

4. Sustainable Management of Natural and Physical Resources

Introduction

Marlborough's tangata whenua iwi and early settlers flourished in the Marlborough environment through use of the district's natural resources. Indigenous forests, wetlands, rivers and the sea were all ladders for tangata whenua. Marlborough's tangata whenua iwi are kaitiaki (guardians) and maintain a cultural responsibility for the sustainability of Marlborough's natural world – kaitiakitanga. From the 1850s, Pakeha settlers cleared forests to extract timber and convert land to pasture. The subsequent agricultural use of the land relied on the quality of the soil resource. As Marlborough grew and developed, the community constructed physical resources to support their economic endeavour and improve quality of life. Today and in the future, the social and economic wellbeing, health and safety of Marlborough still relies on the use of our natural and physical resources.

Section 5 of the Resource Management Act 1991 (RMA) recognises that sustainable management includes the use and development of natural and physical resources to provide for the social and economic wellbeing, health and safety of the community. Under Section 5(2)(a)-(c) this use and development must be managed to: sustain the potential for on-going resource use; safeguard the life-supporting capacity of air, water, soil and ecosystems; and address adverse effects on the environment. This chapter contains provisions that acknowledge the importance of using and developing our land, water, coastal and air resources and strategic infrastructure in this respect. The objectives and policies provide high level direction on resource use in our environment. This direction is developed further within the resource or activity-based chapters elsewhere in the Marlborough Environment Plan (MEP). Specific provisions within those chapters seek to enable appropriate and restrict inappropriate use and development of natural and physical resources.

Provisions are also included on the use and development of natural and physical resources in the Marlborough Sounds. This is because the Marlborough Sounds is highly valued by the community and by visitors to the district. Provisions have been included to guide resource use to ensure that we can continue to enjoy the unique and iconic Marlborough Sounds environment on an ongoing basis.

The use and development of land, water, coastal and air resources and strategic infrastructure can adversely affect the resource and/or the surrounding environment. The management of these adverse effects is specifically addressed through the resource or activity-based chapters of the MEP. This includes policies that identify adverse effects that will need to be avoided.

Issue 4A – Marlborough's social, economic and cultural wellbeing relies on the use, development and protection of its natural resources.

The prosperity of Marlborough has always relied upon utilising and developing the natural resources in the surrounding environment. Historically, the primary sector has driven the local economy. Today, that same sector is still a significant contributor to the local economy and is a substantial provider of both permanent and temporary employment within the District.

The industries that make up the primary sector - agriculture, viticulture, horticulture, forestry, fishing and marine farming - are successful because of the environment within which they occur. The availability of suitable land and coastal resources has allowed these industries to prosper and grow. Marlborough's freshwater resources have been vital to the productivity of some industries within the primary sector, combating dry conditions through irrigation and assisting with the processing of crops. Irrigation and good quality soils on the Wairau Plain have both created opportunities for landowners to diversify their activities.

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By consent order dated 31 January 2023

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Generally, Marlborough has adequate natural resources of sufficient quality to meet the needs of the primary sector. However, the reliance on natural resources also creates an inherent vulnerability to environmental change. The loss of access to natural resources or a reduction in the quality of the resources would have a significant impact on the primary sector. The implications would be felt far beyond the farm gate or vineyard, as Marlborough's townships act as service centres to rural land uses and the marine farming industry. Many businesses in Blenheim and other townships are sustained, either directly or indirectly, by the primary sector.

Natural resources are also important to the social and economic wellbeing of the remainder of the community. The Marlborough Sounds, Richmond Range, the dry Southern Hills and interior and the east coast all provide refuge habitat for indigenous flora and fauna, sustaining most of Marlborough's remaining terrestrial, aquatic and marine biodiversity. These same environments provide us with important recreational opportunities to experience the outdoors. The intrinsic and amenity value of our environment attracts visitors to the district, sustaining a significant tourism industry. Any reduction in the quality of the environment will have the potential to adversely affect the tourism industry.

The value of the conservation estate, which makes up 45 percent of Marlborough's land area, should not be underestimated. For example, the use of the Queen Charlotte Track, part of which occurs in the conservation estate, adds a significant amount to the Marlborough economy annually. There are other ecosystem services that result from different land uses that, although not quantified in a monetary sense, contribute to social wellbeing, such as reducing flood risk, sustaining whitebait catches and other fish and game and carbon sequestration.

Natural resources are also highly valued by Marlborough's tangata whenua iwi. The resources have mauri, or life force, and are taonga. Cultural beliefs and practices have developed in association with the use, development or protection of the resources by the iwi over a considerable period of time, including cultural harvest. Those beliefs and practices form tikanga and iwi are often kaitiaki of the resources within their rohe. The issue records the close association of Marlborough's tangata whenua iwi with natural resources. Further information on the nature of the relationship is contained in Chapter 3.

[RPS]

Objective 4.1 – Sustainable use and development of Marlborough's natural resources supports Marlborough's social, economic and cultural wellbeing.

The Marlborough economy has historically been based on its primary industries and the processing of product from these industries. Agriculture, horticulture, viticulture, forestry and fishing continue to contribute significantly to our economy and therefore our economic wellbeing. For this reason, it is important that the primary sector, as well as related servicing and processing industries, continue to thrive.

A number of factors determine the viability and prosperity of the primary sector. Significant factors include market conditions and the exchange rate. These determine the demand for, and price of, the finished product. However, the Council also plays an important role in this context by allocating public resources, removing unnecessary barriers to resource use and enabling appropriate adaptation to climate change.

Primary industries rely on access to and the use of natural resources. Agriculture, horticulture, viticulture and forestry are all influenced by the availability of land and, to various extents, the characteristics and quality of the soil resource. Given Marlborough's dry climate, reliable supplies of freshwater for irrigation provide land use options for rural resource users. Freshwater is also used for the processing of crops. Similarly, marine farming relies upon the availability of suitable coastal space and both marine farming and fishing rely on high coastal water quality. Our economic wellbeing therefore depends on the ability to continue to access and utilise natural resources in the Marlborough environment. However, the ability to use these resources does come with responsibilities. These responsibilities are reflected in policies elsewhere in the MEP.

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Marine Farming Assn Inc & Aquaculture NZ
ENV-2020-CHC-74
New objective
By memorandum dated 28 July 2023

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Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu
ENV-2020-CHC-46
New objective: Integrate management of natural and physical resources within Marlborough
By consent order dated 22 February 2023

Access to other natural resources is important for Marlborough's social, economic and cultural wellbeing. For example, aggregate from land based sources and from rivers has made a significant contribution to the provision of infrastructure, particularly roads, and is valued as a construction resource. However it is essential that access to such resources is provided on a sustainable basis.

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Our natural environment is a significant attraction for domestic and international tourists and contributes significantly to the Marlborough economy. The development of a successful tourism sector in Marlborough has diversified the local economy and created greater resilience to changes in market conditions. It is therefore important that the tourism sector continues to be successful. The Council can play a role in this by striving to maintain and enhance the quality of our environment.

[RPS]

Policy 4.1.1 – Recognise the need for people and communities to provide for their social and economic wellbeing by only controlling the use of land where it is required to protect the environment.

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Marine Farming Assn Inc & Aquaculture NZ
ENV-2020-CHC-74
New Policy: Recognise existing uses of natural and physical resources
By memorandum dated 28 July 2023

With land ownership comes an expectation of the ability to reasonably develop and use the land. In a property owning democracy such as New Zealand, it is fundamental that the reasonable expectations of private property owners are respected. This is reflected in Section 9 of the RMA, which enables people to use or develop land. This position contrasts with Sections 12 to 15 of the RMA applying to other natural resources, which set out that the use of those resources can only occur if expressly allowed by a rule in a plan or by resource consent.

Notwithstanding the presumption in Section 9, the Council can constrain such land use through rules in a regional or district plan. Under this policy the Council can intervene in the use of land, where required, to protect the environment. Even in these situations, the Council will seek to minimise the extent of regulation placed upon resource users. Generally speaking, resource users have a vested interest in sustaining the natural resources from which they extract an income. The Council can influence and guide the way in which resource use is undertaken by establishing clear and concise standards.

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It is important to acknowledge that existing uses of land can continue under Section 10 of the RMA irrespective of the introduction of district rules to constrain the use. For this to apply, the use must be lawfully established and its effects must be the same or similar to those that existed prior to the introduction of the rule.

The policy reflects that, where activities carried out on private land could adversely affect the wider environment, it may be necessary for land use to be controlled in order to protect the environment. In these circumstances, compensation to the land user is not payable under Section 85 of the RMA. The same section also provides the land user with the ability to challenge any provision of a plan on the grounds that the provision would render their land incapable of reasonable use. Section 86 of the RMA empowers the Council to acquire land with the agreement of the landowner and pay compensation for it.

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Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu
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[RPS]

Policy 4.1.2 – Enable sustainable use and development of natural resources in the Marlborough environment while managing any adverse environmental effects, through the use of:

- (a) allocation frameworks;
- (b) permitted activity rules and standards where no more than minor adverse effects are anticipated;
- (b)(i) controlled activity rules and standards; and
- (c) policies specific to various resources.

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The New Zealand King Salmon Co. Limited
ENV-2020-CHC-51
New policies: Existing Use; Experimentation and Innovation;
Net Improvement
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Many uses of coastal space, river beds, air and water resources are prohibited unless allowed by a rule in a regional plan or by resource consent (see Sections 12 to 15 of the RMA). As a principle,

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Manawa Energy limited (previously Trustpower Limited)
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the Council will continue to enable access to natural resources where the subsequent use of those resources has no more than minor adverse effect on the immediate or surrounding environment. This will be achieved through the use of permitted activity rules, including conditions where appropriate, avoiding the need for resource consent. Where the adverse effects are considered more than minor or where there is potential for cumulative effects, then resource consents will be required. Policies throughout the MEP help define sustainable resource use and development.

The use of allocation frameworks for coastal space and freshwater will also assist to enable the sustainable use and development of these natural resources. These frameworks will provide certainty about the quantities and/or locations of resources available and the circumstances in which they may be used and developed.

[RPS]

Policy 4.1.3 – Maintain and enhance the quality of natural resources.

The productive use of natural resources can rely on the quality of those resources. A comprehensive suite of policies is included in the MEP to assist in sustaining soil, air, water and coastal resources. This will assist the primary sector to continue contributing significantly to the Marlborough economy and the wellbeing of our communities.

With a favourable climate and a diverse and attractive environment, Marlborough is a desirable place in which to work, live and holiday. Maintaining and enhancing the quality of our natural resources will ensure that Blenheim and other townships and small settlements continue to attract new residents which, in turn, enables growth and development. It will also ensure that the natural environment continues to attract the domestic and international tourists that sustain a valuable tourism sector.

The policy seeks to maintain the quality of soil, air, water and coastal resources given their contribution to Marlborough's social, economic and cultural wellbeing as a base from which enhancement can commence. However, past resource use has degraded some of those natural resources and in these circumstances the policy seeks to enhance resource quality in order to achieve Objective 4.1. The way in which regard will be had to maintenance and enhancement or resource quality is set out in greater detail in subsequent chapters.

[RPS]

Policy 4.1.4 – Integrate management of natural and physical resources within the Marlborough District.

It is important that the use of natural resources is managed in an integrated way that takes into account the interrelationship between different parts of the natural environment, as well as ensuring the management is also integrated with the management of physical resources. This policy recognises that integrated management of natural and physical resources will help support the District's wellbeing. By recognising and addressing the potential for the use of one natural resource to impact upon other natural resources, this policy also assists implement Policy 4.1.3.

As a unitary authority, the Council is well placed to achieve integrated management of natural and physical resources through its policy making and consenting functions. Further information on how the Council will pursue integrated management is contained in Chapter 2.

[R, C, D]

Policy 4.1.5 – Except where a more specific offset or compensation policy applies, when considering any significant residual adverse effects that cannot be avoided, remedied or mitigated, decision makers must have regard to any offset or compensation measures proposed by a resource consent applicant.

This policy reflects the requirement in Section 104 (1)(ab) for the Council to consider any measure proposed or agreed to by a resource consent applicant which is for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that

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Manawa Energy Limited (previously Trustpower Limited)
ENV-2020-CHC-50
Federated Farmers of New Zealand
ENV-2020-CHC-58
By consent order dated 22 February 2023

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Te Atiawa o Te Waka-a-Maui Trust
ENV-2020-CHC-43
By memorandum dated 20 July 2021

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will or may result from allowing the activity. However, in some cases the other policies within the MEP may provide greater direction on offsetting or compensation in relation to particular resources.

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Methods of implementation

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

[C, R, D]

4.M.1 Zoning

Zoning, in combination with district rules, will be used to enable primary production to occur within rural environments.

[D]

4.M.2 District rules

Controls on land use will be used to determine appropriate land management practices or when intervention is required to protect natural resources and the surrounding environment.

[C, R]

4.M.3 Regional rules

Permitted activity rules will be used to enable appropriate use of natural resources, including fresh and coastal water, river beds, air, coastal space and land resources, when the use will have no more than minor effects on natural resources and the surrounding environment. Other rules will also enable resource use, but will require a consideration of environmental effects through the resource consent process.

Regional rules will be used to implement allocation frameworks, including allocation limits. In some cases or in some locations, this may extend to having prohibited activity rules in order to maintain the integrity of the allocation framework or protect the quality of natural resources.

[RPS, C, R, D]

4.M.4 Guidelines

The Council will make extensive use of guidelines to assist resource users to carry out their activities according to best practice for environmental outcomes. Guidelines will be developed in consultation with resource users and groups that represent their interests. The Council will support industry and resource user groups to implement the guidelines.

[RPS, C, R, D]

4.M.5 Information

Information will be made available on the nature, extent and state of soil, water and air resources to assist resource users to make informed decisions about resource use. This information will also be considered by the Council in determining whether there is a need to review regional and district rules and allocation frameworks.

Issue 4B – The social and economic wellbeing, health and safety of the Marlborough community are at risk if regionally significant infrastructure, network utilities or emergency services are not

able to operate, upgrade and develop efficiently, effectively and safely.

We rely on a range of physical resources to allow our communities to function on a day-by-day basis. These resources include the water, stormwater and waste disposal services provided to townships and small settlements; the transport links within Marlborough and connecting Marlborough to the remainder of the country; the provision of electricity and telecommunications; and, on the Lower Wairau Plain, the drainage of land. Collectively, this infrastructure is regionally significant due to the contribution it makes to our social and economic wellbeing, health and safety. Other infrastructure in (e.g. RNZAF Base Woodbourne) or running through Marlborough (e.g. the National Grid and state highways) also has national importance. It is important that this infrastructure is able to operate efficiently, effectively and safely on an ongoing basis for community wellbeing. The ability to maintain, upgrade and replace existing infrastructure without significant constraint is important in this respect. Additionally, new infrastructure may be required to provide for growth within the district and it is also important that this can be developed efficiently, effectively and safely.

Other activities can adversely affect the performance of existing infrastructure, especially those undertaken in close proximity to the infrastructure. The use and operation of some types of regionally significant infrastructure can, by their nature, create actual or potential effects for land uses located in close proximity to the infrastructure (e.g. odour, dust, glare, noise). This means that they are susceptible to reverse sensitivity effects: where the expectations of land uses, especially residential land uses, constrain the use and operation of regionally significant infrastructure or, in the case of the roading network, adversely affect its carrying capacity. Other land use activities may directly affect existing infrastructure. For example, planting trees under or in close proximity to electricity transmission lines creates a potential fire hazard and a risk that lines may be brought down during severe winds.

Emergency services are essential to the on-going health, safety and wellbeing of the Marlborough community. It is therefore important that emergency services are able to operate efficiently and effectively in a manner that responds to community needs without unnecessary constraints.

[RPS, R, C, D]

Objective 4.2 – Efficient, effective and safe operation, upgrade and development of regionally significant infrastructure, network utilities and emergency services.

The community relies on the infrastructure, network facilities and emergency services that have been developed to protect and support the population. It is essential for the social and economic wellbeing, health and safety of the Marlborough community that infrastructure, network utilities and emergency services continue to operate efficiently, effectively and safely on an ongoing basis. This includes the ability to maintain, upgrade and replace existing infrastructure and network utilities and may include the development of new infrastructure and network utilities.

[RPS, R, C, D]

Policy 4.2.1 – Recognise the social, economic, environmental, health and safety benefits from the following infrastructure, as regionally significant:

- (a) reticulated sewerage systems (including the pipe network, treatment plants and associated infrastructure) operated by the Marlborough District Council;
- (b) reticulated community stormwater networks;
- (c) reticulated community water supply networks and water treatment plants operated by the Marlborough District Council;
- (d) regional landfill, transfer stations and the resource recovery centre;
- (e) National Grid (the assets used or owned by Transpower New Zealand Limited);

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- (f) local electricity supply network owned and operated by Marlborough Lines;
- (g) facilities for the generation of electricity, where the electricity generated is supplied to the National Grid or the local electricity supply network (including infrastructure for the transmission of the electricity into the National Grid or local electricity supply network);
- (h) Telecommunications networks, as per the definition of a network in Section 5 of the Telecommunications Act 2001, and equipment facilitating radiocommunication as per the definition of radiocommunications in Section 2(1) of the Radiocommunications Act 1989;
- (i) Blenheim, Omaka and Koromiko Airports;
- (j) main trunk railway line;
- (k) road network;
- (l) Port of Picton, Havelock Harbour, Elaine Bay and Oyster Bay;
- (m) Picton, Waikawa and Havelock marinas;
- (n) RNZAF Base at Woodbourne; and
- (o) Council administered flood defences and the drainage network on the Lower Wairau Plain.

The policy identifies infrastructure considered regionally significant due to its contribution to the social and economic wellbeing or health and safety of a large proportion of Marlborough's population, or because of its strategic importance nationally. These benefits will be taken into account when developing district and regional rules and when considering resource consent applications, notices of requirement and plan change requests. This policy recognises the significance of the infrastructure whether it is existing or consented at the time that the MEP becomes operative or developed subsequently.

[RPS, R, C, D]

Policy 4.2.2 – Protect regionally significant infrastructure from subdivision, use and development activities that may compromise its operation, including the maintenance, upgrade and development of the National Grid.

The effective and efficient operation of regionally significant infrastructure can be ensured by avoiding the establishment of incompatible activities in locations (for example those in close proximity to the infrastructure) and including where reverse sensitivity effects may arise. This policy recognises that there has already been significant investment in the infrastructure and that there are usually considerable difficulties relocating the infrastructure in the event of conflict with other land uses. In respect of the electricity transmission network, it is a requirement of the National Policy Statement on Electricity Transmission (NPSET) for decision makers to the extent reasonably possible to manage activities to avoid reverse sensitivity effects on the network to ensure that the National Grid is not compromised.

[RPS, R, C, D]

Policy 4.2.3 – When considering the environmental effects of National Grid activities, to have regard to:

- (a) the national, regional and local benefits of sustainable, secure and efficient electricity transmission;
- (b) the technical and operational requirements that constrain measures to avoid, remedy or mitigate adverse effects;
- (c) the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection for new infrastructure or major upgrades;
- (d) the extent to which existing adverse effects have been reduced as part of any substantial upgrade;

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- (e) the extent to which adverse effects on urban amenity have been minimised.
- (f) whether adverse effects on outstanding natural landscapes, areas of high natural character, town centres, areas of high recreation value and existing sensitive activities, have been avoided.

Central government has recognised the importance of electricity transmission through the National Policy Statement on Electricity Transmission (NPSET) which came into effect in 2008. The NPSET establishes that the need to operate, maintain, develop and upgrade the National Grid is a matter of national significance. The objective of the NPSET is to recognise the national significance of the National Grid by facilitating its operation, maintenance, upgrade and development while managing adverse effects of, and on, it. When considering an application for resource consent(s) or notice of requirement for National Grid activities the Council will have regard to the positive and adverse effects on the environment associated with the activity. This policy provides guidance on the matters that are relevant to this consideration, which reflects the particular direction in the NPSET.

[RPS, R, C, D]

Policy 4.2.4 – Provide for the upgrade and development of network utilities, while ensuring that any adverse effects are avoided, remedied or mitigated to the extent practicable.

It is important that network utilities are able to be developed and upgraded, in order to provide for the social and economic wellbeing and health and safety of the community. However, this must be balanced with the need to manage the adverse effects of such infrastructure. Consideration of the management of these effects needs to take into account the logistical, technical and operational constraints associated with network utilities. Reference must also be made to the relevant policy direction in other parts of this plan, where specific effects management policies apply. Policy 4.2.3 also provides guidance with respect to the management of the environmental effects of National Grid activities.

[RPS, R, C, D]

Policy 4.2.5 – Recognise the essential nature of emergency services by:

- (a) **enabling appropriate development and on-going use of emergency service facilities;**
- (b) **requiring adequate property access for emergency vehicles and appropriate access to, and supplies of, firefighting water in the urban environment; and**
- (c) **enabling appropriate emergency services activities, including emergency services training.**

The policy recognises that emergency service facilities; emergency services training; and the need for adequate access and water supply for emergency response purposes is essential for the health, safety and wellbeing of people and communities. The policy provides for emergency services, and associated activities, throughout Marlborough.

Methods of implementation

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

[D]

4.M.6 Identification

The National Grid will be identified on the planning maps. This will allow other methods to be applied to manage the adverse effects of third parties on the National Grid.

[D]

4.M.7 Zoning

Recognition will be given to regionally significant infrastructure by providing, where appropriate, explicit zoning for the infrastructure. This in conjunction with the application of district rules specific

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to infrastructure and the use of designations will assist to enable the infrastructure to operate efficiently and effectively.

[D]

4.M.8 Designations

Encourage requiring authorities (as defined by Section 166 of the RMA) to utilise designations as an effective means of identifying, developing and protecting regionally significant infrastructure and network facilities. Designations can then be explicitly included in the MEP.

[R, C, D]

4.M.9 District and regional rules

Rules will be used to provide for activities associated with the maintenance, alteration, upgrading, development and replacement of regionally significant infrastructure and network utilities. Rules will also be used to enable emergency services, activities and facilities. Standards will specify the extent of works involved with any of these activities.

Rules will be used to control the proximity of activities that could have adverse effects on regionally significant infrastructure. This includes development in the vicinity of the National Grid.

A buffer corridor for the National Grid transmission lines will be established through rules within which activities will be managed to reduce the risk of electrical hazard, avoid reverse sensitivity effects and ensure that the National Grid is not compromised. The width of the corridor will vary depending on the activity, type of National Grid asset and the sensitivity of the network to the activity. This method gives effect to Policy 10 and 11 of the NPSET.

The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 contain separate rules for the operation, maintenance, upgrading, relocation and removal of existing National Grid transmission lines. The Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2016 contain separate rules for telecommunication facilities and activities associated with the establishment of such facilities. Where activities are managed by these Regulations, no rules in the MEP apply to such activities.

[R, C, D]

4.M.10 Affected party status

Where the grant of a resource consent application or approval of a notice of requirement may adversely affect regionally significant infrastructure, the owners and operators of the infrastructure will be served notice of the application as an affected party. Transpower New Zealand Limited is required to be served notice if a resource consent application may affect the National Grid under Regulation 10 of the Resource Management (Forms, Fees and Procedures) Regulations 2003.

[R, C, D]

4.M.11 Information

The Electricity (Hazards from Trees) Regulations 2003 were introduced in recognition that trees need to be kept at a safe distance from electricity lines for public safety and to protect electricity supply. The Regulations define safe separation distances between trees and powerlines, specify who is responsible for ensuring clearances are maintained and place potential liability on the tree owner in some circumstances if any damage or accident occurs when trees touch powerlines. Further information on Electricity (Hazards from Trees) Regulations 2003 is provided via the Transpower New Zealand Limited and Marlborough Lines websites.

The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34) sets minimum safe electrical distance requirements for overhead electric line installations and other works associated with the supply of electricity to consumers. This includes requirements for excavation and construction of buildings and similar structures near electric line structures. The

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minimum safe distances have been set primarily to protect persons, property, vehicles and mobile plant from harm or damage from electrical hazards. Further information on NZECP 34 is provided via the Transpower New Zealand Limited and Marlborough Lines websites.

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There are also requirements under electricity legislation and codes of practice for network operators when working on land, including the need to obtain landowner permission for upgrading of lines (including increasing voltages) in certain circumstances.

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Issue 4C – The use and development of natural and physical resources in the Marlborough Sounds has the potential to detract from the character and intrinsic values of this unique and iconic environment.

The unique Marlborough Sounds are located between Tasman Bay in the west, the often rough and wild Cook Strait to the north-east, and the exposed to open ocean conditions along its south-eastern flank. The drowning of river valleys in geological time has created 1,500 kilometres of indented coastline - a labyrinth of enclosed and relatively sheltered waters within Port Underwood, Queen Charlotte Sound, Pelorus Sound, Tennyson Inlet, Croisilles Harbour and around D'Urville Island. In contrast to the coastal waters, the Marlborough Sounds' landform is rugged, sloping steeply away from the shoreline to prominent spurs and ridges on the skyline. Bays, coves, beaches, inlets, peninsulas, headlands and cliffs all mark the point where land and water meet. This unique position, combined with variation in geology, soils, topography, temperature, tidal range and currents, creates diversity in both the character and ecology of the Marlborough Sounds.

The bush, streams and coastal waters provide habitat to indigenous plant and animal life. Native plants range from sub-tropical to sub-alpine. Some of the rarest animal and insect life in the world can be found in the Marlborough Sounds, including tuatara, the Maud Island and Hamilton frogs and the Cook Strait giant weta. The pest free islands (e.g. Maud Island, Stephens Island, Titi Island and Motuara Island) are of particular significance, as they act as a refuge for threatened indigenous species. There is also a marine reserve around Long Island.

The Marlborough Sounds are also interesting because of the wide range of activities that have occurred there in the past or are undertaken there today. The Marlborough Sounds have long been settled by Māori, possibly stretching back as far as 1,000 years. Many of Marlborough's tangata whenua iwi retain strong connections with the Marlborough Sounds and place great importance on their links to traditional sites, both on land and in the sea. The Marlborough Sounds were also a focal point for interaction between European and Māori cultures pre- and post-colonisation. European explorers, whalers, sealers and settlers all came to the Marlborough Sounds. In some ways, this settlement continues today as people are still choosing to move here.

Since the early days of interaction between the two cultures, the Marlborough Sounds' landscape and seascape have been extensively modified by human activity. The most obvious change was caused by the clearance of the original vegetation cover (predominantly bush) to allow for pastoral farming, followed in some areas by exotic forestry. Commercial fishing also had early beginnings, while the waters of Queen Charlotte Sound and Tory Channel have provided a vital transportation link between North and South Islands. A more recent trend has been the growth of the marine farming industry, with the establishment of over 570 farms around the Sounds. All of these activities continue today, although many pastoral farms have been left to revert to indigenous forest and shrub cover.

The combination of land and water also creates a stunning coastal environment that attracts people to live or holiday in the Marlborough Sounds, creating unique coastal communities in the process. This is reflected in the many houses and holiday homes adjacent to the foreshore.

The Marlborough Sounds are also a recreational playground, with many opportunities to tramp, cycle, swim, boat, sail, dive and fish. For those less actively inclined, there is also the ability to get away from it all and relax. Others choose to explore and experience the many different parts of the Marlborough Sounds by road or sea.

The Marlborough Sounds contains strategic infrastructure in the form of ports, port landing areas and marina that perform a vital role in linking the North and South Islands and enabling boat access to the Marlborough Sounds generally.

The use and development of natural and physical resources within the Marlborough Sounds creates the potential for environmental change. As noted above, the Marlborough Sounds is a dynamic environment and has a certain capacity to absorb change. However, there are visual, ecological and physical qualities that make a critical contribution to the character of the Marlborough Sounds. If these qualities are adversely affected by the use and development of natural and physical resources, this will adversely affect the way in which the community and visitors perceive and value the Marlborough Sounds.

[RPS]

Objective 4.3 – The maintenance and enhancement of the ecological physical, and cultural qualities and amenity values that contribute to the character of the Marlborough Sounds.

The Marlborough Sounds is a truly exceptional place. The landscapes and seascapes within the Marlborough Sounds and the ecology and natural processes that occur within them are unique and highly valued. Marlborough's tangata whenua iwi have particularly strong cultural ties to the Marlborough Sounds, both historic and contemporary. As tangata whenua, they carry a cultural responsibility for sustainable outcomes.

The objective seeks to maintain the ecological, physical and cultural qualities, and amenity values, that contribute to the iconic character of the Marlborough Sounds as a base from which enhancement can commence. This will ensure that the community and visitors to the district can anticipate improvement of this environment now and into the future. This does not mean that use and development of natural and physical resources cannot occur within the Marlborough Sounds, but precaution needs to be exercised to ensure that resource use is complimentary to the ecological, physical and cultural qualities, and amenity values that give the Marlborough Sounds this iconic character.

The objective acknowledges the benefits that strategic infrastructure in the coastal environment of the Marlborough Sounds, including ports, port landing areas and marinas, provides.

In some locations, both on land and in the coastal marine area, past resource use has degraded the ecological, physical, or cultural qualities, or amenity values. The objective in these situations is to enhance the qualities and/or values to restore and rehabilitate the unique character of the Marlborough Sounds. This could be achieved through both regulatory and non-regulatory means. However, an important tool will be encouraging people and community to engage in their own enhancement efforts and activities.

[RPS]

Policy 4.3.1 – Integrate management of the natural and physical resources within the Marlborough Sounds environment.

There are very strong connections between land and marine environments in the Marlborough Sounds. This means that activities occurring in one locality can easily affect the surrounding environment and other activities occurring in that environment. This is especially true considering that the activities and values described in the issue and objective above are not always compatible. This makes integrated management of land and coastal water resources critical to retaining the special qualities of the Marlborough Sounds. As a unitary authority, the Council is well placed to achieve integrated management of natural and physical resources through its policy making and

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New objective: 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.
By memorandum dated 28 July 2023

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By consent order dated 31 January 2023

consenting functions. The policies in the MEP ensure that all of the effects of the use, development and protection of resources are identified and managed in a consistent manner.

In addition, there are other agencies, including the Ministry for Primary Industries, the Department of Conservation and the Ministry for the Environment, who have statutory responsibilities that influence the management of natural and physical resources within the Marlborough Sounds. The Council can take active steps to facilitate discussions with these agencies regarding their management roles and how they can work together to best integrate the management of natural and physical resources to maintain and enhance the qualities that contribute to the character of the Marlborough Sounds.

[RPS]

Policy 4.3.2 – Identify the qualities and values that contribute to the unique and iconic character of the Marlborough Sounds and protect these from inappropriate subdivision, use and development.

In order to determine whether particular activities in the Marlborough Sounds may have significant adverse effects, it is necessary to identify the qualities and values that contribute to the unique and iconic character of the Marlborough Sounds. These ecological, physical and cultural qualities and amenity values are identified in the objectives and policies of other chapters, where criteria to help define appropriate activities are provided. In some cases, these qualities and values are also mapped and/or scheduled in the MEP. The identification of the qualities and values of importance required under this policy will also need to take into account the effects that past and present activities have had, and continue to have, on the character of the Marlborough Sounds.

[RPS]

Policy 4.3.3 – Provide direction on the appropriateness of resource use activities in the Marlborough Sounds environment.

It is important that the MEP provides as much certainty as possible to resource users and the community about the outcomes anticipated under this suite of provisions. Following the identification of the qualities and values in accordance with Policy 4.3.2, this policy signals that direction will be provided on the sensitivity of these to change. This sensitivity will vary due to the different qualities and values in different parts of the Marlborough Sounds. Those activities more likely to have an impact on the Marlborough Sounds environment will be subjected to resource consent processes. This will allow an assessment of the nature and significance of the effects of any proposed activity on the immediate and surrounding environment (including cumulative effects). The policies in the MEP will assist that assessment.

[RPS]

Policy 4.3.4 – Encourage the enhancement of the qualities and values that contribute to the unique and iconic character of the Marlborough Sounds.

Objective 4.3 seeks to maintain and enhance the ecological, physical and cultural qualities, and amenity values of the Marlborough Sounds environment. Policy 4.3.2 generally provides direction relating to the identification and maintenance of these qualities and values. Policy 4.3.4 signals that beyond this, enhancement of these qualities should be encouraged. This can occur through regulatory methods. For example, environmental enhancement may be a means of remedying or mitigating the adverse effects of resource use and development. Resource consent applicants and the Council should have regard to these opportunities when preparing or processing resource consent applications. Other opportunities may exist beyond the use and development of natural resources. The implementation of non-regulatory methods to enhance particular parts of the Marlborough Sounds environment, particularly the landscape and biodiversity, will make significant contributions in this regard. These non-regulatory methods are signalled throughout the MEP.

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[RPS]

Policy 4.3.5 – Recognise that the Marlborough Sounds is a dynamic environment.

As described in the issue above, the Marlborough Sounds has already undergone considerable change as a result of the past use of natural and physical resources, the most dramatic possibly being the clearance of indigenous vegetation to allow agriculture to occur and, as agriculture has become economically marginal, the regeneration of indigenous vegetation. As a principle, it is important to recognise that the Marlborough Sounds environment is dynamic and will continue to change with or without human intervention. This means there is a capacity to absorb change within the environment without necessarily affecting the qualities of this unique and iconic environment. Indeed, some changes may actually enhance the qualities and improve the Marlborough Sounds environment. Regard should be had to this policy when considering new and existing activities involving the use, development and protection of the Marlborough Sounds environment.

Commented [38]: WITHDRAWN:
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ENV-2020-CHC-51
New issue: Recognise that limiting development has a trade-off;
New objective: Objective 4.4 Recognise that limiting development has a tradeoff.
New policy: Identify the consequence of not allowing development in terms of: (i) Substitution; (ii) Adverse effects from other alternative activities in the area; and (iii) Loss of environmental, economic and social benefits.
By memorandum dated 28 July 2023

Appeal Version

Methods of implementation

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

[RPS]

4.M.12 The policies above, particularly Policies 4.3.2, 4.3.3 and 4.3.4, are implemented through other policies throughout the MEP.

[RPS]

4.M.13 Collaboration and Liaison

There are a number of Crown and other agencies with statutory responsibilities that influence the management of the natural and physical resources within the Marlborough Sounds. The Council will take steps to encourage discussions with these agencies to facilitate a discourse on the respective management roles of each party and how they could be better integrated to achieve Objective 4.3.

Anticipated environmental results and monitoring effectiveness

The following table identifies only one anticipated environmental result for this chapter, which is a high level anticipated environmental result. Although there are indicators listed in 4.AER.1 to monitor overall effectiveness, it is important that regard is had to the anticipated environmental results in other chapters to help determine if the provisions of this chapter are being effective. The anticipated environmental results are ten year targets from the date that the MEP becomes operative, unless otherwise specified.

Anticipated environmental result	Monitoring effectiveness
<p>4.AER.1</p> <p>People and communities have appropriate access to natural and physical resources in the Marlborough environment in order to provide for their social, economic and cultural wellbeing and health and safety.</p>	<p>The primary sector contributes over 10% of Marlborough GDP.</p> <p>The number of visitors to Marlborough exceeds 1.5 million per annum.</p> <p>Regionally significant infrastructure continues to operate effectively and without disruption from other activities.</p> <p>The ecological, physical and cultural qualities, and amenity values that contribute to the character of the Marlborough Sounds are maintained (and enhanced), as informed by AERs in Chapters 6, 7, 8 and 10 and by consultation with Marlborough's tangata whenua iwi.</p>

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