

DECEMBER 2020

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## Welcome to Summer

2020 has been like no other and we have all well and truly earned our Christmas Break.

Wishing you a safe and happy Christmas and New Year.

See you in 2021

## Planning Ahead for the Christmas/New Year Break

If you are planning to lodge applications over the next couple months please factor in the following dates when estimating processing timeframes:

Council offices will be closed from **Thursday 24 December 2020 at Noon**. Council offices will re-open on Tuesday 5 January 2021 at 8.00 am.

Resource Management Act 1991 (RMA) non-working days are from **20 December 2020** until **10 January 2021** which means that from **Monday 21 December 2020** until the end of the day on **Friday 8 January 2021** the RMA clock will be stopped. RMA timeframes are excluded during this period. It will be business as usual from **Monday 11 January 2021 at 8.00 am**. Council officers will however continue processing applications during this period, if available.



## The National Policy Statement on Urban Development

The National Policy Statement on Urban Development (NPS-UD 2020) took effect on 20 August 2020. Council is required to give effect to the NPS-UD 2020 through its own planning documents, in particular the Marlborough Environment Plan, Infrastructure Strategy and Long Term Plan.

The NPS-UD 2020 recognises the national significance of:

- Having well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future.
- Providing sufficient development capacity to meet the different needs of people and communities.

It was developed by the Ministry for the Environment and the Ministry of Housing and Urban Development.

The NPS-UD 2020 is part of the urban planning pillar of the Government's Urban Growth Agenda. It aims to improve the responsiveness and competitiveness of land and development markets. It requires local authorities to monitor the supply of land for housing and business development relative to demand and to respond to any shortfall in supply by opening up more development capacity in areas accessible to urban amenities; for example through enabling intensification or zoning new land.

Local authorities are also tasked with understanding the housing needs of different groups within its communities (for example in terms of density, type, location and affordability of housing) and providing for these needs in its resource management plans.

Marlborough District Council is classed as a Tier 3 local authority. This reflects the lower level of urban growth occurring in Blenheim in comparison with Tier 1 and 2 areas, such as Auckland, Queenstown and Nelson/Tasman. Under Parts 2 and 3 of the NPS-UD 2020 some policies only apply to Tier 1 and 2 councils.

### Car Parking

One of the requirements of the NPS-UD 2020 is that district plans can no longer set minimum car parking requirements other than for accessible car parks. This applies to any development, land use or activity, and in any zone. Councils are encouraged instead to prepare "comprehensive parking management plans". This is intended to improve land use flexibility and encourage higher value use of urban space than car parking. In accordance with provision 3.38 Council has changed the Proposed Marlborough Environment Plan to remove any objective, policy and rule that requires a minimum number of car parks.



## The National Policy Statement for Freshwater Management 2020 and the National Environmental Standards for Freshwater

<https://www.mfe.govt.nz/about-national-policy-statement-urban-development>

In May this year the Minister for the Environment announced the Action for Healthy Waterways Essential Freshwater national direction package (now known as the 'Essential Freshwater' package). The Essential Freshwater package is part of a new national direction to protect and improve New Zealand's freshwater resources. The package aims to stop additional degradation of our rivers, streams, lakes and wetlands; make immediate changes to improve water quality within the next five years and reverse past damage to bring our waterways and ecosystems to a healthy state within the next generation.

The package included a number of new pieces of law to achieve these aims, including:

- The National Policy Statement for Freshwater Management 2020 (NPS-FM 2020), which replaces the NPS-FM 2017;
- The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FW 2020);
- The Resource Management (Stock Exclusion) Regulations 2020;
- Amendments to the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010;
- Amendments to the Resource Management Act 1991 to provide for a faster freshwater planning process and to enable mandatory and enforceable freshwater farm plans, and the creation of regulations for reporting nitrogen fertiliser sales.

This article looks specifically at the NPS-FM 2020 and the NES-FW 2020. These came into effect from 3 September 2020.

The NPS-FM 2020 provides national direction which councils are required to translate into the plans and policy statements in their specific areas by December 2024. There are a number of both compulsory values and attributes that must be met/protected/improved. These include:

- Te Mana o te Wai
- Māori values and mahinga kai
- Ecosystem health by managing, reporting and improving on things such as water quality, quantity, habitat, aquatic life and ecological process
- Threatened species
- Fish passage

The new NES-FW 2020 includes measures to stop the decline in freshwater quality. The NES-FW 2020 sets national rules for the ways particular activities are to be carried out to deliver on freshwater objectives. Unless able to meet the permitted standards, additional consents under the NES-FW 2020 will be required for a number of activities. The NES-FW 2020 includes measures to:

- Prevent further loss of natural wetlands and rivers
- Preserve connectivity of fish habitat
- Introduce new controls on intensive winter grazing (commencing 1 May 2021)
- Control feedlots and other stockholding areas (commencing 1 July 2021)
- Restrict agricultural intensification
- Reduce excessive application of synthetic nitrogen fertiliser (commencing 1 July 2021)

How does this affect resource users? There are now more strict requirements in place under the NES-FW 2020 that must be complied with or additional consent will be required. Likewise there is now greater national direction on the importance of protecting our freshwater resource and in turn greater mandate to do this throughout the resource consenting process. Both the NPS-FM 2020 and the NES-FW 2020 will need to be considered as part of any resource consent to do with water or works around water etc by both the applicant as part of their application, and the Council as part of the consenting process.

## Coastal Permits – Moorings – Transfers and Updates

It's that time of the year again when we love to get out and explore the Sounds on our doorstep and to make the most of the stunning location.

With over 3,000 moorings in the Sounds it is important to keep your mooring serviced and coastal permit up to date. The Proposed Marlborough Environment Plan seeks that moorings are linked to nearby land or a related commercial enterprise only. If your mooring is due for a new consent and you no longer own property in the Sounds, you will probably need to either sell the mooring and transfer the ownership to a property owner nearby, or surrender your mooring.

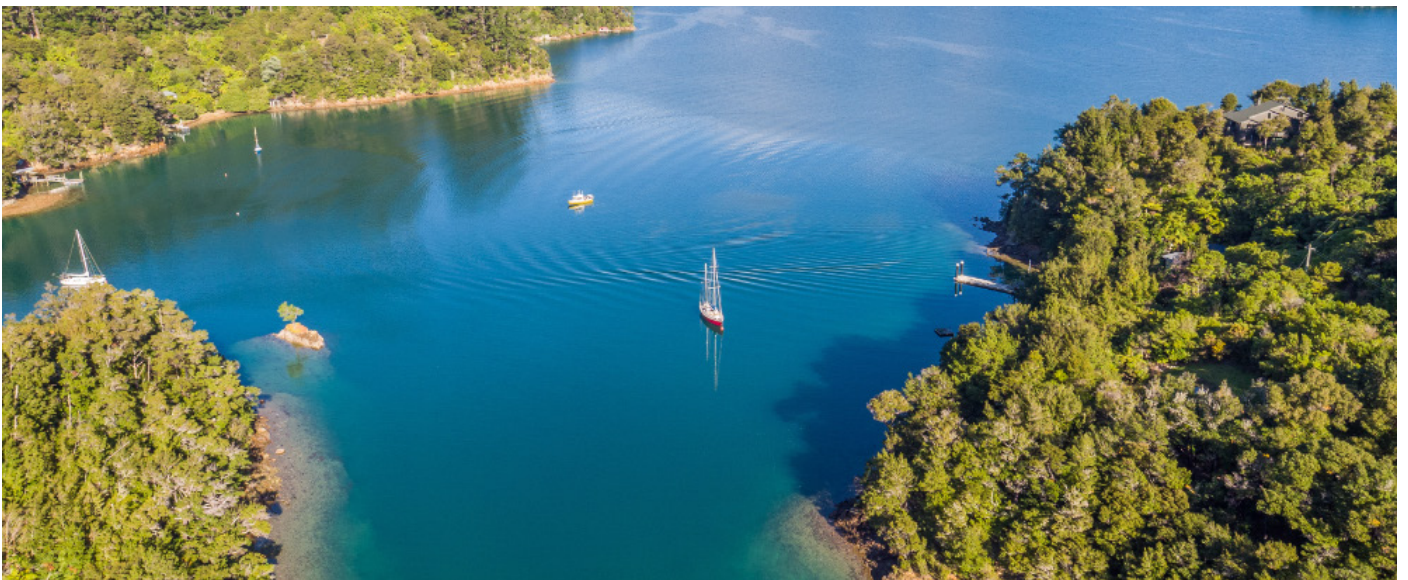
Council has the approach of spacing moorings in such a way as to avoid collision between vessels and minimise navigational hazards. If the details of your mooring have changed, for example the coordinates, water depth or vessel length, then you need to apply to Council to alter the conditions of consent (section 127 Variation). This updates your coastal permit with the most accurate and up-to-date details for your mooring, which in turn determines the available space for everyone in the Sounds.



If a mooring is changing hands the transfer form and fee (\$106.00) must be given to Council. Further details and the application form is available on the Council website, <https://www.marlborough.govt.nz/services/resource-consents/applying-for-a-resource-consent>, under Transfer Forms, 'Notification of Transfer of Coastal Permit (person-to-person)'.

You are welcome to contact Sarah Silverstar at Council for mooring application and variation forms.

**Enjoy the summer out on the water.**



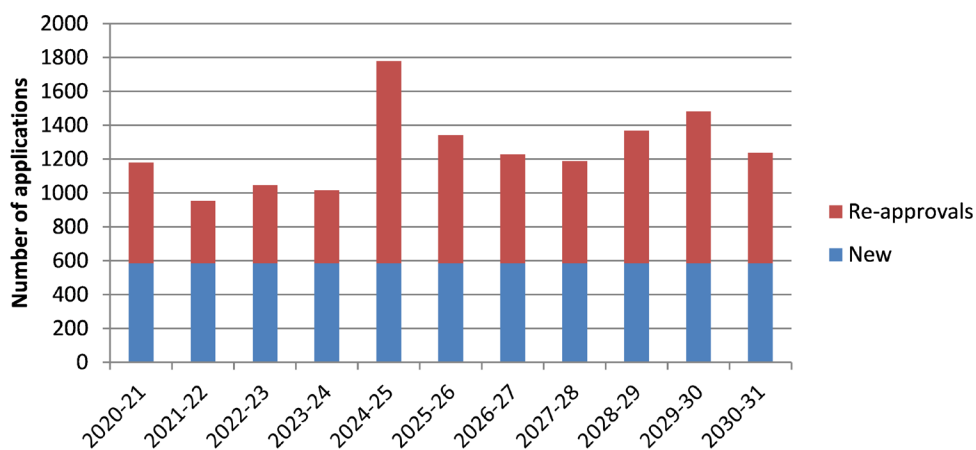
## Predicting Future Resource Consent Applications

The Resource Consent Team workflow appears to be slightly impacted in some consent areas by the Covid-19 global pandemic. However, for the most part the applications are still coming in at similar levels to pre-Covid-19. In order to predict future workflow and staffing requirements a review has been undertaken of the number of expiring consents by consent type and financial year for the next ten years and the number of new consents and re-approvals the Resource Consent Team has processed over the last five years by consent type and financial year.

Under the Resource Management Act 1991 most regional consents specify a term with an expiry date. The term can be up to 35 years. If no term is specified in a decision the consent will expire after five years. This is not the case with land use and subdivision applications. The majority of these types of applications are enduring with no expiry date.

Based on analysis of the data from the past five years the Resource Consent Team can make the assumption that the majority of expiring resource consents will be renewed by the consent holder. Therefore the Team can predict that there will be a generally steady stream of these re-applications for the next ten financial years, with some outliers in particular consent types in some years (for example marine farms in 2024). Over the last five financial years the lowest number of new applications received annually was 584. By using this number as a base and the number of consents that will be expiring annually as the variable the Team can project the number of resource consent applications that will be received annually for the next ten financial years.

**Predicting future RC Applications for the next 10 financial years**





We've heard a whisper that Santa's reindeer will be taking a break in Blenheim after a mammoth effort delivering presents

## Happy Christmas Everyone



Next Issue out 1 March 2021



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