report were asked to identify regionally, rather than nationally significant sites. The 2011 report does not mirror the approach taken in Policy 11 of the NZCPS. 2. Whales have rarely been observed travelling through Tory Channel. The Davidson 2011 Significant Sites report refers to the migratory route for whales being in Cook Strait, rather than Tory Channel proper. The MFA encourages its members to have appropriate management plans in place in respect of marine mammals.

	<p>3. Arguably only site 8.1 of Map 18 is a nationally significant site (for Hector's dolphins). However, Hector's dolphins are not necessarily seen regularly throughout the full extent of that area. Area 4.17 is not a nationally significant site, and arguably area 2.17 (Admiralty Bay) is significant habitat for Dusky dolphins (as opposed to nationally significant habitat in terms of Policy 11(a) of the NZCPS. For example, the <i>Admiralty Bay Consortium</i> Environment Court decision noted that the site was significant in terms of s 6(c), rather than under NZCPS Policy 11(a)). An avoid policy is not, therefore, justified in respect of these sites, or at least not an area including the side bays.</p> <p>We seek submission point 200 be disallowed.</p>
34	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>Point 212, where they seek to insert into the biodiversity criteria for significance "the site is an important feeding area for indigenous species."</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. Such an addition to the criteria changes the focus from discrete benthic communities of importance to broad areas in which effects do not need to be as tightly constrained. <p>We seek that the whole of submission point 212 be disallowed.</p>
35	<p>We oppose the submission of:</p> <p>The Royal Forest & Bird Protection Society of New Zealand Incorporated, PO Box 2516, Christchurch 8140 (715).</p> <p>The particular part of the submission we oppose is:</p> <p>Paragraph 32 of the submission (which may not have been summarised), which seeks to identify in the Plan important bird areas contained in Forest & Bird (2014). <i>New Zealand Seabirds: Important Bird Areas and Conservation</i>. The Royal Forest & Bird Protection Society of New Zealand, Wellington, New Zealand. 72 pp. and Forest & Bird (2015). <i>New Zealand Seabirds: Sites on Land, Coastal Sites and Islands</i>. The Royal Forest & Bird Protection Society of New Zealand, Wellington, New Zealand.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The areas identified in the 2014 publication are very large. They are not suitable for inclusion in a regulatory regime designed to protect discrete areas of high value. 2. The sites and areas have not been through the <i>Ecologically significant marine sites in Marlborough: recommended protocols for survey and status monitoring</i> (2014). 3. Should the Tawhitinui Bay important bird area be included, the plan should note that the marine farms in the bay were present before the colony was

	<p>established, and consequently the marine farms and associated activity does not affect the colony.</p> <p>We seek that the submissions identified above be disallowed. In the alternative we seek the addition to the plan identified above.</p>
36	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular parts of the submission we oppose are:</p> <p>Points 197 and 198, which seek a rule to apply to map 17 and map 18 by amending the legends on map 17 map 18 to refer to a significant marine site.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. That no rules apply to map 17 or map 18. Rather, the maps should make clear that the rules do not apply to that location. <p>We seek that the whole of submission points 197 and point 198 be disallowed.</p>
37	<p>We oppose the submission of:</p> <p>The Friends of Nelson Haven and Tasman Bay Incorporated, P O Box 98, Rai Valley 7145 (716).</p> <p>The particular part of the submission we oppose is:</p> <p>The inclusion of Tory Channel in the outstanding natural character overlay in Coastal Natural Character Map 4, as per the map attached to The Friends' submission at page 43.</p> <p>The reason for our opposition is:</p> <ol style="list-style-type: none"> 1. The inclusion of that area is not justified. <p>We seek that the whole of that part of the submission be disallowed.</p>
38	<p>We support the detailed further submissions of The Marine Farming Association Incorporated and Aquaculture New Zealand Limited in their entirety.</p>



Marlborough Sounds Marine Farms and Proposed Marlborough Environment Plan

Outstanding Natural Landscape or Features - MEP and Submitters

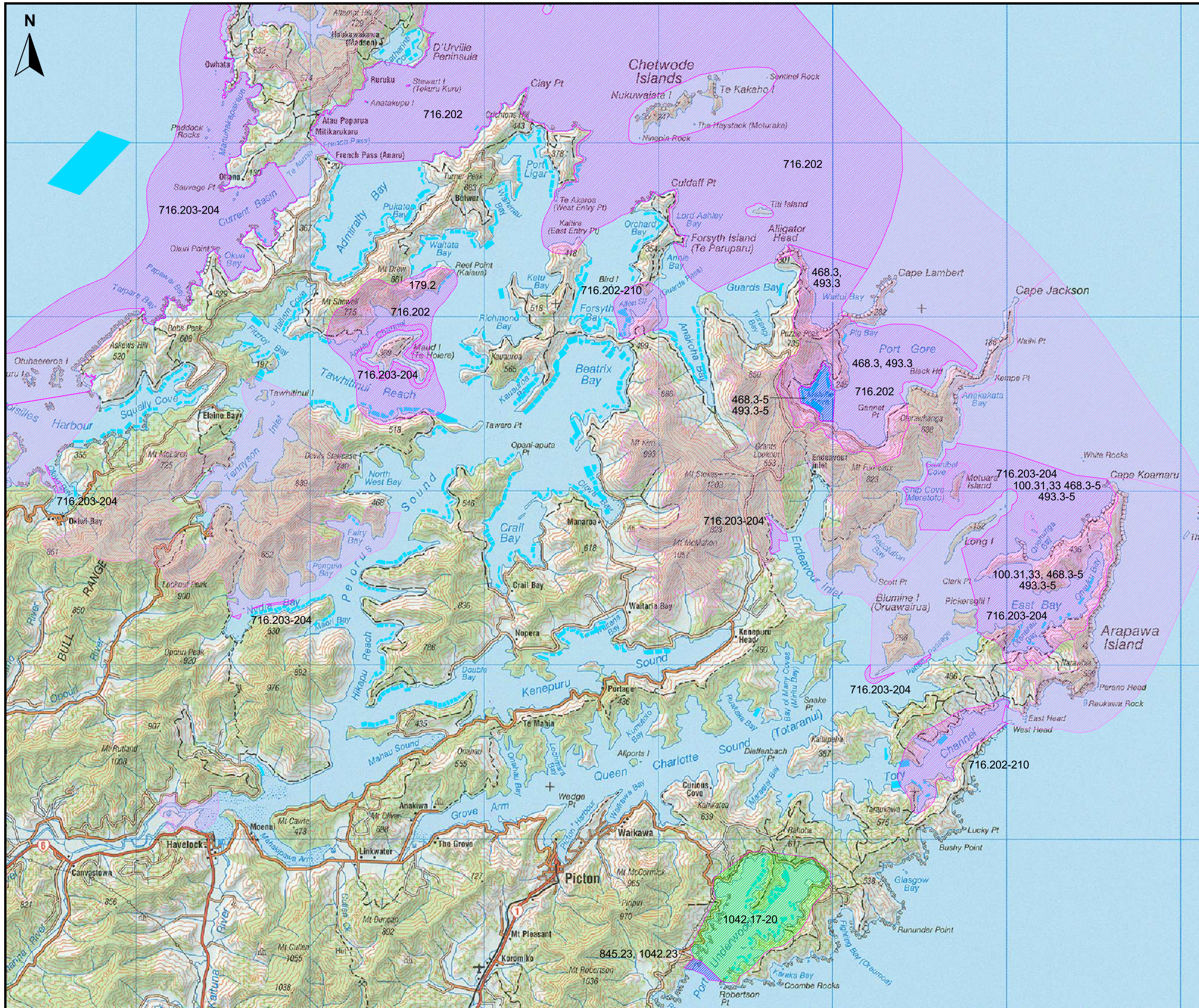
- KEY**
- Granted Marine Farm
 - MEP - Outstanding Natural Landscape or Features
 - Submitters - Outstanding Natural Landscape or Features
- 800.5 Submitter Number & Point

MEP data supplied by Marlborough District Council. Marine Farm data sourced from MDC Open Data (July 2016). Topo Map data from LINZ Data.

Produced by Draughting Plus Ltd from Marine Farm Data supplied by Marlborough District Council. The accompanying material has been released by Council from its information repositories as they exist as at June 2016. Council does not accept any responsibility for the initial and ongoing accuracy of the material. It is the responsibility of the recipient to make such checks as the recipient considers appropriate to ensure accuracy.

Scales (at A3)
 Main Map 1:200,000
 Port Hardy Inset 1:200,000
 Clifford Bay Inset 1:250,000

Prepared: 15th June 2017



Marlborough Sounds Marine Farms and Proposed Marlborough Environment Plan

Outstanding Natural Character MEP and Submitters

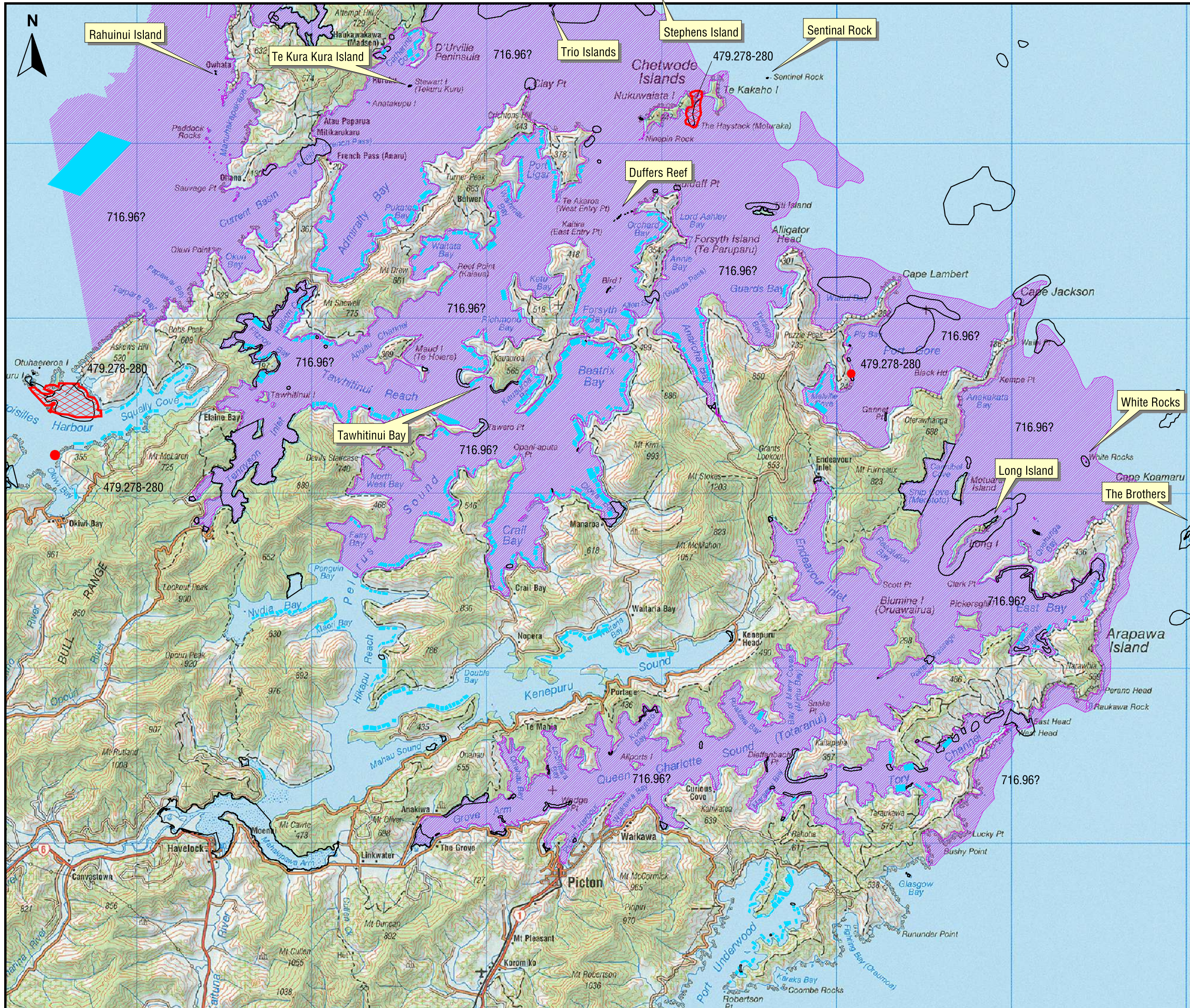
- KEY**
- Granted Marine Farm
 - MEP - Outstanding Coastal Natural Character
 - Submitters - Outstanding Coastal Natural Character
 - Submitters - Very High Coastal Natural Character
 - Submitters - Moderate - High Coastal Natural Character

MEP data supplied by Marlborough District Council. Marine Farm data sourced from MDC Open Data (July 2016). Topo Map data from LINZ Data.

Produced by Draughting Plus Ltd from Marine Farm Data supplied by Marlborough District Council. The accompanying material has been released by Council from its information repositories as they exist as at June 2016. Council does not accept any responsibility for the initial and ongoing accuracy of the material. It is the responsibility of the recipient to make such checks as the recipient considers appropriate to ensure accuracy.

Scales (at A3)
 Main Map 1:200,000
 Port Hardy Inset 1:200,000
 Clifford Bay Inset 1:250,000

Prepared: 15 June 2017



Marlborough Sounds Marine Farms and Proposed Marlborough Environment Plan

MEP Ecologically Significant Marine Sites and Submissions

KEY

- Granted Marine Farm
- MEP - Ecologically Significant Marine Sites
- Ecologically Significant Marine Sites New/Amended (DoC/MDC)
- Proposed Important Bird Areas at Sea - Forest & Bird (2014)
- Site Name
- Proposed Important Bird Areas on Land - Forest & Bird (2015)

MEP data supplied by Marlborough District Council. Marine Farm data sourced from MDC Open Data (July 2016). Topo Map data from LINZ Data.

Produced by Draughting Plus Ltd from Marine Farm Data supplied by Marlborough District Council. The accompanying material has been released by Council from its information repositories as they exist as at June 2016. Council does not accept any responsibility for the initial and ongoing accuracy of the material. It is the responsibility of the recipient to make such checks as the recipient considers appropriate to ensure accuracy.

Scales (at A3)
Main Map 1:200,000

Prepared: 23 June 2017

Schedule C

Decision of the MEP Hearings Panel: <https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/full-decision-on-the-pmep>

Track Changes of the MEP: <https://www.marlborough.govt.nz/your-council/resource-management-policy-and-plans/proposed-marlborough-environment-plan/decisions-on-the-pmep/pmep-tracked-changes-version>

Schedule D: Persons to Be Served With a Copy of this Notice

Name / Organisation	Contact	Address for Service
Marlborough District Council	Kaye Mcllveney	Kaye.Mcllveney@marlborough.govt.nz