



**MARLBOROUGH
DISTRICT COUNCIL**

PROPOSED MARLBOROUGH ENVIRONMENT PLAN

Volume 1

Issues, Objectives,
Policies and Methods

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1. Introduction

In Marlborough, quality of life and wellbeing are very much dependent on how we use, develop and protect our natural and physical resources such as the coast, soils, rivers, groundwater, air, landscape, towns, roads, infrastructure, biodiversity and so on. The use or development of natural resources, including land, freshwater and coastal water, also provides for social, cultural and economic wellbeing.

We all know that our very existence and desire to develop and grow as a community can compromise the things that make our life in Marlborough special. Dealing with the pressures surrounding how we use our resources is challenging, especially as we have differing views about how Marlborough's natural and physical resources should be looked after. It is therefore important that the best interests of the environment as a whole be the guiding factor in achieving sustainable management. We need to be concerned with the long-term implications of how we respond to change, ensuring that future generations and their quality of life is not limited by the decisions or actions (or inaction) we make today.

How we use, develop and protect Marlborough's resources is governed to a large extent by the Resource Management Act 1991 (RMA). The RMA's single purpose is to promote the sustainable management of natural and physical resources.

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In achieving the purpose of the RMA, the Marlborough District Council (the Council) must have regard to a number of principles set out in Sections 6, 7 and 8 of the RMA.

Section 6 requires the Council to recognise and provide for matters of national importance. These include matters in relation to:

- the natural character of the coastal environment, wetlands, lakes and rivers;
- outstanding natural features and landscapes;
- areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- public access to and along the coastal marine area, rivers and lakes;
- the relationship of Maori with their ancestral land and sites;
- historic heritage; and
- protected customary rights.

Section 7 contains matters to which the Council must have particular regard to. These include amenity values, kaitiakitanga, quality of the environment, efficient use and development of natural and physical resources, intrinsic values of ecosystems and the benefits from the use and development of renewable energy.

Section 8 requires the Council to take into account the principles of the Treaty of Waitangi.

To achieve the purpose of the RMA, the Council is required to prepare a range of documents, some of which are mandatory, while others are optional. A regional policy statement, regional coastal plan and district plan are mandatory documents, whereas other regional plans are optional. As the Council is a unitary authority, that is, it has the roles of both a district and a regional council, it is responsible for preparing all of the required RMA policies and plans.

The purpose of regional policy statements is set out in Section 59 of the RMA and it is “*to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region*”. The purpose of regional and district plans is to assist the Council in carrying out its functions in order to achieve the purpose of the RMA and specifically for a regional coastal plan, to achieve the purpose of the RMA in relation to the coastal marine area.

Changed resource management framework

Previously, the Council has had a separate regional policy statement and two geographically-based coastal, district and regional plans (the Marlborough Sounds Resource Management Plan and the Wairau/Awatere Resource Management Plan). In Section 79(1) of the RMA there are requirements set out for when regional policy statements and plans are to be reviewed. These documents may be reviewed either in part or in full; the Council undertook a full review of the Marlborough Regional Policy Statement 1995 and the Marlborough Sounds and Wairau/Awatere Resource Management Plans in accordance with Section 79(4) of the RMA.

In undertaking a statutory review of these documents, the Council has opted to combine all three into a single Marlborough Environment Plan (the MEP). This approach is enabled through Section 80 of the RMA. The intention is to provide a simplified and more streamlined resource management framework for all users. More detail on the approach is set out in Chapter 2 - Background but overall the framework:

- describes how we as a community want the natural and physical assets of Marlborough to be managed;
- provides a coherent view on how our coasts, freshwater resources, rural areas, towns, natural habitats, etc and their interrelationships should be managed;
- influences the actions of individuals and the actions of the Council; and
- manages the actions of all resource users.

Guiding principles

The Council used guiding principles in the development of the objectives, policies and methods throughout the chapters of the MEP. These principles are the philosophy and values that underlie the content of the MEP but do not in themselves have specific objectives, policies or methods.

Quality of life comes from interactions between individuals, the community and their surroundings.

The wellbeing of people and communities is indicated by the quality of life available to them. This includes the provision of food, shelter and clothing, economic prosperity through job and business opportunities, health and safety, spiritual and cultural freedom and the qualities and characteristics of the environment they live in. Maintaining or enhancing the wellbeing of people

and communities, whether in rural, coastal or urban areas, therefore contributes significantly to social, economic and cultural wellbeing. This particular principle is important in the context of the purpose of the RMA, which states that “*sustainable management of natural and physical resources means managing the use, development and protection of resources in a way or at a rate that enables people and communities to provide for their social, economic, and cultural wellbeing.*”

A healthy Marlborough economy requires a healthy environment.

While it is not the role of the MEP to directly address economic matters, it does have a role in supporting sustainable business and economic growth within a resource management framework. Maintaining the health of the environment will assist the primary sector in particular to continue to make a significant contribution to the Marlborough economy and the wellbeing of our communities. The productive use of natural resources relies on both the quality of the resource as well as sustainable allocation frameworks to enable use of water, land and coastal resources.

It is important that the kaitiaki role of Marlborough’s tangata whenua iwi is recognised, as their perspective provides a valuable cultural input into the management of natural and physical resources.

Marlborough has a long and extraordinary history of Maori settlement. As kaitiaki, Marlborough’s tangata whenua iwi have unique insights into and concepts of managing the use, development and protection of natural and physical resources. Those insights and concepts can improve the overall management of Marlborough’s land, water, air, coastal and biodiversity resources.

Encouraging and supporting individual, landowner, key stakeholder and community involvement and action is critical to effective resource management.

Working with others is efficient, increases the sense of ownership and responsibility and provides opportunities for innovation and feedback to the Council on issues with the implementation of the provisions of the MEP. This means the Council remains responsive to the needs and aspirations of the community.

Providing the community with a streamlined and simplified resource management framework to make it easier for resource users and other interested parties to use.

The Council has decided to maximise the opportunity as a unitary authority to integrate a regional policy statement with regional coastal, regional and district plan provisions. This simplified framework will be easier for resource users and other interested parties to use.

Where the Council and another agency manage use of the same resource, it is important that any duplication in management is avoided.

As a general principle, the Council will not regulate resource use when the use is already effectively managed by another agency. This simplifies matters for resource users transacting business and results in more efficient and effective management.

Ensure that any regulation is in keeping with the scale of the activity regulated.

The Council has sought to use permitted activity rules as much as possible to regulate the adverse effects of activities. However, rules requiring resource consent for an activity are necessary when there is a risk of significant adverse effects or when the effects of an activity are unknown or difficult to quantify. Clear rule triggers will remove any ambiguity about whether resource consent is required or not.

Use non-regulatory methods where possible.

Non-regulatory methods can be effective in helping to achieve the purpose of the RMA. They can be used proactively as they do not rely on a person proposing to undertake some form of resource use in order to be implemented. They can also be used in a way that involves the community in the process of implementation.

Align regional and district rules with those of adjoining regional and territorial authorities where practical

Aligning the Council's rules with those of adjoining local authorities (and vice versa) will reduce resource user frustration with real or perceived inconsistent approaches. This principle applies to both permitted activity standards and the triggers for resource consent. This simplifies matters for resource users transacting business where that business occurs across district boundaries or in more than one district.

The Council will only intervene in the exercise of private property rights to protect the environment and wider public interests in the environment

Allowing people to make their own decisions about land use enables changes to land use and management practices to be made quickly in response to changing environmental and/or market conditions. Such adaptability is important for overcoming the vulnerabilities created by a small economy reliant on the primary sector and the processing of outputs from that sector.

It is important that people live and work in locations and in situations that have a minimal risk of being adversely affected by a hazard event

Marlborough is subject to a range of natural hazards. The risks to people, communities and community infrastructure from hazard events must be reduced to acceptable levels as much as is practicable.

Being aware of the potential for reverse sensitivity effects between different resource uses, whether on land, or water or between the two

Reverse sensitivity effects occur when people establish new activities sensitive to the effects of existing activities in the vicinity. This can lead to restraints or demands against the existing activities and can cause tension and conflict in the community. Making sure activities are appropriately located and carried out within appropriate limits is therefore very important.

Recognise that the Marlborough Sounds is the District's "jewel in the crown"

The Marlborough Sounds is a unique coastal environment, highly valued by residents and tourists alike. A range of physical characteristics contribute to people's appreciation of the Marlborough Sounds, including biodiversity, landscape, natural character and open space. The significance of the Sounds and the role they play in our coastal environment creates a unique and quality living environment.

Structure of the MEP

Four volumes form the MEP:

Volume 1

Volume 1 sets out the regionally significant issues facing Marlborough and the objectives and policies to achieve integrated management of Marlborough's natural and physical resources. It is structured according to the different natural and physical resources and values that exist in the Marlborough environment and provides a comprehensive policy framework within which decisions can be made. It is also a guide to the development of courses of action to achieve the objectives.

Immediately after each of the objectives, policies and methods, the principal reasons for adopting them are given. In many cases the provisions of each chapter of Volume 1 are to be read in conjunction with provisions from other chapters in Volume 1 to help inform the sustainable management purpose of the RMA. This reflects both the interconnected nature of resources and in particular the Council's role as both a regional and district council.

Volume 1 also includes methods to achieve the policies using both regulatory and non-regulatory means. In some cases these methods outline who is to carry out the action.

Environmental results anticipated from implementing the policies and methods are identified at the end of each of the values, area and activity based chapters.

Volume 2

This volume of the MEP sets out the rules to follow in order to achieve the objectives, policies and methods. The rules are a combination of zone-based and district-wide provisions and in some cases are also subject to overlays. Volume 2 contains both regional and district rules as well as a glossary section that defines the words, terms and phrases used in the MEP.

Volume 3

Volume 3 contains the appendices referred to in Volumes 1 and 2. This includes designations, areas of heritage values, landscape and natural character significance values etc.

Volume 4

Volume 4 contains the planning maps for Marlborough, an integral part of the MEP in that they establish graphically the areas to which the rules set out in Volume 2 apply. This volume also includes overlay maps to which policy and rules apply.

Two other volumes are included for information, but do not form part of the statutory MEP in terms of being subject to First Schedule processes of the RMA.

Volume 5

Contains copies of national policy statements, national environmental standards and resource management regulations.

Volume 6

Records the statutory acknowledgments for Marlborough's tangata whenua iwi.

2. Background

The Resource Management Act 1991 (RMA) promotes integrated management of natural and physical resources. This is reflected in the purpose of a regional policy statement, which is to promote the sustainable management of natural and physical resources in Marlborough by:

- (a) providing an overview of the resource management issues of the district; and
- (b) identifying policies and methods to achieve *integrated management* of the natural and physical resources of the whole district.

Identifying regionally significant issues

The following criteria were used to determine whether an issue is regionally significant for Marlborough.

Does the issue involve a resource that is scarce, rare, unique and/or is under threat?

This includes both natural and physical resources and could include the limited availability of water in some parts of Marlborough or it may include the habitats of threatened indigenous species.

Is the issue a widespread problem apparent throughout Marlborough or large areas of Marlborough?

This type of issue may even cross local authority boundaries. An example of this is the management of pests.

Is there a conflict in resource use?

This may be evident where there is the presence of or the potential for significant conflicts in resource use. An example of this could be between recreational and commercial users of the Marlborough Sounds.

Are there any significant cumulative impacts arising from resource use?

This could arise in the use of both natural and physical resources. An example could be the expansion of urban areas where issues with roading, effluent disposal, rural amenity and flooding may be apparent.

These criteria have been used throughout the review process in identifying issues that must be addressed. Results gained through monitoring Marlborough's resources and from the emerging pressures that have become evident in recent times are also taken into account. (Monitoring results have been reported regularly to the community through the Council's state of the environment monitoring reports and are available on the Council's website.)

Review process

In carrying out the review there has been significant consultation with the Marlborough community and particularly with individual landowners. Initial consultation began with flyers to ratepayers and discussion papers seeking feedback on what were considered to be regionally significant issues for Marlborough and options to address these. Additionally the review process saw a number of supporting projects looking at key issues. Information about Marlborough's outstanding landscapes, natural character, wetlands, allocation of water, significant marine areas and freshwater values was gathered and urban growth strategies for north and south Marlborough were developed. These projects resulted in significant numbers of private landowners being

directly consulted, especially those whose properties were identified as having significant wetland or important landscape values.

Early in the review process the Council considered it important for the provisions to be 'tested' before the new resource management documents were formally notified under the First Schedule of the RMA. The rationale for this was that the greatest flexibility for change to provisions actually exists prior to notification of a proposed document. Once notified, only those provisions submitted on can be changed and then only within the scope of those submissions. For this reason the Council organised a number of focus groups with the task of reviewing the provisions and discussing their likely effectiveness or otherwise. The aim was to identify and resolve any substantive issues prior to notification, which would then have the effect of minimising the number and size of submissions received and effectively expedite the First Schedule process.

Given the interconnections between many of the issues, resource based focus groups were established (Rural, Urban, Freshwater and Marine). Key stakeholders with experience in resource management issues were used in each of the focus groups. A number of issue based groups had already been established by the Council. These groups included the Sounds Advisory Group, the Landscape Group and the Significant Natural Areas Project Group. An Iwi Working Group had been established early in the review process and continued in its existing partnership role with the Council in the development of policy. Energy and Utility groups also considered draft provisions.

A Practitioners' focus group was established to provide an objective and external view of provisions from those in the planning and legal professions. The Council's view was that as these professions will use the resource management documents the most, they would be good indicators of the workability of draft provisions.

The Council did not limit its consultation on the draft provisions to the focus groups; many other organisations were consulted directly. Provisions were also considered by internal staff and the Council's formal committees established to oversee the review process.

Integrated management of the Marlborough environment

Kaitiakitanga, the environmental guardianship practiced by Marlborough's tangata whenua iwi, has its foundation in the world view that all life and elements within the natural world that support life are connected. As a community we also recognise the existence and importance of these connections. Integrated management attempts to acknowledge and provide for the interconnectedness of natural and physical resources within our environment.

Natural and physical resources include land, water, air, soil, minerals, energy, all forms of plants and animals and all structures. Integrated management of the Marlborough environment is important due to the degree of connection between these resources and the multiple agencies responsible for environment management in Marlborough.

Integrated management is an active process of managing the use, development and protection of natural and physical resources as a whole and recognises the following:

- (a) The use, development or protection of one natural or physical resource can affect other natural and physical resources or other parts of the environment. These effects can occur across space and over time.
- (b) The need for cooperation and coordination between the multiple agencies that have statutory roles and responsibilities for the management of natural and physical resources.
- (c) The effect of statutory documents prepared by the Council and others with functions under legislation relating to the management of natural and physical resources, but which is not the RMA.

- (d) That natural and physical resources cannot be managed without having regard to the social, economic and cultural interests of the community.
- (e) The need for the support of non-statutory agencies, individuals and communities.

The social, economic and cultural wellbeing of our community relies on the use, development and protection of our land, water, air, soil, mineral and energy resources, plants and animals and structures. A particularly important role for the Council in achieving the social, economic and cultural wellbeing of our community is the allocation of public resources, such as water and coastal space. There is a significant degree of connection between natural resources, especially land and water resources.

Many agencies share responsibility for ensuring Marlborough's natural and physical resources are sustainably managed. Of particular note in Marlborough is that approximately 45 percent of all land is managed by the Department of Conservation (on behalf of the Crown) for conservation purposes. It is therefore important that the various authorities have a common understanding of resource issues and that the responsibility for sustainable management is shared.

In the preparation of the MEP, the Council has consulted widely with other agencies involved with environmental management or involved in the use, development or protection of natural and physical resources. These include central government agencies, adjoining regional and district councils (in respect of cross-boundary issues), groups representing the interests of particular resource users or industries, and other statutory bodies. This ensures a common understanding of the sustainable management of Marlborough's natural and physical resources, as reflected in the objectives, policies and methods contained in this document. Over time this will hopefully be reflected by consistency between the MEP and other statutory environment management documents (such as the Department of Conservation's Conservation Management Strategy) and the day-to-day actions of the Council and others involved in the use, development and protection of natural and physical resources. The extent to which these provisions are successful in achieving integrated management will be reflected in state of the environment reporting.

Marlborough District Council as a unitary authority

Pursuing integrated management as a unitary authority has implications for the structure of this MEP and the Council's resource management framework. As identified above, a regional policy statement must identify regionally significant issues. The concept of "regionally significant" is applicable for the normal structure of local government, as there are resource management issues of significance at both a regional and local scale. However, as the Council is a unitary authority the boundaries between what is regarded as a regional issue as opposed to a local one are more blurred.

Many issues identified in the MEP exist because of the effects of resource use on other natural and physical resources or on other parts of the environment. The objectives that have been set in relation to these issues provide an outcome that should reflect the principle of integrated management. The Council seeks to promote an integrated approach to resolving these issues through the way in which the policies and methods are set out in Volume 1 of the MEP. Each provision is identified as a regional policy statement provision a plan provision or in many cases both.

It is important to recognise that both regulatory and non-regulatory methods have a role in integrated management of natural and physical resources. One challenge is to ensure that the wider public also understand the concept of and need for integrated management. This is reflected in the range of information sharing methods set out in the MEP.

The approach taken in the preparation of the second generation resource management framework for Marlborough has been to simplify the framework. Combining a regional policy statement with regional, coastal and district plans (as enabled through Section 80 of the RMA) will ensure that there is clear and concise direction on critical resource management issues. It will also ensure a user-friendly planning framework.

Marlborough's tangata whenua iwi

In Marlborough, Ngāti Apa, Ngāti Koata, Ngāti Kuia, Ngāti Rārua, Ngāti Toa Rangitira, Ngāi Tahu, Rangitāne and Te Ātiawa have a unique and rich cultural and spiritual heritage as tangata whenua. Collectively, the eight iwi are referred to throughout the MEP as Marlborough's tangata whenua iwi.

The RMA sets up a special relationship between iwi, the Crown and local authorities. The relationship is initially identified through the purpose and principles of the RMA, whereby those seeking to achieve the purpose of the RMA must recognise and provide for as a matter of national importance:

- the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;
- the protection of recognised customary activities; and
- the protection of historic heritage from inappropriate subdivision, use and development.

The RMA further requires that particular regard is had to kaitiakitanga (guardianship) and that the purpose and principles of the Te Tiriti o Waitangi are taken into account in sustainably managing Marlborough's natural and physical resources.

In developing a regional policy statement, regional plan or district plan, the Council must take into account any relevant planning document recognised by an iwi authority and lodged with the Council, to the extent the document has a bearing on resource management issues for Marlborough¹. These documents are often commonly referred to as iwi management plans. Iwi management plans are generally prepared as an expression of rangatiratanga to help iwi and hapū exercise their kaitiaki roles and responsibilities. These plans are a written statement identifying important issues regarding the use of natural and physical resources in the rohe of an iwi and often cover more than RMA matters.

Not all of Marlborough's tangata whenua iwi had prepared iwi management plans at the time the MEP was prepared. Subsequently, resource consent applications or plan changes made after the MEP becomes operative may need to consider resource management related provisions of an iwi management plan.

Additionally, the RMA requires that the resource management issues of significance to iwi authorities in Marlborough must be included in a regional policy statement. Through a series of hui with Marlborough's tangata whenua iwi, three distinct groups of resource management issues have been identified:

- cultural issues of fundamental importance that relate to the connection an iwi has to natural and physical resources;
- relationship and process issues, including iwi involvement in decision making on resource consent applications and on developing policy to assist in Council's decision making; and
- issues of significance or concern for iwi as well as for the wider community.

In light of this, issues of significance to Marlborough's tangata whenua iwi have been identified and addressed in three different ways. First, Chapter 3 of Volume 1 describes the core resource management issues of significance for Marlborough's tangata whenua iwi. This chapter also

¹ In addition, the Council also has obligations in respect to planning documents prepared under the Marine and Coastal Area (Takutai Moana) Act 2011, where the content of those documents has a bearing on resource management issues in the region. At the time the MEP was notified, no such management plans were in place.

includes background information on Te Tiriti o Waitangi, the Māori world view, mauri, kaitiakitanga and tikanga.

Secondly, Chapter 3 identifies a specific set of relationship and process issues. These include:

- a lack of representation and recognition of iwi values in decision making processes;
- an overlap in rohe boundaries of Marlborough's tangata whenua iwi and the cross boundary issues between iwi that this creates; and
- historic difficulties in terms of the capacity of iwi to effectively take part in resource consent processing or policy development.

While the issues identified in Chapter 3 are those of Marlborough's tangata whenua iwi, the Council has worked with iwi to develop objectives and policies to address the first two groups of issues. These objectives and policies, set out in Chapter 3, are to be had regard to by those undertaking activities within the framework of the RMA.

The third way in which iwi issues have been addressed are through the remaining chapters of Volume 1, in which the resource management issues of significance for the whole community are identified. The management responses to these issues are set out in the remaining chapters of the MEP.

Working with others to sustainably manage Marlborough's natural and physical resources

The Council has a statutory role to sustainably manage Marlborough's natural and physical resources under the RMA; that is not to say that others do not also have important roles to play in helping to achieve that purpose. For example:

- Other statutory agencies have specific responsibilities for managing particular natural and physical resources through separate pieces of legislation.
- Resource users play an essential role in ensuring their day-to-day activities are sustainable in the long term.
- Iwi are kaitiaki of natural resources within their rohe.
- The community is affected by the management of natural and physical resources.

It is essential that the management applied variously by management agencies, resource users, iwi authorities and the community is integrated in order to achieve the objectives established in the MEP. Those involved in managing natural and physical resources should work collaboratively and on an on-going basis to efficiently and effectively respond to resource management issues (or to avoid those issues in the first place).

The Council will meet with the groupings listed below to ensure regular communication and exchange of information. Feedback from the various agencies, organisations and individuals will inform the assessment of the efficiency and effectiveness of the existing resource management framework contained in the MEP. It will also enable the application of consistent or co-ordinated approaches when more than one management agency has a responsibility for the management of a particular resource.

Statutory agencies

A number of statutory agencies operate under legislation, which is in some instances completely separate from the RMA. However, the responsibilities of these agencies do overlap with the sustainable management purpose of the RMA. In some cases there is a dual responsibility with the Council to manage certain resources under the RMA such as the Department of Conservation in respect of the coastal marine area. This sees a particularly close relationship with that agency.

Statutory agencies that will be the Council's focus in establishing a collaborative approach in achieving sustainable management include the following:

- Ministry for the Environment;
- Ministry for Primary Industries;
- Department of Conservation;
- Nelson/Marlborough Fish and Game;
- New Zealand Historic Places Trust; and
- Adjoining local authorities.

Resource users

Resource users play a key role in the sustainable management of natural and physical resources through their day-to-day activities. Increasingly, resource users are taking greater responsibility for managing the effects of resource use and development. This is reflected in the non-regulatory methods contained in the MEP aimed at providing resource users with the information and tools they need to improve management practices. Resource users may also assist the Council with the implementation of other non-regulatory methods and play an essential role of informing the Council of practical issues with the implementation of either regulatory or non-regulatory methods. The Council will meet with industry groups on a regular basis to encourage communication and information exchange.

Iwi authorities

As identified previously, there are eight iwi with tangata whenua status in Marlborough: Ngāti Apa, Ngāti Koata, Ngāti Kuia, Ngāti Rārua, Ngāti Toa Rangitira, Ngāi Tahu, Rangitāne and Te Ātiawa. Each of the Council's standing committees offers an opportunity for an iwi representative to be a full member of the committee with speaking and voting rights; representatives are appointed collectively by the eight iwi. This allows the views of Marlborough's tangata whenua iwi about the activities of the Council, not just in resource management terms, to be heard.

An Iwi Working Group was also established to identify issues of significance to iwi authorities as part of the review process for the MEP. The Iwi Working Group will continue to operate in response to future changes to the MEP.

Community groups

The Council meets with a variety of groups on resource management issues and these groups reflect the diverse nature and interests of Marlborough's community. Some groups are issue-based, such as the Landscape Group, which has a focus on landscape matters across the District, while others are area-based, such as the Sounds Advisory Group, which has a particular focus on all matters in the Marlborough Sounds. The value of these groups cannot be underestimated, as they are important ears and eyes within the environment, often highlighting issues that need a resource management response. Many of these groups already meet with the Council on a regular basis and the intention is for this to continue.

The commitment to engage with the above groupings also reflects the Council's "Smart and Connected" vision described under 'Other strategies and plans'. These interactions ensure that the Council remains connected with its community and that the management framework remains responsive to the needs and aspirations of the community.

Relationship of the MEP to other policy statements, standards and strategies

The RMA provides for a hierarchy of resource management policy statements and plans related to the three principal levels of government: central, regional and district. It is important to note

however that within a Marlborough context, both the regional and district level resource management functions are undertaken by the Council.

National policy statements and national environmental standards

National policy statements are prepared by central government and cover matters of national significance. Regional and district-level planning documents prepared under the RMA must give effect to national policy statements. The RMA requires a coastal policy statement (prepared by the Minister of Conservation) to be in place at all times. The RMA also states that the Minister for the Environment may prepare a national policy statement for other matters of national significance. Other than the New Zealand Coastal Policy Statement 2010, central government has three approved national policy statements:

- National Policy Statement on Electricity Transmission 2008;
- National Policy Statement for Renewable Electricity Generation 2011; and
- National Policy Statement for Freshwater Management 2014.

Central government can also prepare national environmental standards: technical standards relating to the use, development and protection of natural and physical resources. Such national standards provide an opportunity to promote nationally the use of consistent standards, requirements or practices. National standards override existing provisions in plans that require a lesser standard. National environmental standards for air quality, sources of human drinking water, telecommunications facilities, electricity transmission and managing contaminants in soil have effect.

For details of specific national policy statements and national environmental standards, refer to the Ministry for the Environment website (www.mfe.govt.nz). Copies of each of the operative national policy statements and national environmental standards are included in Volume 5 of the MEP for information and easy reference.

Relationship between the MEP and Long Term Plan

Under the Local Government Act 2002, the Council has prepared the 2015-25 Long Term Plan (LTP). This sets out the Council's strategic directions and programmes for the next 10 years. The LTP provides a description of the significant activities that the Council plans to carry out over the next ten years, the objectives of those activities and their costs.

The LTP also identifies 6 Community Outcomes for Marlborough. These outcomes describe Marlborough's potential for the future, as a result of actions taken by the Council now and in years to come.

One of the Community Outcomes included in the LTP is "Environment". The LTP recognises that our social and economic wellbeing relies on the quality of our environment. Given that the role of the MEP is to promote the sustainable management of natural and physical resources, it has an obvious responsibility to achieve the Community Outcome of Environment. The MEP has also been prepared with regard to other Community Outcomes within the LTP. This will ensure that implementation of the MEP contributes to these outcomes, where possible.

The review periods for the LTP and MEP do not necessarily coincide. This means that other community outcomes could have environmental implications that may, in future, conflict with the MEP. This does not mean that resource management decisions must comply with LTP; these decisions must still be made in accordance with the objectives and policies of the MEP and under the framework of the RMA.

The LTP also describes how the Council proposes to fund its activities, including the implementation of the methods set out in the MEP. Given the limited funding available, the Council has prioritised these methods. As a result, the methods included in the MEP are those considered essential to achieving the objectives. The LTP is updated every three years; this

means that the methods contained in the MEP but not currently reflected in the LTP could be included in the future.

Other strategies and plans

There are a number of national strategies drawn up by central government and its agencies prepared under other Acts. A council is required to have regard to such management plans and strategies when preparing or changing a regional policy statement or plan to the extent that their content has a bearing on resource management issues of the District. They assist in the identification of natural and physical resource management issues, choices made at a national level and priorities for action if New Zealand is to reach goals for the future, and often contain objectives.

Some of the documents and strategies considered by the Council in the development of the MEP include the New Zealand Energy Strategy to 2050 (2007), the New Zealand Energy Efficiency and Conservation Strategy (2007), the Regional Renewable Energy Assessment for the Marlborough (2006), the New Zealand Urban Design Protocol (2006) and National Priorities for Action for Protecting Biodiversity on Private Land (2007). Similarly, the Marlborough Regional Land Transport Plan has contributed to policies and methods on infrastructure and energy, urban form and reverse sensitivity.

A number of statutes can also be thought of as companions to the RMA in that their purpose can be interpreted as further supporting the sustainable management of natural and physical resources (e.g. the Conservation Act and the Reserves Act) or have some other relationship with resource management functions (e.g. the Civil Defence Emergency Management Act and the Biosecurity Act).

At a local level, other strategies and visions have been developed by the Council in response to matters including economic development and future growth. These have not been prepared in terms of being required under particular statutes, but are in response to perceived needs for guiding Marlborough's development and growth. In particular, the Marlborough Urban Growth Strategy, "Growing Marlborough," has provided the basis for the policies and methods on urban form, growth management and infrastructure. The strategy has been prepared in three parts: the Blenheim Town Centre Project; the North Marlborough Project; and the South Marlborough Project. Collectively, the outcomes have focussed on ecological sustainability, appropriate areas for residential growth, identifying areas to cater for employment growth, stronger town centres, strong communities, public open spaces and future proofing transport networks.

A vision developed by the Council in response to Marlborough's future economic progression signals that *"Over the next decade, Marlborough will become a globally-connected district of progressive, high-value enterprise, known for our economic efficiency, quality lifestyle, desirable location and natural environment."* Marlborough will be *"smart and connected."* The vision recognises that the economic performance of the District depends on many factors, including physical infrastructure and the management of natural resources. The MEP therefore complements the "smart and connected" vision by enabling people to use and develop natural and physical resources in appropriate ways. By doing so, the Council seeks to create conditions for economic growth to occur, as long as that growth is environmentally sustainable.

Issues that cross local authority boundaries

Section 62(h) of the RMA requires the Council to identify processes to be used in dealing with issues that cross local authority boundaries, between territorial authorities or between regions. For the administrative purposes of local government and resource management, the Council is a unitary authority, having the powers and functions of both a regional and district council. This situation reduces the potential for cross boundary issues, but does not completely avoid them.

Cross boundary issues can arise from:

- differences in policies and methods between regional policy statements or plans of adjoining local authorities;
- adverse effects of activities in adjoining areas; and/or
- different community aspirations and goals in adjoining areas.

Councils that adjoin Marlborough include Canterbury and Wellington Regional Councils, Kaikoura, Tasman and Hurunui District Councils, and Nelson City Council. Like Marlborough, Tasman and Nelson are unitary authorities.

As well as geographical boundaries with adjoining councils, the MEP must also address administrative cross boundary issues. These issues arise from dealings with bodies having statutory responsibilities for activities with implications for resource management. These bodies include the Department of Conservation, Ministry of Primary Industries, Nelson/Marlborough Fish and Game Council, Maritime Safety Authority, the Ministry of Transport and the New Zealand Transport Agency.

Under the RMA the mean high water spring boundary separates the primary management responsibilities for the land and coastal water between agencies. The Council, in conjunction with the Minister of Conservation, is responsible for the management of the coastal marine area. The Minister has the responsibility for the final approval of regional coastal plans prepared by a regional council. Landward of mean high water springs the relationship is different and the Council has responsibility for sustainably managing Marlborough’s natural and physical resources.

The Council will continue to advise the community about its role and responsibilities for the sustainable management of the natural and physical resources of Marlborough and the links it has with other administrative agencies and interest groups. The Council will also continue to liaise with other agencies and interest groups with responsibility for either managing or using the natural and physical resources of the District.

To address cross boundary issues the Council will use the following processes:

Monitoring	Identify issues that may have cross boundary implications.
Consultation	With central government and adjoining territorial authorities and regional councils on cross boundary issues.
Protocols	Establish, in conjunction with central government and other local authorities, mechanisms for the identification, discussion and resolution of cross boundary issues.
Liaison	Establish, where appropriate, joint working groups, joint committees and other co-operative systems for dealing with and resolving cross boundary issues between central government and other local authorities
Resource Consent Applications, Plan Changes	Use, where appropriate, the provisions in the RMA for joint hearings when applications are made to two or more consent authorities for resource consents for the same activity.

Most planning matters and resource consents are unlikely to have cross boundary effects. However, where an activity requires plan changes or resource consents near the district boundary and there is potential for effects to be felt beyond Marlborough, the Council will:

- serve copies of applications and requests on adjoining councils;

- promote and facilitate pre-hearing meetings;
- promote and facilitate joint and combined hearings to involve the adjoining council in the decision making process; and
- notify, in terms of consultation under the First Schedule of the RMA, the affected community of interest, even if this extends beyond the boundaries of the MEP.

Advocacy Promote the Council's perspective on resource management issues to adjoining local authorities and central government, including (where appropriate) making submissions on proposed national policy statements and policy statements of adjoining territorial authorities.

Monitoring the efficiency and effectiveness of the policies or methods

Monitoring is an important part of decision-making processes. It examines the progress being made towards the achievement of objectives and the efficiency and effectiveness of the policy options used. The RMA recognises the value of monitoring and gives the Council major responsibilities in this area through Section 35 of the RMA.

Of direct relevance to the MEP, Section 35 of the RMA requires the Council to monitor:

- the state of the environment;
- the efficiency and effectiveness of policies, rules and other methods contained within the MEP; and
- the exercise of resource consents.

Monitoring is an important mechanism for assessing how the MEP and the Council are fulfilling the purpose of the RMA in promoting the sustainable management of the natural and physical resources of Marlborough. With the number and range of resource management issues, objectives, policies and methods contained within the MEP, the scope for monitoring is large. However, for practical reasons priorities will need to be set for the monitoring program.

In Chapters 4 to 19 of Volume 1, anticipated environmental results that are the intended outcomes of implementing the provisions of the chapter in order to address the resource management issues of significance are identified. Unless otherwise specified, the anticipated environmental results are 10 year targets. For each anticipated environmental result, a series of indicators will be used to monitor the effectiveness of the provisions. These indicators form the basis of the Council's monitoring programme and will, where appropriate or necessary, be prioritised.

The monitoring programme will be undertaken in a comprehensive strategy, comprising three major components that reflect the responsibilities given to the Council under Section 35 of the RMA. These include:

- State of the Environment Monitoring, which measures existing and cumulative effects and establishes levels of environmental quality against which future changes can be measured;
- Compliance Monitoring, which compares anticipated and actual effects of permitted activities and their standards with activities granted resource consent and their conditions; and
- MEP Achievement Monitoring, which assesses the effectiveness of the objectives and policies within the MEP in achieving sustainable resource management.

The data and information gathered in this monitoring allows an assessment as to whether environmental quality is improving, remaining the same or becoming degraded. This information helps inform the community about the condition of the environment and the key pressures it faces and assists decision makers in resource allocation and the consequences of actions. Importantly, it can help us assess how well the policies and methods of the MEP are working in practice, essentially closing the loop in the 'Plan-Do-Monitor-Review' cycle (see Figure 2.1).

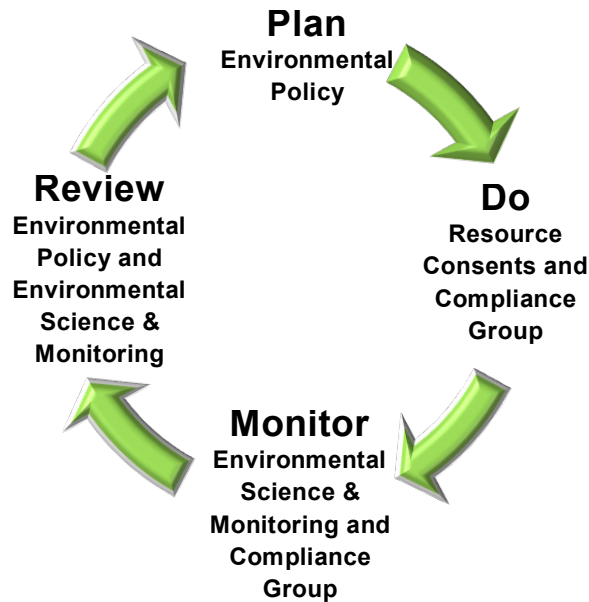


Figure 2.1: Plan-Do-Monitor-Review Cycle

The gathering of monitoring information is integrated between a number of sections within the Council (Compliance, Consents, Policy, Assets and Services) and is reported to meet both local and national level requirements.

At times we do not fully understand our natural resources or the environmental issues that continue to change due to various pressures. Investigations are undertaken on key issues to improve our understanding of natural resources, which enables us to provide information to help inform the community and our own RMA policy development to promote the sustainable management of Marlborough's resources. Resource investigations are undertaken internally and by external providers. Collaboration and an integrated approach between councils, government agencies and research organisations help deliver effective and efficient services.

Where, through subsequent analysis of monitoring and/or investigations one or more of the following situations arise, the Council may need to undertake a review of the provisions of the MEP to ensure that the sustainable management purpose of the RMA is achieved:

- monitoring effectiveness of the MEP identifies the need to enhance progress toward achieving anticipated environmental results; or
- major resource management developments arise, such as significant amendments to the RMA or the adoption of national policy statements or national environmental standards that impact on the contents of the MEP; or
- the results of new scientific work enhance the MEP and make provisions more certain for resource users; or
- there is a need to reflect new or changing needs or issues of importance to Marlborough's community.

The Council also has a requirement under Section 79 of the RMA to review its policy statement and plans if the provisions of the policy statement or plans have not been subject to review or change in the previous ten years.

It is important to make monitoring results available to the community. Historically, the Council has done this through state of the environment reports, some of which have been significant documents. In addition to assessing the overall resource management framework for Marlborough, reporting on the state of the environment can help influence peoples' own use of the natural and physical resources of Marlborough.

The development of reporting through annual report cards and more comprehensive state of the environment reports will be coordinated to provide the necessary information for the five-yearly report on a review of the efficiency and effectiveness of policies, rules or other methods of the MEP, as required by Section 35(2A) of the RMA.

How to use the MEP

Identifying regional policy statement, regional plan, regional coastal plan and district plan provisions

Volumes 1 and 2 contain a combination of the regional policy statement, regional plan, regional coastal plan and district plan provisions. Section 80 of the RMA requires the Council to identify within a combined document the provisions that are the regional policy statement, the regional coastal plan, the regional plan or the district plan. The Council has identified each provision in the MEP with one of the following notations: RPS (regional policy statement), C (regional coastal plan), R (regional plan) or D (district plan). In some cases, policy may have both an RPS notation and a plan notation. In these instances, the policy is able to be changed through the private plan change process.

Interpretation of lists

Many sections of the MEP contain lists. These lists should be regarded as cumulative, except where indicated otherwise.

Identifying those rules in the RMP that have immediate legal effect

Under Section 86B of the RMA, a rule in a proposed plan has legal effect only when a decision on submissions relating to that rule has been made and publicly notified by the council. Exceptions to this are where the rule:

- protects or relates to water, air or soil (for soil conservation); or
- protects areas of significant indigenous vegetation; or
- protects areas of significant habitats of indigenous fauna; or
- protects historic heritage; or
- provides for or relates to aquaculture activities.

Those rules that have immediate legal effect upon notification are identified in Volume 2 of the MEP. The associated controls, information requirements, definitions and appendices applicable to those rules also have immediate legal effect.

Use of RMA terms

The Council has used a number of terms and/or words throughout the MEP, some of which are defined in the RMA and many of which are not. Words that are already defined within Section 2 of the RMA, such as 'effect' or 'contaminant' have established meanings and over time have been interpreted through the courts; these definitions are not included within the MEP. Words or terms

not given meaning through the RMA may be given meaning through the Volume 2 of the MEP in Chapter 25, or where they are not so defined, should be read for their normal dictionary definition.

Other terms, such as 'inappropriate', 'significant' and 'life supporting capacity' are used in the RMA without definition in Section 2. It is important for these terms to be interpreted in the context of the issue being considered. Guidance as to what may be considered 'inappropriate' or 'significant,' for example in a particular circumstance, should be gained from the wording of the issue, objective or policy itself and from the explanation accompanying these.

Guidance is provided below on how several commonly used words are to be interpreted. This guidance is provided so that the reader or decision maker can place the appropriate interpretation on the use of the word within a particular provision and because the terms are used widely throughout the MEP.

Enable

The RMA has been described as an enabling piece of legislation. The reason for this can be found in the purpose of the RMA at Section 5(2), where it is stated: *“sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while ...’.*

Additionally, in drafting rules, different approaches are needed for different activities. In general, Section 9 of the RMA states that no person may use land (including the surface of water in any river or lake) in a way that contravenes a rule in a district plan or regional plan. In other words, if there is no rule in a plan, then there is no need for restriction on the activity under Section 9 or any need to obtain resource consent.

Sections 12, 13, 14 and 15 adopt the opposite approach. These sections place restrictions on the use of the coastal marine area, on certain uses of the beds of lakes and rivers, on the taking, use, damming or diversion of water and on discharging contaminants into the environment. Essentially, the restrictions mean that there must be a national environmental standard, resource consent or rule in a plan that allows activities of the nature described in Sections 12-15 to occur. This includes permitted activity rules for an activity or effect of a minor nature, which are considered to be enabling rules. Therefore, where the word 'enable' appears within a provision in the MEP, there will be a related rules method.

Avoid

Use of the word 'avoid' may or may not have the same meaning as prevent. In some cases the method used to implement a policy is a rule that will 'prohibit' something from occurring. In this case the word 'prohibit' is used within the rules method. There are other policies that use 'avoid' though this is not implemented through a prohibited activity rule. In these policies 'avoiding' an effect can be achieved through undertaking an activity in such a way that the effect does not occur or is significantly reduced. Where this is the case, policies clearly identify that remediation and/or mitigation is an option. It will be important that the explanations and methods accompanying the policies are read to help inform decision makers of the intent of the word 'avoid' where it is used.

Control

'Control' has direct connotations with the implementation of rules. However, 'control' can be at the permitted activity end of the spectrum with associated standards that must be met for an activity to be permitted, through to a discretionary activity where the full range of effects need to be considered through the resource consent process. The rules methods will identify where controls are necessary to give effect to the policies.

Manage

'Manage' or 'managing,' used in relation to particular activities or effects, can be in the context of regulatory and/or non-regulatory methods. For some activities or effects, rules will be the

mechanism by which management occurs. This could range from permitted activity through to discretionary activity status. Management is also appropriate through a wide range of non-regulatory methods or through regulatory methods available under other statutes. These can include information sharing, use of guidelines, codes of practice, bylaws etc.

Protect

Similar to other words in this section, 'protect' can be interpreted in a number of ways. It can be interpreted in a narrow way that may effectively limit future use and development of some of Marlborough's natural and physical resources. However, 'protect' essentially means to keep safe from harm and this can be achieved in a variety of ways. For example, the protection of areas of indigenous biodiversity could be achieved through rules in a plan, legal protection of land, fencing, active pest control and/or improved land management practices, or a combination of these approaches.

It is therefore important that decision makers or those using the MEP provisions read the explanation of the relevant provision, as this will inform how 'protection' is to occur. Unless there is a clear direction within a protection policy or its explanation or associated method that an activity/effect is to be prevented from occurring, a policy is open to be interpreted more broadly.

In summary, the 'protection' anticipated by Sections 6(a) and (b) is not an absolute protection: rather, it is protection from inappropriate subdivision, use and development. Identifying what is inappropriate is informed through other policies of the MEP.

3. Marlborough's tangata whenua iwi

Introduction

Section 62(1)(b)(i) of the Resource Management Act 1991 (RMA) requires resource management issues of significance to iwi authorities in Marlborough to be identified and included in a regional policy statement. As part of the process of preparing the Marlborough Environment Plan (MEP), a series of hui were held with Marlborough's tangata whenua iwi¹ to determine the resource management issues of significance for them. Three distinct groups of issues were identified through process:

- spiritual and cultural issues of fundamental importance that relate to iwi connection to and use of natural and physical resources;
- relationship and process issues, including iwi involvement in decision making on resource consent applications and on developing policy to assist in Council's decision making; and
- issues of significance or concern for both iwi and the wider community, such as adequate waste management, transport issues and the protection of people and property from natural hazards, etc.

Marlborough's tangata whenua iwi recognise that all of these issues are interconnected. They believe that Marlborough's natural and physical resources need to be managed in an integrated and holistic way to achieve a sustainable future.

This chapter describes the first two issues and provides objectives and policies to address them. There is a high degree of agreement among Marlborough's tangata whenua iwi on these issues. However, it is important to note that in some cases, the issue identified may not be able to be resolved through the MEP.

To help clarify the nature of the issues and to provide context for their significance, this chapter initially provides information on the Treaty of Waitangi/Te Tiriti o Waitangi, including the settlement of claims before the Waitangi Tribunal; how environmental management systems of Marlborough's tangata whenua iwi have developed and been practised generations; the mauri of natural and physical resources; and the significance of values such as kaitiakitanga, taonga and tikanga.

Te Tiriti o Waitangi (the Treaty of Waitangi) in a Marlborough context

The Treaty of Waitangi/Te Tiriti o Waitangi is the basis for the rights and responsibilities of the Crown and Māori. The Treaty of Waitangi/Te Tiriti o Waitangi is recognised in resource management through Section 8 of the RMA, which states that in achieving the purpose of the RMA, the principles of Te Tiriti shall be taken into account.

It is the position of Marlborough's tangata whenua iwi that the Council is a partner to Te Tiriti. This position stems from the delegation of functions for managing natural and physical resources to local government through the RMA. It is the view of Marlborough's tangata whenua iwi that this

¹ As explained in Chapter 2 - Background, eight iwi have manawhenua in Marlborough: Ngāti Apa, Ngāti Kōata, Ngāti Kuaia, Ngāti Rārua, Ngāti Toa, Ngāi Tahu, Rangitāne and Te Ātiawa. Information on an individual iwi history and the relationship of each iwi with the Marlborough environment can be found in iwi management plans and the relevant Deed of Settlement. Collectively, these eight iwi are referred to in the MEP as Marlborough's tangata whenua iwi.

delegation also confers Te Tiriti obligations. In contrast, the Council's position is that the Crown alone is a partner to the Treaty of Waitangi/Te Tiriti o Waitangi. However, the Council does acknowledge that it has obligations to Māori as a result of the provisions of the RMA, especially through Sections 6, 7 and 8. The Council and Marlborough's tangata whenua iwi have chosen to put this divergence of position to one side and focus on creating and maintaining an effective working relationship under the RMA.

Notwithstanding the above, the Council has a relationship with Marlborough's tangata whenua iwi. A consultative relationship between the Council and Marlborough's tangata whenua iwi is important in providing for the relationship of Marlborough's tangata whenua iwi with resources and in upholding the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.

In order to take into account the principles of Te Tiriti, those principles must first be understood. There are six principles that have emerged through the Courts and Waitangi Tribunal processes and these are:

- the obligation to act reasonably and in good faith;
- rangatiratanga;
- a duty to consult;
- active protection;
- partnership; and
- mutual benefit.

This list is not definitive, nor are the specific principles always directly applicable to the range of circumstances that might arise under the RMA. These principles are constantly evolving as Te Tiriti is applied to particular existing and new situations and the Council and tangata whenua need to continue to consult and negotiate with each other as to how the principles of Te Tiriti should apply to resource management in Marlborough.

The MEP has been prepared in the spirit of Te Tiriti and its principles.

Deeds of Settlement

Marlborough's tangata whenua iwi have all signed Deeds of Settlement with the Crown to address breaches of the Treaty of Waitangi/Te Tiriti o Waitangi. The historic claims of each of Marlborough's tangata whenua iwi have been settled as follows:

- Ngāi Tahu were settled in the 1990s, culminating in the *Ngāi Tahu Claims Settlement Act 1998*.
- The settlements for Ngāti Apa, Ngāti Kuia, and Rangitāne are set out in the *Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act 2014*.
- The settlements for Ngāti Kōata, Ngāti Rārua, and Te Ātiawa o Te Waka-a-Māui are set out in the *Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014*.
- The settlement for Ngati Toa is set out in the *Ngati Toa Rangatira Claims Settlement Act 2014*.

In the Deeds of Settlement and associated legislation, the Crown acknowledges that it acted in repeated breach of the principles of Te Tiriti in its dealings with the respective iwi and it apologises for the hardship and suffering that this has caused. These documents also set out the means of redress for each iwi, including cultural redress. The Crown's acknowledgments and apologies are based on historical accounts as described in the applicable legislation/deed.

Included within each deed forming part of the Te Tau Ihu Claims Settlement Act is provision for the establishment of a River and Freshwater Advisory Committee. The Advisory Committee will provide a foundation for the participation of iwi with interests in Te Tau Ihu in the management of rivers and freshwater in Marlborough, Tasman and Nelson. The Advisory Committee is intended

to work in a collaborative manner with the common purpose of promoting the health and wellbeing of the rivers and freshwater within the jurisdiction of the relevant councils. In undertaking its work, the Advisory Committee will be respectful and operate in a manner that recognises that while some resource management issues will be of generic interest to all iwi with interests in Te Tau Ihu, other issues may be of interest primarily to particular iwi.

As recorded in the relevant Deed and legislation, Ngāti Tama ki Te Tau Ihu have statutory acknowledgements within Marlborough. Prior to the Settlement, the Council understood that the rohe of Ngāti Tama ki Te Tau Ihu was fully within the Nelson/Tasman region. It is acknowledged that Ngāti Tama ki Te Tau Ihu is not referred to in Chapter 3 of the MEP as the iwi has not been part of the consultation process. However, it is recognised that Ngāti Tama ki Te Tau Ihu is one of the Te Tau Ihu iwi and therefore will be part of the Council - Te Tau Ihu iwi relationship in the future.

Understanding the iwi resource management framework

The Māori world view

The environmental management system of Marlborough's tangata whenua iwi has been developed over many centuries and has been exercised by numerous generations. It is still practiced today and is recognised in the Treaty of Waitangi/Te Tiriti o Waitangi. Of fundamental significance to this management philosophy is the Māori view of the natural world and its origins. The underlying principles arising from this view guide all interaction with the environment.

Iwi/hapū traditions discuss the origins of the universe as being with Io who dwelt in Te Korekore. Io created various realms, such as the numerous Pō, which lasted for eons. Ranginui (the sky father) and Papatūānuku (the earth mother) emerged from these realms and had some 70 children, all of whom were Atua (Departmental Gods). The children of Ranginui and Papatūānuku created various domains in Te Ao Mārama, the world between earth and sky. Within these domains everything in the natural world was created. Hence, the tangata whenua view of reality is that the world is constructed of interrelated and interconnected domains of Atua.

Iwi/hapū traditions concerning the creation of the universe recount the emergence of the physical reality (taha tinana), but also the creation of the intellectual plane (taha hinengaro), the family plane (taha whānau) and, most importantly, the spiritual realm (taha wairua), which is present in all things.

The children of Ranginui and Papatūānuku breathed life or mauri, which originated from Io, into their various domains. These children became the Atua of these domains and created the plants and animals within. They are the original kaitiaki or guardians of the domains. The authority of the Atua (mana Atua), which allows them to be kaitiaki, is handed down through whakapapa (genealogy). Mana is passed from Io to Ranginui and Papatūānuku, then to the Atua. All things in the universe are interconnected through whakapapa. Some of these Atua and their domains include:

- Papatūānuku (land)
- Ranginui (sky)
- Tāne Mahuta (forests)
- Tangaroa (sea)
- Rūaumoko (earthquakes)
- Tāwhirimātea (winds)

Marlborough's tangata whenua iwi do not see their existence as separate from Te Ao Tūroa (the natural world), but an integral part of it. Through whakapapa, all people and life forms descend from a common source. Whakapapa binds each iwi to the mountains, forests and waters and the life supported by them, and this is reflected in traditional attitudes towards the natural world and resource management. Whanaungatanga embraces whakapapa through the relationships between people and between people and the environment. The nature of these relationships

determines peoples' rights and responsibilities in relation to the use and management of the resources of the natural world.

All natural and physical elements have the qualities of wairua (spiritual dimension) and mauri (life force) and have a genealogical relationship with each other. Mauri provides the common centre between the natural resources (taonga), the people or guardians who care for the taonga (the kaitiaki) and the management framework (tikanga) of how taonga are to be managed by the kaitiaki. It is through kawa (protocol) that the relationship between taonga, tikanga and kaitiakitanga is realised.

Environmental management concepts

Mauri

Mauri is the life force that comes from wairua - the spirit, or source of existence and all life. Mauri is the life force in the physical world. The overall purpose of resource management for Marlborough's tangata whenua iwi is the maintenance of the mauri of natural and physical resources and to enhance mauri where it has been degraded by the actions of humans.

As a life principle, mauri implies health and spirit. In the environment, mauri underlies all resources and the total ecosystem. In the community, mauri is of paramount importance to the wellbeing of the people. Mauri can be harmed by the actions of humans but is unaffected by natural processes, such as natural disasters.

The preservation of the mauri of natural resources is paramount to Marlborough's tangata whenua iwi to ensure that resources may be used sustainably by present and future generations. Traditionally, rules were established to govern the use of natural and physical resources and ensure that mauri was protected from human actions. These rules form part of kawa and tikanga (Māori protocol) and have been passed on through the generations. For example, a rāhui may be used to safeguard the mauri of a particular resource, by enforcing a temporary restriction on use of the resource to protect the overall health and availability of the resource for both present and future generations. The RMA seeks these same outcomes: to promote the sustainable management of natural and physical resources (Section 5(1)).

Marlborough's tangata whenua iwi use indicators within the environment to interpret the status of mauri. These include (but are not limited to) the presence of healthy kai and other indigenous flora and fauna, the presence of resources fit for cultural use and the aesthetic qualities of resources, such as the visibility of important landmarks. Other indicators can take many forms and are recalled in the kōrero pūrākau (stories) of whānau and hapū.

Tikanga

Cultural practices, or tikanga, were developed to maintain the mauri of the domains of Atua. They are based on the general understanding that people belong to the land and, as kaitiaki of that land, have a responsibility to care for it. Tikanga incorporates concepts such as tapu (sacredness) and rāhui (temporary restriction). These are forms of social control, which manage the interrelationship of people and the environment.

Tikanga were developed to specifically recognise the four planes of reality:

- te taha tinana (the physical plane);
- te taha hinengaro (the intellectual plane);
- te taha wairua (the spiritual plane); and
- te taha whānau (the family plane).

Tikanga seek to unify these four planes in a holistic way. Observing tikanga is part of the ethic and exercise of kaitiakitanga.

Kaitiakitanga

All persons exercising powers and functions under the RMA in relation to managing the use, development and protection of natural and physical resources, shall have particular regard to kaitiakitanga (Section 7). The definition of kaitiakitanga given in the RMA is only a starting point for Marlborough's tangata whenua iwi, as kaitiakitanga is a much wider cultural concept than pure guardianship.

Marlborough's tangata whenua iwi have their own traditional means of managing and maintaining resources and the environment. Kaitiakitanga is the expression of Māori authority, mana, ethics and guardianship. Kaitiakitanga includes the right to access resources but also includes the responsibility to ensure that the resource is available and in a fit state to be passed onto future generations. This system of rights and responsibilities is inherited from previous generations and has evolved over time. Kaitiakitanga is fundamental to the relationship of tangata whenua and the environment. The resources in any given area are representative of the people who reside there and are a statement of identity. Traditionally, the abundance or lack of resources directly determines the welfare of every tribal group and so affects their mana.

A kaitiaki is usually a person with traditional knowledge handed down from generation to generation for the purpose of sustaining the mauri in relation to resources within their rohe. Kaitiaki are empowered with the responsibility of ensuring that the spiritual and cultural aspects of natural and physical resources are maintained for future generations. Contemporary roles and responsibilities of kaitiaki are wide and varied. Today, kaitiaki are often involved in advocating for and promoting the protection of cultural values in resource management processes.

Kaitiakitanga may be practiced through, but not limited to:

- the maintenance of waahi tapu, waahi tipuna and other sites of importance;
- the management of fishing grounds (mahinga maataitai);
- observing the maramataka (lunar calendar);
- observing the tikanga of sowing and harvest;
- designing settlements in keeping with the environment; and
- securing resources for present and future uses.

Kaitiakitanga is linked inextricably to tino rangatiratanga, as it may only be practiced by those iwi, hapū or whānau who possess tino rangatiratanga (customary authority) in their tribal area.

Occasionally individuals, whanau or hapu are charged with the tasks of kaitiakitanga. Kaitiaki often receive their mana or authority with respect to a particular locality, place or resource because they possess an intricate knowledge of the local environment. For example, a family or individual might be the kaitiaki for a pā or local fishing ground.

Taonga

The term taonga is used in Section 6(e) of the RMA and Article 2 of the Te Tiriti o Waitangi. Taonga identifies things of value to tangata whenua and also symbolises a Māori approach to environmental management. Taonga can refer to anything that contributes to the maintenance of a tribe's intellectual, physical, family and spiritual wellbeing. Although some taonga, such as land and water in any form (including rivers, lakes, groundwater, pools, waterfalls and springs), relate directly to domains, other taonga are of a different nature. They include sites and resources such as waahi tapu, tauranga waka and mahinga maataitai, other sites for gathering food and other cultural resources, hills, mountains and caves.

Taonga can refer to the intangible as well as the tangible. Other practices and beliefs that give expression to the tino rangatiratanga and mana whenua of the iwi are also regarded as taonga. The taonga of each iwi are extensive and diverse and are important parts of the cultural and tribal identity of iwi. Information about the taonga of Marlborough's tangata whenua iwi can be found in

their respective Deeds of Settlement and iwi management plans and through direct engagement with iwi.

Ngā Wai (waters)

“We are water and water is us.” Water is an essential element of life; it has the power to revive, cleanse, heal and neutralise. Consequently, it is a very significant taonga to Māori and plays a central role in both the spiritual and secular worlds. Water represents the life blood of Papatūānuku, the tears of Rangī, and is the domain of Tangaroa. The condition of water is a reflection of the state of the land and this in turn is a reflection of the health of the tangata whenua.

Ki uta ki tai (from the mountains to the sea) describes the approach of Marlborough's tangata whenua iwi to natural resource management. This principle enables a holistic approach to resource management and recognises the relationships and connections between land uses, water quality and quantity, biodiversity and the sea.

Water has been and remains an integral political, economic and spiritual resource for Marlborough's tangata whenua iwi; water provides the connection between the past, the present and the future. For these iwi, there are seven central categories of water: waiora, waitapu, waitaonga, waitai, waimāori, waikino and waimate.

Waiora Purest form of water, not compromised either spiritually or physically.

Waitapu Water that is tapu due to its relationship to other waters, places or objects.

Waitaonga Water that has taonga status because of the particular uses the waterway supports.

Waitai Tidal waters; distinguishes seawater from freshwater.

Waimāori Water that has flowed over Papatūānuku; it is profane and suitable for most uses.

Waikino Water whose mauri has been compromised and can cause harm.

Waimate The water is contaminated or polluted; its mauri has been exhausted.

Ngā Awa (rivers)

Awa have a mauri, mana and tapu of their own. They are entities, like maunga, with which iwi groups identify. Tangata whenua often refer to the river as a taonga and in doing so describe their relationship to the entire river system, not to any one part. The river mouth is particularly important during native fish spawning times. Rivers carry the life blood of the land; the wellbeing of a river is reflected in the wellbeing of the local people.

Te Moana (sea)

The domain of Tangaroa has great spiritual significance as well as practical value. The sea is a food basket for the iwi. As such, practices and elements that defile the mauri and mana of the coastal environment are seen as abhorrent. The discharge of contaminants, such as human sewage, into the sea is an obvious example. Te moana includes the shoreline, foreshore, estuaries and river mouths and all the species that live within these environments. River mouths and estuaries are particularly significant as these dynamic environments support important ecological processes and act as a cultural indicator of environmental health.

Ngā Maunga (mountains)

Maunga are a source of the mana of an iwi/hapū and enhance that mana. The relationship of an iwi with its maunga can be affirmed and strengthened in a number of ways. Often a maunga is named directly after a tribal tipuna (ancestor), establishing a clear whakapapa line or commemorating a significant event. Other maunga are named to describe the natural environment or processes within it. Often such maunga are classified as tapu to an iwi or hapū.

Ngā Whenua (lands)

The land and environment in which people live forms the foundation of their view of the world, the centre of their universe and the basis of their identity. Bonding to the land is a means of cultural identity and social solidarity. The survival and strength of iwi is dependent on the land and wā kāinga (home base) where people live and carry out practices of an extended family.

The relationship is not about the ownership of land as a personal asset or commodity to dispose of as owners see fit; rather, it is about an inheritance handed down the whakapapa line from generation to generation. Thus land is considered ever-lasting, to be passed on accordingly to continue to affirm the total identity and existence of iwi, hence the term “tangata whenua,” which literally means “people of the land.”

Te Hau (air)

Air is a taonga, valued for its life supporting capacity for all things. The health and vitality of human life is dependent upon the air we breathe. This is captured within the term ‘te hau kāinga’ (home), which represents the entire physical, cultural, social and spiritual wellness that one’s home provides. It is this “air of home” that feeds and strengthens one’s whakapapa links, cultural practices and iwi identity.

Hau is also an intrinsically individual quality. For instance, in partaking of the hongī, the sharing of breath represents the encompassing merging of one person’s wellness with another, in order to symbolize the joint strength this action represents.

Traditional foods

Mahinga kai is the customary gathering of food and natural materials, the places where those resources are gathered and the methods by which the resources are gathered. Mahinga kai was and remains central to the way of life to Marlborough’s tangata whenua iwi. All fauna and flora are the offspring of various deities; for example, all sea life are of Tangaroa, while forests and animals are of Tāne Mahuta. They therefore have mana atua (divine origins) and are considered tapu.

Food also has a strong social and cultural meaning. Manaaki tangata is the custom of being aware of and caring for the needs of your guests. Food is a fundamental way of expressing this ethos. In turn, the mana of the tangata whenua is both upheld and enhanced. The loss of the ability of tangata whenua to provide for guests in this way can also be seen as a loss of mana.

Kaimoana is food provided by the sea, including shellfish, fish and crayfish. Apart from being a major source of mana, the state of kaimoana is a reflection of an iwi, hapū or whānau duty of kaitiakitanga. Where they are no longer able to protect these resources, iwi may suffer a loss of mana in being unable to fulfill their role as kaitiaki.

Waahi tapu and waahi taonga

Waahi tapu, which is specifically referred to in the RMA, covers a broad range of places. It is a status that recognises the tapu of the area. The area may be associated with creation stories of tangata whenua, a particular event (such as a battle or ceremony); it may be where the whenua (placenta) was returned to the earth or where whānau are buried (urupā); it may be a landing site for waka (tauranga waka); or it may be the location of a certain type of valued resource. Waahi tapu are sites of great importance and/or sacredness to Marlborough’s tangata whenua iwi and are to be respected. The locations of some waahi tapu are purposely not made public in order to preserve their sacredness.

Some cultural resources are regarded as waahi taonga. These comprise a broad category of resources used in cultural practices and activities of tangata whenua. Such resources include flora and fauna for rongoā (medicine), prized flora and fauna for weaving (e.g. pīngao, kiekie, pigeon feathers) and wood for carving purposes (e.g. tōtara).

Cultural beliefs and practices

Cultural beliefs and practices are of significance to Marlborough's tangata whenua iwi because of their relationship to tribal identity, tribal life and tribal development. They comprise the essential elements that denote mana and mātauranga (knowledge), the customary right of decision making relating to tribal rohe (boundaries). Tūrangawaewae (ancestral homes, including pā and marae), papakāinga (whānau/communal housing settlements), whare rūnanga and mahinga maataitai are some of these essential elements. The essential working elements of tribal culture give rise to and reaffirm the relationship of tangata whenua with the land. The guaranteed availability of resources has implications that extend beyond the use of a material for any one cultural activity to preserving tikanga (customary practices) associated with their use.

Marae

As an institution, a marae is a vital part of Māori culture. The land and buildings carry the historical prowess of the iwi, with the whareniui (meeting house) often built to symbolise an eponymous ancestor. The stories of the iwi/hapū are entwined within the whareniui as knowledge for present generations and as lessons for the future.

While the marae has many roles, fundamentally it is a place where tangata whenua gather to kōrero and discuss topics with whānau or manuhiri (visitors). It is a place where difficult issues can be presented and discussed safely and where the mana of the speaker and those spoken to is kept intact. It provides the most appropriate context for discussing cultural values.

Marae provide aspects of both richness and responsibility for iwi. The intergenerational transfer of knowledge, skill and tikanga observance, along with the provision of hospitality, are requirements that iwi increasingly strive to uphold. Marae buildings and grounds are wāhi tapu and have mana that must be respected by everybody who enters the marae grounds.

Issues of significance to Marlborough's tangata whenua iwi

As set out in the Introduction, a regional policy statement must identify resource management issues of significance to iwi authorities in Marlborough (Section 62(1)(b)(i) of the RMA). Issues 3A to 3F are the spiritual and cultural matters of fundamental importance to Marlborough's tangata whenua iwi concerning their connection to and use of natural and physical resources. Issues 3G to 3J are relationship and process issues, which include iwi involvement in decision making processes, consultation and cross boundary matters. The third set of issues relating to specific resources, are integrated throughout the MEP.

SPIRITUAL AND CULTURAL ISSUES

Issue 3A – The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are not taken into account.

In exercising its functions and powers under the RMA, the Council is required to take into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi. A number Te Tiriti principles have been defined to date through the Courts and these establish guidelines to govern the relationship between Marlborough's tangata whenua iwi and the Council.

Marlborough's tangata whenua iwi are concerned that past decision making processes under the RMA have not necessarily taken into account the principles of Te Tiriti. For this reason, the iwi seek to establish an effective relationship with the Council in resource management processes. This issue is reflected in a number of the other issues included in this chapter.

Issue 3B – Regard is not given to kaitiakitanga and the ability of Marlborough's tangata whenua iwi to exercise kaitiakitanga is not enabled.

Marlborough's tangata whenua iwi have developed an environmental ethic and management system for the sustainable management of natural resources, which is embodied in kaitiakitanga. As explained earlier, the responsibility of kaitiaki is twofold: first, the ultimate aim is to protect mauri; secondly, there is a duty to pass the environment to future generations in the same or better condition than the current state. While the RMA requires the Council to have particular regard to kaitiakitanga in Section 7(a), Marlborough's tangata whenua iwi consider that they are not always practically able to exercise kaitiakitanga.

There are a number of reasons for this, including those described in the issues that follow. For example, Issue 3D identifies that because of the holistic approach of iwi to the environment, they are very aware of the impact of resource use on the mauri of resources. In wanting to protect the mauri of resources, Marlborough's tangata whenua iwi believe that kaitiakitanga practices need to be recognised and implemented. In terms of Issue 3E, an inability to access and use cultural resources in traditional ways may see the mana of an iwi being impaired as they cannot fulfil their roles and responsibilities as kaitiaki.

Of considerable significance for Marlborough's tangata whenua iwi is a lack of iwi involvement and consideration of iwi values in resource management decision making processes. This is described further in Issue 3G, but essentially iwi consider that a practical expression of kaitiakitanga can only be achieved through greater involvement by iwi in decision making.

Collectively, the issues that follow identify matters that impact on the ability of Marlborough's tangata whenua iwi to exercise kaitiakitanga.

Issue 3C – The threats to the cultural heritage of Marlborough's tangata whenua iwi.

The Marlborough landscape and coastline is rich in iwi heritage. This history has a present day reality, reflected in the many sites and features of particular significance to iwi (either individually or collectively). These are primarily sites connected to iwi histories, traditions and tikanga. Examples include mahinga mātaihai (places for gathering seafood), waahi tapu (ancestral sites), landscape features that define iwi boundaries, arawhito (significant trails), access points to rivers, wetlands and the coast, places of iwi occupation such as pā and marae, urupā (burial sites) and battle grounds. Some of the sites are waahi tapu, or sacred sites, as a result of past events or activities. Individual sites may collectively contribute to culturally significant landscapes. These sites, features and landscapes are collectively part of the cultural heritage of each of Marlborough's tangata whenua iwi.

This cultural heritage forms a particularly significant and unique part of Marlborough's wider heritage and is significant to all of the community, due to the link that it provides between past, present and future generations. Some of these sites and features, such as the Wairau Bar, Tuamarino (site of the Wairau Incident), Mussel Point and Horahora Kākahu Island are of national significance.

Marlborough's tangata whenua iwi believe their ability to access areas of cultural heritage (whether areas of Māori owned land, mahinga mātaihai or other important sites or features) has been significantly compromised in some areas of the Marlborough Sounds by uses such as jetties, reclamations, moorings, boatsheds, etc. Being able to access the features, sites or landscapes that contribute to the cultural heritage of each of Marlborough's tangata whenua iwi is fundamental to their identity.

The destruction and degradation of cultural heritage sites, features and landscapes of significance to Marlborough's tangata whenua iwi has occurred in the past as a result of the use and development of Marlborough's natural and physical resources, especially land resources. The

development of land for residential, commercial, industrial and rural purposes has occurred on or near significant sites or features, resulting in their disturbance, damage and, in the worst cases, complete destruction. This has usually occurred as a result of ignorance of the significance of the site to iwi. However, in some cases artefacts from sites have been deliberately sought after and removed.

Māori place names are also part of Marlborough's cultural heritage. They provide an important link to the significance of traditional sites, historical events and spiritual associations. Many traditional place names have been lost and those that remain are under threat.

Given the sustained economic development of Marlborough, it is likely that there will be an ongoing threat to remaining sites and features of significance to Marlborough's tangata whenua iwi. Marlborough's tangata whenua iwi cannot tolerate any further loss of their cultural heritage and protection of significant sites, features and place names is critical.

Issue 3D – The impact of resource use on the mauri of natural resources.

Mauri is the life force that exists in all things in the natural world, comprising both physical and spiritual qualities. If the environment is to flourish, the mauri within all natural things must be protected and sustained.

Water bodies are particularly significant to Marlborough's tangata whenua iwi. This is because water is a "life force," both spiritually, in terms of the connection to Atua, and physically in Marlborough's dry climate. Wetlands, streams and rivers can therefore be likened to the "arteries" of the environment and the health of these water bodies is reflected in the wellbeing of the people. Wetlands are particularly important to tangata whenua for their biodiversity. In addition, Marlborough's tangata whenua iwi lament the cumulative loss of wetlands in Marlborough as a source of traditional food (such as, but not limited to, tuna) and believe that those wetlands that remain are so significant that they should be given absolute protection. To ensure the mauri of streams and rivers is maintained, Marlborough's tangata whenua iwi want to ensure that there are constant supplies of good quality water flowing into them. It is particularly important that rivers are managed to ensure there are enough floods and flows to maintain the opening of river mouths, especially at native fish spawning times. There is therefore an ongoing concern about the volume of water abstracted from surface water bodies, the diversion of these water bodies, the loss of vegetated riparian margins and any discharge of contaminants into fresh or coastal waters. Discharges of human sewage and stock effluent into water are a serious affront to the mauri of the water and Marlborough's tangata whenua iwi are unable to use water that is contaminated in this way.

Water bodies are not the only component of the environment over which Marlborough's tangata whenua iwi have concern about mauri. Indigenous biodiversity on land is also part of the cultural landscape in Marlborough, even if the landscape has been much reduced as a result of forest clearance and the draining of wetlands. The traditional knowledge of tangata whenua in relation to biodiversity needs to be recognised. The loss of any further indigenous vegetation is a significant concern to Marlborough's tangata whenua iwi, both in terms of the loss of the plants (some of which are taonga) and the habitat they provide to other indigenous flora and fauna.

Reflecting their holistic approach to the environment, Marlborough's tangata whenua iwi are also very conscious of the effect that land use activities have on other natural resources, particularly the runoff of contaminants into water and the potential for reduced water quality.

Collectively, these losses of habitat and species as well as general degradation in resource quality has a cumulative effect on the mauri of natural resources. Marlborough's tangata whenua iwi believe that protecting the mauri of natural resources should be the overarching goal for all resource management planning and practices in Marlborough. To this end, there is a strong desire for Māori environmental practices, such as kaitiakitanga, to be recognised and implemented. In particular, Marlborough's tangata whenua iwi would like cultural indicators,

based upon human sensory perceptions and spiritual association, to be used alongside existing environmental indicators in state of the environment monitoring.

Issue 3E – Difficulties in accessing and using cultural resources in traditional ways.

Marlborough's tangata whenua iwi traditionally relied upon the flora and fauna of Marlborough for their survival. The sea, coastal waters of the Marlborough Sounds, foreshore, rivers and river mouths, bush and wetlands all provided abundant sources of food and were valuable mahinga kai. Foods of traditional cultural importance to Marlborough's tangata whenua iwi include but are not limited to tītī (muttonbirds), tuna (eel), īnanga, watercress, pūhā, kōura (freshwater crayfish) and shellfish.

Natural resources are not only used for food, but have traditionally been used in cultural practices and activities such as medicine, weaving, carving and other arts. Some plants are particularly significant in this regard, including flax and pīngao for weaving, the tōtara tree for carving and kawakawa and koromiko for medicinal purposes. Some locations are particularly significant as mahinga kai or as a source of other cultural resources, such as Te Hoiere (Pelorus Sound) for snapper breeding.

Across New Zealand and Marlborough, the natural environment has been highly modified. Much of the land, particularly lowland areas, has been cleared of forest or wetland vegetation to make way for new land uses. Freshwater and coastal water resources have also been modified through river and creek diversions, the construction of flood defences, the reclamation of the sea bed, water abstraction and the discharge of contaminants into rivers and coastal water. The loss of ecosystems has resulted in a corresponding decrease in the number and variety of mahinga kai and a reduction in the abundance and quality of ngā kai (traditional foods) and mātaitai (seafood) within them. Marlborough's tangata whenua iwi believe that this places even more significance on the areas that remain. They also believe that remaining mahinga kai are still being affected by resource use, especially those uses and activities in rivers, wetlands and coastal areas.

The change in land tenure that occurred with European settlement has also created difficulties for Marlborough's tangata whenua iwi in accessing mahinga kai, as well as areas that contain other cultural resources. Some areas are now privately owned or can only be accessed through private land, creating barriers to the ability of Marlborough's tangata whenua iwi to continue the cultural harvest or activities they were historically able to. Legal barriers can also prevent the harvest of traditional foods kai and other cultural resources, such as the protection afforded to endangered species.

Difficulties accessing mahinga kai and using traditional foods have an impact upon the mana of Marlborough's tangata whenua iwi, as this adversely affects the ability of each iwi and whānau within the iwi to provide for their family and to care for guests. It also compromises their mana by impairing their ability to fulfil their role and responsibilities to kaitiakitanga. Furthermore, it presents barriers to the maintenance and enhancement of traditional cultural practices.

Issue 3F – The provision of papakāinga.

In Marlborough, particular iwi and/or whānau retain significant tracts of land, for example in the Marlborough Sounds and in the vicinity of Wairau Pā. This land is held in multiple ownership of iwi or whānau members and in most cases has not been developed, or has only been developed in a minimal way by the owners. Even so, Māori have a special spiritual and cultural attachment to this land, which is described as Māori land in terms of the Te Ture Whenua Māori Act 1993. Additionally, some land returned to iwi through settlement processes and in freehold title is regarded by Marlborough's tangata whenua iwi as Māori land.

There are tribal or whānau aspirations to exercise rangatiratanga over Māori land to use this land resource for the betterment of whānau or iwi members. In particular, there is a strong desire among Marlborough's tangata whenua iwi to provide papakāinga. This could be the provision of a

single or small number of houses for whānau or iwi members, through to small settlements involving kaumātua housing, kōhanga reo, cottage industries, places of worship and marae. Marlborough's tangata whenua iwi wish to have the freedom to establish papakāinga activities on Māori land to meet the housing and social needs of iwi members. The intention is to improve the quality of life of whānau and iwi in a manner consistent with their cultural values and customs.

In seeking the ability to adequately house and sustain iwi and whānau members, Marlborough's tangata whenua iwi recognise that papakāinga must be developed in a manner that is consistent with the surrounding environment. In particular, that the physical needs of the settlement, in terms of water supply and waste disposal, should be met without adverse effects on the environment.

RELATIONSHIP AND PROCESS ISSUES

Issue 3G – Lack of representation and recognition of iwi values in decision making processes.

Marlborough's tangata whenua iwi share a collective concern that their spiritual and cultural values are not being recognised in resource management decision making and believe that this is contributing to Issues 3A to 3F. The two areas of particular concern are resource consent applications and resource management policy development, where Marlborough's tangata whenua iwi believe they should have greater involvement in decision making than they currently do. They believe that such involvement would better fulfil the Council's obligations under the Treaty of Waitangi/Te Tiriti o Waitangi and, in doing so, ensure spiritual and cultural values would be given appropriate recognition.

The RMA provides opportunities for the direct involvement of tangata whenua in the sustainable management of their ancestral lands, water, sites, waahi tapu and other taonga. It also requires the Council to have particular regard to kaitiakitanga and requires the principles of Te Tiriti to be taken into account. Te Tiriti principles indicate the need to involve tangata whenua in decision making that affects them. There are also provisions in the RMA for iwi authorities to be consulted in the preparation of policy statements and plans. It is therefore necessary that the Council implements mechanisms and processes for Marlborough's tangata whenua iwi to be involved in resource management decision making as a practical expression of kaitiakitanga and as part of ensuring adequate identification of the effects and provision for protection of the values of iwi.

Iwi have identified barriers to full and active participation, including a lack of mechanisms for participation, and seek the Council's co-operation to break down these barriers. Ideally, meaningful involvement in such processes would represent a partnership in a manner consistent with the Treaty of Waitangi/Te Tiriti o Waitangi. However, iwi recognise that there is also a capacity issue in achieving any such partnership (see Issue 3I below).

Marlborough's tangata whenua iwi believe that they share a common goal with the Council of sustaining the environment and natural resources. They therefore welcome the opportunity to explore ways of improving their participation in resource management decision making processes as a practical expression of kaitiakitanga.

Issue 3H – The importance of consulting with iwi.

Marlborough's tangata whenua iwi believe it is important for a resource consent/plan change applicant to consult with the relevant iwi authority where the interests of an iwi may potentially be affected by a proposal. Indicators of the matters that may affect an iwi are set out in Section 6(e) and Section 7(a) of the RMA. The provisions of this chapter and other chapters in the MEP also assist to identify these matters.

Consultation with the iwi authority allows an assessment of cultural effects to be carried out and, where necessary, the preparation of a cultural impact assessment as part of the process of assessing environmental effects.

Principles of good consultation have been established over time and should be followed to achieve the best possible outcome for all parties. These principles state that:

- consultation should be undertaken prior to lodging of any application;
- all parties need to enter into consultation with an open mind;
- reasonable time must be provided by the applicant to allow the consulted party to respond with queries or concerns from which the applicant can modify their proposal if appropriate;
- the consulted party needs to be adequately informed (through the provision of all relevant information and any other information reasonably requested) in order to make a useful response; and
- consultation is by its very nature a two-way process, which means that the applicant must take due notice of what has been said by the consulted party.

Marlborough's tangata whenua iwi accept that consultation will not necessarily guarantee an agreement with the resource consent/plan change applicant. However, they believe that consultation is required to ensure identification and quantification of all potential effects of a proposal on the interests of an iwi authority.

Issue 3I – Capacity of iwi to be able to effectively take part in resource consent processing and policy development.

Even if mechanisms were put in place to enable greater participation in resource management decision making by Marlborough's tangata whenua iwi, the iwi believe that a significant barrier to participation remains: that is, the capacity to participate. Many of Marlborough's tangata whenua iwi have limited financial resources and limited numbers 'on the ground' in terms of iwi members participating in resource management processes. It is therefore the view of most iwi that they do not currently have the capacity to effectively take part in the two processes that they have the greatest interest in - resource consent processing and policy development.

The response of each iwi therefore varies, with some focussing on the iwi management plans, some establishing strong resources for consultation and response to applications for resource consent and others focussing on involvement in policy development. The importance of recognising these varying abilities and approaches will enable selection of the most effective method or methods of obtaining an understanding of the values of iwi and providing for their involvement in resource management procedures affecting their rohe.

Issue 3J – Cross boundary issues with an overlap in rohe of Marlborough's tangata whenua iwi.

The rohe, or tribal boundary of each of Marlborough's tangata whenua iwi has changed over time as a result of migration and occupation. This situation has stabilised and each iwi has a good understanding of their current rohe. In many cases, the respective rohe overlap. This makes it difficult for the Council and others (such as resource consent applicants) to establish who exercises kaitiakitanga in a particular area. This can lead to iwi not being consulted as they should be or, conversely, being consulted when they do not need to be. This can cause frustration for all involved in resource management processes, including the iwi authorities.

Rohe do not coincide with local government boundaries. This means that the rohe of a number of Marlborough's tangata whenua iwi extends beyond the boundaries of the Council. In these circumstances, the iwi must deal with more than one local authority. This can be problematic where the local authorities concerned perform RMA functions and undertake RMA processes in different ways. This can force each iwi to adjust the way they participate in and provide an input to RMA processes.

Marlborough's tangata whenua iwi seek to develop mechanisms for effectively managing these cross boundary issues.

OBJECTIVES TO ADDRESS RESOURCE MANAGEMENT ISSUES 3A TO 3J

[RPS]

Objective 3.1 – The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are taken into account in the exercise of the functions and powers under the Resource Management Act 1991.

Marlborough's tangata whenua iwi have developed an environmental management system over many centuries that is still practised today and is embodied within the principles of the Treaty of Waitangi/Te Tiriti o Waitangi. The RMA requires the Council to take into account the principles of Te Tiriti in exercising its functions and powers. The objective reflects this requirement (set out in Section 8 of the RMA) and the remaining objectives and policies of this chapter and throughout the rest of the MEP set out how the principles can be achieved.

[RPS]

Objective 3.2 – Natural and physical resources are managed in a manner that takes into account the spiritual and cultural values of Marlborough's tangata whenua iwi and respects and accommodates tikanga Māori.

It is important to iwi that in sustainably managing Marlborough's natural and physical resources, when taking into account the spiritual and cultural values of iwi, that appropriate recognition is given to tikanga Māori. This is important for iwi as observing tikanga is part of the ethic and exercise of kaitiakitanga.

[RPS]

Objective 3.3 – The cultural and traditional relationship of Marlborough's tangata whenua iwi with their ancestral lands, water, air, coastal environment, waahi tapu and other sites and taonga are recognised and provided for.

The objective reflects in part the requirements of the RMA in regard to matters of national importance – Section 6(e). It also acknowledges the special relationship that Marlborough's tangata whenua iwi share with the environment.

[RPS]

Objective 3.4 – Opportunities for development on Māori land that meet the needs of the landowners and respects the relationship of Marlborough's tangata whenua iwi with land, water, significant sites and waahi tapu.

Planning policies and rules within former resource management plans have potentially limited how Marlborough's tangata whenua iwi have been able to use their own land. The objective therefore aims to maintain and strengthen the traditional relationship of Marlborough's tangata whenua iwi with land, water, significant sites and waahi tapu by enabling a range of activities to occur on Māori land, including papakāinga, marae cultural activities, customary use and other activities. This approach will support economic, social and cultural development for Marlborough's tangata whenua iwi. This objective also assists in giving effect to the principles of the Treaty of Waitangi/Te Tiriti o Waitangi and to Section 6(e) of the RMA.

[RPS]

Objective 3.5 – Resource management decision making processes that give particular consideration to the cultural and spiritual values of Marlborough's tangata whenua iwi.

Through a number of the issues described in 3A to 3J, Marlborough's tangata whenua iwi have clearly identified that current decision making processes on resource management matters do not always appropriately consider the cultural and spiritual values of Marlborough's tangata whenua iwi. While there has been ongoing consultation between the Council and Marlborough's tangata whenua iwi in the preparation of the MEP, it is important this continues as the MEP is implemented and monitored in the future. On-going consultation and involvement in decision making will help to ensure that the cultural and spiritual values of Marlborough's tangata whenua iwi are given recognition.

POLICIES TO ACHIEVE OBJECTIVES 3.1 TO 3.5

[RPS]

Policy 3.1.1 – Management of natural and physical resources in Marlborough will be carried out in a manner that:

- (a) **takes into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi, including kāwanatanga, rangatiratanga, partnership, active protection of natural resources and spiritual recognition.**
- (b) **recognises that the way in which the principles of the Treaty of Waitangi/Te Tiriti o Waitangi will be applied will continue to evolve;**
- (c) **promotes awareness and understanding of the Marlborough District Council's obligations under the Resource Management Act 1991 regarding the principles of the Treaty of Waitangi/Te Tiriti o Waitangi among Council decision makers, staff and the community;**
- (d) **recognises that tangata whenua have rights protected by the Treaty of Waitangi/Te Tiriti o Waitangi and that consequently the Resource Management Act 1991 accords iwi a status distinct from that of interest groups and members of the public; and**
- (e) **recognises the right of each iwi to define their own preferences for the sustainable management of natural and physical resources, where this is not inconsistent with the Resource Management Act 1991.**

The policy identifies the principles of the Treaty of Waitangi/Te Tiriti o Waitangi that Marlborough's tangata whenua iwi have determined are important in terms of sustainably managing Marlborough's natural and physical resources and that the way in which these principles are taken into account will continue to evolve over time.

[RPS]

Policy 3.1.2 – An applicant will be expected to consult early in the development of a proposal (for resource consent or plan change) so that cultural values of Marlborough's tangata whenua iwi can be taken into account.

Only Marlborough's tangata whenua iwi can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. This means that iwi are in the best position to determine whether a proposal will affect areas of significance for iwi. It is therefore important that consultation with iwi occurs early in the planning of a development (either by resource consent or plan change) to ensure impacts are appropriately identified and addressed.

[RPS]

Policy 3.1.3 – Where an application for resource consent or plan change is likely to affect the relationship of Marlborough's tangata whenua iwi and their culture and traditions, decision makers shall ensure:

- (a) the ability for tangata whenua to exercise kaitiakitanga is maintained;
- (b) mauri is maintained or improved where degraded, particularly in relation to fresh and coastal waters, land and air;
- (c) mahinga kai and natural resources used for customary purposes are maintained or enhanced and that these resources are healthy and accessible to tangata whenua;
- (d) for waterbodies, the elements of physical health to be assessed are:
 - i. aesthetic and sensory qualities, e.g. clarity, colour, natural character, smell and sustenance for indigenous flora and fauna;
 - ii. life-supporting capacity, ecosystem robustness and habitat richness;
 - iii. depth and velocity of flow (reflecting the life force of the river through its changing character, flows and fluctuations);
 - iv. continuity of flow from the sources of a river to its mouth at the sea;
 - v. wilderness and natural character;
 - vi. productive capacity; and
 - vii. fitness to support human use, including cultural uses.
- (e) how traditional Māori uses and practices relating to natural and physical resources such as mahinga maataitai, waahi tapu, papakāinga and taonga raranga are to be recognised and provided for.

These matters must be assessed by decision makers when considering an application for resource consent or a plan change in which there is a likelihood that particular values of significance to iwi may be adversely affected. The matters to be assessed in relation to the mauri of waterbodies are particularly detailed given the significance of water resources to iwi. Dependent on the circumstances of the consent application or plan change, these matters may need to be assessed. This can only be done with the assistance of a hearings commissioner with expertise in tikanga Māori.

[RPS]

Policy 3.1.4 – Encourage iwi to develop iwi management plans that contain:

- (a) specific requirements to address the management of coastal waters, land and air resources, including mauri, and in relation to Sections 6(e), 7(a) and 8 of the Resource Management Act 1991;
- (b) protocols to give effect to their role of kaitiaki of water and land resources;
- (c) sites of cultural significance;
- (d) descriptions of how the document is to be used, monitored and reviewed; and
- (e) the outcomes expected from implementing the management plan.

Encouraging Marlborough's tangata whenua iwi to develop and implement iwi management plans will help to achieve two significant outcomes. Ultimately, it will help the Council meet its requirements relating to Māori in the resource management planning process, especially when preparing new resource management policy and plans. Secondly, because the plans belong to the iwi that prepared them, they will help iwi themselves identify and express the values and relationships they have with their resources and how they ought to be protected, maintained or enhanced. Iwi management plans can provide a framework for consultation both for plan review and resource consent processes. Including the matters identified within (a) to (e) of the policy

and implementing an iwi management plan will build and strengthen partnerships between iwi and the Council, and build trust and good relationships.

[RPS]

Policy 3.1.5 – Ensure iwi management plans are taken into account in resource management decision making processes.

Having encouraged Marlborough's tangata whenua iwi to prepare iwi management plans, it is important that they are then taken into account by the Council when making decisions on resource management matters. The Council is required by the RMA to take into account iwi management plans when preparing a regional policy statement or regional and district plans. In terms of its decision making on resource consent applications, the Council must have regard to, subject to Part 2, other matters the Council considers relevant and reasonably necessary to determine an application (Section 104(1)(c)). This could include having regard to iwi management plans. As more iwi management plans are prepared and lodged with the Council, it will be important they receive the appropriate recognition in decision making by the Council.

[RPS]

Policy 3.1.6 – Enable opportunities for marae and papakāinga development on Māori land that provides for a range of functions including living, working, cultural activities and recreation where it is of a scale, extent and intensity that is determined by the physical characteristics of the site, surrounding environment and tikanga Māori.

The policy recognises that papakāinga and marae settlements are an essential means for Māori to pursue the traditional relationship with their land. The policy encourages and strengthens this relationship by enabling development of Māori land, provided it is consistent with the matters set out in the policy. Māori land includes land that is regarded as Māori land in terms of the Te Ture Whenua Māori Act 1953, including multiple owned Māori land and customary land.

[RPS]

Policy 3.1.7 – Foster a principle of partnership between Marlborough's tangata whenua iwi, the Marlborough District Council and statutory management agencies on an ongoing basis to give effect to Policies 3.1.1 to 3.1.6.

This policy highlights that to give effect to the other policies in this chapter, a partnership between Marlborough's tangata whenua iwi, the Council and statutory agencies, such as the Department of Conservation, will be necessary. The partnership principle is reflective in the holistic approach of iwi to resource management in being all encompassing. Fostering partnerships with Marlborough's tangata whenua iwi will assist in increasing capacity for iwi to add value to resource management decision making processes. Additionally, there will be times that non-statutory groups will combine with the Council and iwi in the context of community involvement in the management of natural and physical resources.

Methods of implementation

The methods listed below are to be implemented by the Council unless otherwise specified. These methods provide the framework within which the Council will work in partnership with Marlborough's tangata whenua iwi.

[RPS]

3.M.1 Developing partnerships

Developing effective partnerships with Marlborough's tangata whenua iwi will be important in promoting resource management and taking into account the principles of the Treaty of Waitangi/Te Tiriti o Waitangi. How the partnerships will be expressed on an ongoing basis may be in the form of protocols, memorandums of understanding, strategies or the like. Regardless of what form the partnerships are expressed in, a fundamental component will be simple good faith.

[R, C, D]

3.M.2 Recognising statutory acknowledgements

The relevant trustees for an iwi must be provided with a summary of a resource consent application for an activity within, adjacent to, or directly affecting a statutory area. The Council must also have regard to the Statutory Acknowledgement relating to a statutory area when deciding whether the relevant trustees are affected persons in relation to an activity within, adjacent to, or directly affecting the statutory area and for which an application for resource consent is made. In some cases this will involve more than one iwi. The Council is also required to include information recording the statutory acknowledgements within its resource management documents.

[RPS, R, C, D]

3.M.3 Consideration of iwi management plans

Iwi management plans will be used and taken into account to:

- *assist in the identification of issues of resource management significance to Marlborough's tangata whenua iwi, including recognition of these issues through the Council's decision-making functions;*
- *provide cultural context and understanding of values underpinning the relationship between iwi and the environment;*
- *understand, acknowledge and account for the importance of local knowledge and guidance about the environment;*
- *assist in the determination of the nature and extent of consultation that may be required over particular activities or places of importance;*
- *assist in the development of resource management policy; and*
- *assist decision makers to make an informed decision with respect to a proposal or development of policy.*

[RPS, R, C, D]

3.M.4 Consultation

Because only Marlborough's tangata whenua iwi can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, it is important that where a proposal is likely to affect the values of one or more of Marlborough's tangata whenua iwi, an applicant is expected to consult early in the development of the proposal.

Where a Council officer is aware in preparing a report on a consent application or plan change, the circumstances of the application indicate that issues of cultural or spiritual significance to Māori may be present, consultation with the iwi who may be affected will occur.

Consultation may result in the iwi advising that a cultural impact assessment or cultural values report is required.

[RPS, R, C, D]

3.M.5 Cultural indicators

Environmental monitoring involves measuring the state/condition of our natural and physical resources so that they can be understood and managed in an informed way. While environmental monitoring is not new to New Zealand, to date this Council has relied upon scientific indicators to determine the health of Marlborough's natural and physical resources. However, the use of cultural indicators, which is based upon human sensory perceptions and spiritual association, has long been used by Marlborough's tangata whenua iwi to determine the health (mauri) of the natural world. Cultural indicators can be used alongside existing scientific indicators to assist in our collective understanding of the health of our environment. The Council will work with

Marlborough's tangata whenua iwi to develop cultural indicators to assist in monitoring the state of Marlborough's natural and physical environment.

[RPS, R, C, D]

3.M.6 Cultural impact assessment reports and cultural value reports

A cultural impact assessment report is a professionally prepared assessment of the potential impacts of a given activity on resources and values of importance to tangata whenua. Such a report documents iwi values associated with an area and provides appropriate measures to avoid, remedy or mitigate any adverse effects on those values.

Cultural impact assessment reports are an effective means of providing cultural and technical input, mainly with respect to resource consent applications under the RMA. Such reports should form part of a resource consent application's assessment of environmental effects. Iwi will advise an applicant or developer that a cultural impact assessment report is needed. Reports may be requested by an applicant or developer as part of pre-resource consent consultation, but it is the iwi that will advise if a cultural impact assessment report is required. The report will be prepared by the iwi or someone identified by iwi as appropriate to prepare the report. Iwi authorities may have protocols around the production and use of cultural impact assessments. The costs associated with preparing the report are met by the applicant.

Cultural value reports are similar to cultural impact reports but are focussed on providing information on the nature and extent of cultural interests in a given area, as opposed to assessing impacts of a specific proposal.

[RPS, R, C, D]

3.M.7 Decision making processes

Where an application for resource consent or plan change may have an effect on the relationship of Marlborough's tangata whenua iwi and their culture and traditions, the Council will consider appointing a commissioner(s) with expertise in tikanga Māori to the hearing committee charged with hearing and deciding the application.

The Council will support iwi members to become certified commissioners and provide opportunities for these commissioners to participate in hearings.

[RPS]

3.M.8 Māori place names

The MEP and other Council documents will utilise the Māori place names set out in Deeds of Settlements and will consider the use of dual place names for other Māori place names that are not set out in Deeds of Settlement, in consultation with the appropriate Marlborough tangata whenua iwi.

4. Use 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 larders for tangata whenua. 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. 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 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.

Issue 4A – Marlborough's social and economic wellbeing relies on the use 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 still contributes over 35 percent of the local economy and employs the equivalent of over 7,000 people on a permanent basis.

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.

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 approximately \$10 million to the Marlborough economy annually. There are other ecosystem services provided by the conservation estate 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.

[RPS]

Objective 4.1 – Marlborough's primary production sector and tourism sector continue to be successful and thrive whilst ensuring the sustainability of natural resources.

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. 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.

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 rights of resource users by only intervening in the use of land to protect the environment and wider public interests in the environment.

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 rights and expectations of private property owners are respected. This is reflected in Section 9 of the RMA, which enables people to use or develop land.

Notwithstanding these property rights, the Council can constrain such land use through rules in a regional or district plan. The Council can intervene in the exercise of private property rights to protect the environment and wider public interests in 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.

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.

At times it may be necessary for wider public interest considerations to prevail over individual expectations and land use may need to be controlled. 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.

[RPS]

Policy 4.1.2 – Enable sustainable use of natural resources in the Marlborough environment.

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, 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.

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.

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 rely on 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 community infrastructure is not able to operate efficiently, effectively and safely.

We rely on a range of physical resources to allow our communities 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 strategic 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. Occasionally, new infrastructure may be required to provide for growth within the district.

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.

[RPS]

Objective 4.2 – Efficient, effective and safe operation of regionally significant infrastructure

The community relies on the considerable infrastructure that has 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 this critical infrastructure continues to operate efficiently, effectively and safely on an ongoing basis. This includes the ability to maintain, upgrade and replace existing infrastructure.

[RPS]

Policy 4.2.1 – Recognise the social, economic, environmental, health and safety benefits from the following infrastructure, either existing or consented at the time the Marlborough Environment Plan became operative, 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 NZ Limited);**
- (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) strategic telecommunications facilities, as defined in Section 5 of the Telecommunications Act 2001, and strategic radiocommunication facilities, as defined in Section 2(1) of the Radiocommunications Act 1989;
 - (i) Blenheim, Omaka and Koromiko Airports;
 - (j) main trunk railway line;
 - (k) district roading network;
 - (l) Port of Picton and Havelock Harbour;
 - (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 existing or consented at the time that the MEP becomes operative.

[RPS]

Policy 4.2.2 – Protect regionally significant infrastructure from the adverse effects of other activities.

The effective and efficient operation of regionally significant infrastructure can be protected by avoiding the establishment of incompatible activities in close proximity to the infrastructure in the first place. 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 manage activities to avoid reverse sensitivity effects on the network as much as possible.

Methods of implementation

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

[D]

4.M.6 Identification

The electricity transmission network 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 transmission network.

[D]

4.M.7 Zoning

Recognition will be given to regionally significant infrastructure by providing, where appropriate, explicit zoning for the infrastructure. In conjunction with the application of district rules, zoning 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 and protecting regionally significant infrastructure. Designations can then be explicitly included in the MEP.

[C, R, D]

4.M.9 District and regional rules

Rules will be used to enable activities associated with the maintenance, alteration, minor upgrading and replacement of regionally significant infrastructure. Standards will specify the extent of works involved with any of these activities.

Rules will be used to control the proximity of land uses in river beds that could have adverse effects on regionally significant infrastructure. This includes development within the National Grid corridor.

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, the potential for reverse sensitivity effects and adverse effects on the structural integrity of the National Grid. 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 11 of the NPSET.

In addition to the rules in the MEP, the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 establishes various classes of activity for certain activities relating to existing transmission lines.

[C, R, D]

4.M.10 Affected party status

Where the grant of a resource consent application 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 NZ 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.

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, Croiselles 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 trend 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 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 visual, ecological and physical qualities that contribute to the character of the Marlborough Sounds.

The Marlborough Sounds is a truly exceptional place – it is considered to be our “jewel in the crown” in terms of natural assets. The landscapes and seascapes within the Marlborough Sounds and the ecology and natural processes that occur within them are unique and highly valued. This objective seeks to maintain and enhance these qualities to ensure that the community and visitors to the district can continue to enjoy 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 an element of precaution needs to be exercised to ensure that resource use is complimentary to the visual, ecological and physical qualities that give the Marlborough Sounds its iconic character.

[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 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.

[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 will 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 qualities and 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.

[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 – Enhance 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 Marlborough Sounds environment. This means that the Council can manage the use, development and protection of natural resources to enhance the qualities and values that contribute to the character of the Marlborough Sounds. 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.

[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.

Methods of implementation

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

[RPS]

4.M.11 The policies above, particularly Policies 4.3.2, 4.3.3 and 4.3.4, are implemented through other policies throughout the MEP.

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 15% 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>Public perception survey indicates that a majority of residents and ratepayers believe that the Marlborough Sounds environment is in good health.</p>

5. Allocation of Public Resources

Introduction

Much of the Council's resource management work involves managing resources that are in the public domain. Marlborough has a considerable coastline, large areas of land in Crown ownership and extensive freshwater resources. The Council frequently allocates or authorises the use of these natural resources for private benefit, especially resources in the coastal marine area, rivers, riverbeds and aquifers.

Allocating rights to use public resources has become a fundamental part of the overall fabric of Marlborough's social and economic wellbeing. For example, our viticulture industry, which contributes significantly to Marlborough's economy, relies on access to freshwater resources from rivers and aquifers. Other examples include the many moorings, boatsheds and jetties throughout the Sounds, all of which contribute to the social wellbeing of residents and holidaymakers.

The importance of the community and visitors being able to continue to use and develop these natural resources within the constraints of the Resource Management Act 1991 (RMA) cannot be underestimated. Any significant reduction or change in approach to resource use could have significant implications for Marlborough's economic, cultural and social wellbeing. The two main areas where allocation of public resources is considered to be an issue are rights to occupy space in the coastal marine area, and rights to take and use freshwater.

Issue 5A – The diversity of water resources makes it difficult to achieve uniformity in water allocation and water use management regimes across the District.

Marlborough's geology, topography, land cover and climate vary dramatically across the district. This results in a diverse array of rivers and aquifers, evident in the size of catchments/aquifers, the length of rivers through the catchment, the spatial extent and depth of aquifers, the flow of water through the river/aquifer, water availability (and variation in water availability) and the natural and human use values that the waterbodies support. Although the objectives of the Marlborough Environment Plan (MEP) establish consistent objectives across all water resources, the means to achieve these outcomes will necessarily differ due to the above variation. It is therefore difficult to achieve consistent approaches to managing water resources across Marlborough. The lack of consistency can create frustration, especially for water users who access water from more than one water resource.

[RPS]

Objective 5.1 – Water allocation and water use management regimes reflect hydrological and environmental conditions within each water resource.

If the management applied to the taking and use of water does not reflect the hydrological and environmental conditions that exist in each water resource, one of two things may happen: water users could be unnecessarily restricted in taking or using that water, or taking and use of water may result in adverse effects on the natural and human use values supported by the freshwater resource. These are inappropriate outcomes given the value of water in terms of its contribution to social, economic and cultural wellbeing and its life-supporting capacity. It is therefore essential that the management applied to any water resource is fit for purpose in order to achieve sustainable outcomes.

[RPS, R]

Policy 5.1.1 – Define and use freshwater management units to apply appropriate management to the taking and use of water within each water resource.

To ensure that the management applied to the taking and use of water is appropriate to the hydrological and environmental circumstances, it is necessary to distinguish between the different catchments and aquifers that exist in Marlborough. The Council will achieve this by identifying Freshwater Management Units (FMUs), which will be based on the hydrological characteristics of each water resource and the natural and human use values supported by the waterbody/bodies. These freshwater management units are identified in the MEP. This approach also gives effect to the National Objectives Framework of the National Policy Statement Freshwater Management 2014 (NPSFM), which requires the Council to identify freshwater management units.

[RPS, R]

Policy 5.1.2 – Recognise that the taking of water and the use of water are two distinct activities and where resource consent application is to be granted, separate water permits for each activity will be granted.

Most water taken from rivers or aquifers involves a subsequent consumptive use of that water, predominantly for irrigation of crops. Section 14 of the RMA treats the subsequent use of water as a distinct activity to the taking of the water in the first place. This is because the two activities have different potential adverse effects on the surrounding environment. The adverse effects of taking water tend to relate to the direct or indirect effects on the natural and human use values supported by the waterbody from which the water has been taken and on other people taking water from that resource. The efficiency of water use is a relevant consideration for the use of water, especially as the resource from which the water has been taken approaches full allocation. In these circumstances, inefficient water use could potentially deprive other users from accessing the water resource. This policy records that the Council will require applications for water permits to authorise the taking of water and the use of water separately. The distinct adverse effects of each of the activities will be managed through the separate applications.

Issue 5B – The taking, damming or diversion of water can compromise the life-supporting capacity of rivers, lakes, aquifers and wetlands.

Marlborough's freshwater bodies sustain a diverse range of natural and human use values. These values include the cultural and spiritual values of Marlborough's tangata whenua iwi; opportunities for passive and active recreation; the provision of habitat for indigenous flora and fauna, trout and salmon; a contribution to Marlborough's distinctive landscape and natural character; and the provision of a source of drinking water. In summary, the water that flows in rivers or that is contained in aquifers, lakes and wetlands sustains Marlborough's community and environment.

Marlborough's freshwater bodies are also utilised as an important source of water for a range of uses, including irrigation, industrial, commercial and frost fighting. This water use relies on the taking, damming and/or diversion of water. These activities all have the potential to change the characteristics of the flow or level of water in the waterbody. The taking of water removes water from the river, aquifer, lake or wetland, reducing flow or level. The diversion of water out of a river, and associated riverbed modifications, changes the natural flow pattern and can also reduce flow or level. The damming of water retains water behind the dam structure potentially changing the character of the waterbody upstream and downstream of the dam structure.

Although natural and human use values have some resilience to natural changes in water flow and/or level, the taking, damming and diversion of water have the potential to significantly change the flow or level characteristics of waterbodies. Such changes can adversely affect the natural and human use values that rely on the water in the waterbody. Those effects could be as a result of one person's activity or the cumulative effect of multiple water users. The effects could be

experienced in the short-term but also have the potential to become permanent, for example where there is a loss of habitat.

Any loss of natural and human use values, either short-term or long-term, will have an impact on the community and the intrinsic values of the environment.

[RPS, R]

Objective 5.2 – Safeguard the life-supporting capacity of freshwater resources by retaining sufficient flows and/or levels for the natural and human use values supported by waterbodies.

The natural and human use values supported by Marlborough's freshwater bodies are important to retain given their contribution to the social, economic and cultural wellbeing of the community. In addition, the values can also have significance as a matter of national importance under Section 6 of the RMA, which must be recognised and provided for. Objective B1 of the NPSFM also requires the life-supporting capacity, ecosystem processes and indigenous species to be safeguarded. Objective 5.2 reflects the need to safeguard the life-supporting capacity of Marlborough's freshwater bodies when managing the taking, damming or diversion of water.

Natural and human use values

[RPS, R]

Policy 5.2.1 – Maintain or enhance the natural and human use values supported by freshwater bodies.

The natural and human use values supported by freshwater bodies in Marlborough are varied, reflecting the diversity of water resources highlighted in Policy 5.1.1. The natural and human use values supported by different waterbodies are identified in Appendix 5. Given their intrinsic value and their significance to the community, the policy seeks to retain the natural and human use values.

The development of allocation frameworks contained in the provisions of this chapter has taken into account Objective 5.2 and this policy. The environmental limits established through subsequent policies are intended to retain sufficient flow and/or level to maintain or enhance the natural and human use values of specific freshwater bodies. Maintaining or enhancing natural and human use values were also a relevant consideration in determining the circumstances under which the taking of water could occur without resource consent.

Some proposals to take, dam or divert water can involve site specific adverse effects on natural and human use values. This policy allows those potential adverse effects to be considered in the determination any application for resource consent to take, dam or divert water.

[RPS, R]

Policy 5.2.2 – Give priority to protecting the mauri of freshwater and freshwater flows/levels.

Mauri is the term used by Marlborough's tangata whenua iwi to describe the cultural concept that all natural resources have a lifeforce. This lifeforce (wairua) is derived from the physical attributes of the resource as well as the spiritual association iwi have with natural resources. Water is considered to be particularly significant to iwi in this regard as it sustains all life. Papā-tū-ā-nuku (Mother Earth) supports all people, flora and fauna, and waterbodies represent the blood vessels that supply nourishment to her, and through her, to all living things.

Marlborough's tangata whenua iwi feel that there is a lack of understanding in the community and by decision makers that water has wairua. It is their view that land and water are therefore used and managed in ways that do not recognise the spiritual significance of the resource. As a result, the taking, damming or diversion of water can adversely affect the mauri of water. Of particular concern is the impact of reduced flow on the ability of each iwi to support traditional uses and values. Given the whakapapa link between Māori and water, the flows/levels in waterbodies are a

reflection of the health of the tangata whenua. Marlborough's tangata whenua iwi wish to avoid making any waterbody waimate (where water flow/level becomes so degraded that it loses its mauri).

Regard was had to protecting the mauri of freshwater and freshwater bodies when establishing the allocation frameworks and permitted activity rules contained in the provisions of this chapter.

[R]

Policy 5.2.3 – Protect the significant values of specifically identified freshwater bodies by classifying the taking, damming or diversion of water in these waterbodies as a prohibited activity.

There are freshwater bodies in Marlborough that are in an unmodified state or a state close to unmodified. These water bodies retain high or very high natural character. In these circumstances, it is considered appropriate to preserve the natural character by preventing the taking, damming or diversion of water. This is reflected in regional rules that prohibit specific activities in these waterbodies that have significant values.

Setting of environmental limits

[R]

Policy 5.2.4 – Set specific environmental flows and/or levels for Freshwater Management Units dominated by rivers, lakes and wetlands to:

- (a) protect the mauri of the waterbody;
- (b) protect instream habitat and ecology;
- (c) maintain fish passage and fish spawning grounds;
- (d) preserve the natural character of the river;
- (e) maintain water quality;
- (f) provide for adequate groundwater recharge where the river is physically connected to an aquifer or groundwater; and
- (g) maintain amenity values.

Policy B1 of the NPSFM requires the Council to set environmental flows and/or levels for all FMUs. An environmental flow or level includes an allocation limit and a minimum flow or level. This is a complex task given the diversity in the natural and human use values supported by rivers, lakes and wetlands and the variation in the flow/level required to maintain those values. This policy sets out the matters that have been considered in the process of setting the environmental flows/levels established in the MEP. The environmental flows/levels are intended to provide sufficient water to sustain the matters identified in (a) to (g).

[R]

Policy 5.2.5 – With the exception of water taken for domestic needs or animal drinking water, prevent the taking of water authorised by resource consent when flows and/or levels in a Freshwater Management Unit are at or below a management flow and/or level set as part of an environmental flow and/or level set in accordance with Policy 5.2.4.

Water users will not be able to continue taking water once in a Freshwater Management Unit flows and/or levels reach the management flows/levels established in the MEP. Any such abstraction would result in an adverse effect on the life-supporting capacity of the waterbody. The policy will be implemented by way of a condition(s) of resource consent.

Water taken for domestic needs or animal drinking water is exempt from the policy given the contribution they make to sustaining the community.

[R]

Policy 5.2.6 – For rivers, establish whether the flow has reached the management flows set in the Marlborough Environment Plan on the basis of 24 hour averages (midnight to midnight).

This policy establishes the basis on which management flows for rivers will be administered. A 24 hour average evens out short-term fluctuations in river flow and represents a pragmatic time period. Any shorter period is not administratively efficient as water users could be required to cease abstraction multiple times within a day while the flow fluctuates above and below the relevant management flow. Midnight to midnight reflects a working day and the timing allows water users to make decisions for managing their operations on the following day.

[R]

Policy 5.2.7 – Where there is insufficient environmental data to establish the flow requirements of natural and human use values, use a default minimum flow of 80% of the seven day mean annual low flow for rivers with a mean flow greater than 5m³/s and 90% of the seven day mean annual low flow for rivers with a mean flow less than 5m³/s.

Policy B1 NPSFM requires the Council to set environmental flows for all FMUs, which includes minimum flows. The Council monitors flow in rivers from which there is a demand for water, but does not necessarily monitor flow in rivers from which there is no or little demand. In some cases, this means that there is insufficient hydrological information and other relevant environmental data to establish a specific minimum flow for the river. In these circumstances, a default has been applied to meet the requirements of the NPSFM. The relevant minimum flow in these circumstances will be applied as the management flow in a condition of resource consent.

[R]

Policy 5.2.8 – Consider proposals to set a minimum flow for a river that varies from the default minimum flow established by Policy 5.2.7 on a case-by-case basis, including through the resource consent process. Policies 5.2.1 to 5.2.4 will be utilised to assist the determination of any such proposal.

The default minimum flow set for rivers in accordance with Policy 5.2.7 may not provide adequate protection to the natural and human use values supported by a river or may unnecessarily constrain the taking of water from the river. This policy provides an opportunity for any person to provide the Council with specific information that may justify a higher or lower minimum flow. In these circumstances it is appropriate that Policies 5.2.1 to 5.2.4 are utilised to make this judgement.

[R]

Policy 5.2.9 – Have regard to the adverse effects of the proposed instantaneous rate of take from any river, except an ephemerally flowing river, if that rate of take exceeds or is likely to exceed 5% of river flow at any time.

The minimum flows set for rivers manage the cumulative effects of taking water on natural and human use values. However, it remains possible for a take at a discrete location to have a significant adverse effect on flow immediately downstream of the point of abstraction. The risk is probably greatest in the upper part of a catchment due to lower flow that tends to occur in those reaches. This policy allows decision makers to have regard to the adverse effects of an individual take in certain circumstances irrespective of the minimum flows established in the MEP. The proposed rate of abstraction must be calculated to exceed 5% of the river flow at the point of abstraction. Flows in excess of this threshold are considered to have the potential to adversely affect natural and human use values. The policy only applies if the river is perennially or intermittently flowing.

[R]

Policy 5.2.10 – Have regard to the importance of flow connection to maintaining natural and human use values when considering resource consent applications to take water from intermittently flowing rivers, including:

- (a) the timing and duration of that flow connection;
- (b) the physical extent of any disconnection in flow; and
- (c) any adverse effects on connected aquifers.

Even though some rivers do not have surface flow at all times, there may still be circumstances where the flow connection is important in maintaining natural and human use values. For example, flow at a critical time of year may be important to facilitate the migration of indigenous fish, trout or salmon upstream or downstream. The policy allows the importance of flow connection to be considered when determining a resource consent application to take water from an intermittently flowing water body. The matters set out in (a) to (c) are those that are relevant to this consideration. Matters (a) and (b) relate to changes in the temporal and spatial extent of any disconnection, while matter (c) recognises that the intermittent flow may recharge connected aquifers. The changes created by the taking of water in this regard must be considered in light of any adverse effect on natural and human use values.

[R]

Policy 5.2.11 – Set specific minimum levels for Freshwater Management Units dominated by aquifers to:

- (a) prevent physical damage to the structure of the aquifer;
- (b) prevent headwater recession of spring flows;
- (c) prevent a landward shift in the seawater/freshwater interface and the potential for saltwater contamination of the aquifer;
- (d) maintain natural and human use values of rivers and wetlands where groundwater is physically connected and contributes significantly to flow in the surface waterbody;
- (e) maintain groundwater quality; and
- (f) prevent long-term decline in aquifer levels that compromises the matters set out in (a) to (e).

Policy B1 of the NPSFM requires the Council to set environmental levels for all FMUs, including minimum levels. This is a complex task for aquifers given the range of factors that influence rates of aquifer recharge and the difficulties determining the effect of abstraction on groundwater levels. This includes lags in response to either recharge and/or abstraction. This policy sets out the matters that have been considered in the process of setting the minimum levels in the MEP for FMUs dominated by aquifers. The minimum levels are intended to achieve the matters in (a) to (f) and therefore protect the sustainability of the FMUs in the long-term.

[R]

Policy 5.2.12 – Set conductivity limits for Freshwater Management Units dominated by aquifers adjoining the coast to manage the potential for saltwater contamination of the aquifer.

One of the potential effects of taking water from FMUs adjoining the coast is the potential within an aquifer to reduce water pressures at the interface between freshwater and salt water. Reduced pressures will result in a landward shift of the interface, creating the potential for salt water intrusion into the aquifer. Any salt water intrusion will adversely affect the ability to use the groundwater and is likely to result in long-term effects.

Conductivity is an indicative measure of the salt levels in groundwater. The setting of conductivity limits for FMUs adjoining the coast is intended to ensure the taking of water from aquifers does

not shift the interface. A warning system is also in place to detect signs of salt water intrusion. Limits will be imposed by way of conditions on resource consents, and due to the nature of the potential effects of abstraction in the coastal area, restrictions will be based on reducing actual water taken rather than that allocated through the resource consent.

Allocation of water

[R]

Policy 5.2.13 – Limit the total amount of water available to be taken from any freshwater management unit and avoid allocating water (through the resource consent process) beyond the limit set.

Policy B1 NPSFM requires the Council to set environmental flows and/or levels for all FMUs. These levels include an allocation limit, a limit on the total amount of water that can be allocated within any FMU. Policy 5.2.13 gives effect to Policy B1 of the NPSFM by establishing allocation limits for each FMU through regional rules. For those water resources that have multiple allocation classes, an allocation limit is set for each class.

Policy B5 of the NPSFM specifies that the Council must not make decisions that will likely result in future over-allocation. This means that the Council cannot continue to allocate water once the cumulative level of allocation from a FMU reaches the allocation limit set in rules. For this reason, any further allocation of water from the FMU should be avoided (unless explicitly provided for in another allocation class).

[R]

Policy 5.2.14 – Where there is insufficient environmental data to establish an allocation limit for a river, use a default allocation limit of 50% of the seven day mean annual low flow for rivers with a mean flow greater than 5m³/s and 30% of the seven day mean annual low flow for rivers with a mean flow less than 5m³/s.

Policy B1 NPSFM requires the Council to set environmental flows for all FMUs, which includes allocation limits. The Council monitors flow in rivers from which there is a demand for water, but does not necessarily monitor flow in rivers from which there is no or little demand. In some cases, this means that there is insufficient hydrological information and other relevant environmental data to establish a specific allocation limit for the river. In these circumstances, a default has been applied to meet the requirements of the NPSFM. The relevant allocation limit in these circumstances will be applied as a condition of resource consent.

[R]

Policy 5.2.15 – Protect flow variability of rivers by using, where identified as necessary, a system of flow sharing that splits allocation of available water between instream and out-of-stream uses.

The establishment of environmental flows for rivers affords protection to natural and human use values by establishing the minimum flow requirements for those uses and values. In some circumstances, flow variability above the minimum flow may also be important to sustain the natural and human use values supported by the river. Where this is the case, a system of flow sharing is used to proportionally allocate the water above the minimum flow to both abstractive users and natural and human use values. In other words, a proportion of the water available within the allocation class can be abstracted, while a proportion must be left in the river. The water left in the river will ensure that the taking of water does not reduce river flow to the minimum for an extended period of time. The detail of the flow sharing is river specific and is reflected in the allocation limits and thresholds for taking water in each of the allocation classes.

[R]

Policy 5.2.16 – For resource consent takes from the Waihopai River, Awatere River and other rivers that utilise an upstream flow monitoring site, allocations for the taking of water will be reduced proportionally as flows fall in order to avoid any breach of an environmental flow.

When monitoring of river flow occurs downstream of abstraction of water from the river, the effect of abstraction on river flow can be measured. In the Waihopai FMU and Awatere FMU, the monitoring of river flow occurs predominantly upstream of abstraction due to the absence of suitable flow monitoring sites further downstream. The management flow that applies in each FMU is the flow measured at the monitoring site, corresponding to an equivalent minimum flow that gives effect to Policy 5.2.4 downstream of abstraction. (Monitoring of flow in the Waihopai and Awatere Rivers over many years has allowed the establishment of a robust relationship between flows at the flow monitoring sites and gauged flows at other locations.)

Taking into account the allocation limits, abstraction downstream of the flow monitoring site can result in the non-attainment of the minimum flow that is sought to be achieved downstream. For this reason, the policy requires a proportional reduction in the allocations made by resource consent and consequent rationing of abstraction.

[R]

Policy 5.2.17 – Implement water restrictions for water users serviced by municipal water supplies when the management flows/levels for the resource from which the water is taken are reached.

At times of water restriction it is important that all of the community respond to the vulnerability of water resources. The potential impacts on the natural and human use values of waterbodies can be heightened at times of low flow and/or water levels. While restrictions are imposed through conditions of consents on non-urban water users, it is also appropriate that urban water users accessing municipal water supplies take measures to reduce water usage during times of low flows and/or levels. This policy will be implemented by the Council's Assets and Services Department as managers of the District's municipal water supplies.

Diversion of water

[R]

Policy 5.2.18 – Require resource consent for the diversion of water to enable the potential adverse effects of the diversion to be considered.

The diversion of water from its natural course has the potential to adversely affect the natural and human use values supported by the waterbody and existing water users downstream of the diversion. At its worst, there may not be sufficient water downstream to sustain the values and uses. The nature, severity and significance of the potential adverse effects will be circumstantial and will depend on the nature of the waterbody and the type of diversion, as well as the natural and human use values and other uses currently supported downstream of the proposed diversion. To ensure that the potential adverse effects can be accurately identified and assessed, diversions of water will generally require resource consent. The specific circumstances of the proposed diversion can then be considered in the determination of any application for water permit.

[R]

Policy 5.2.19 – Have regard to the following matters in determining any resource consent application to divert water:

- (a) the purpose of the diversion and any positive effects;
- (b) the volume or proportion of flow remaining in-channel and the duration of the diversion;
- (c) the effect of the diversion on environmental flows set for the waterbody;
- (d) the scale and method of diversion;

- (e) any adverse effects on natural and human use values identified in the Marlborough Environment Plan in the reach of the waterbody to be diverted;
- (f) any adverse effects on permitted or authorised uses of water; and
- (g) any adverse effects on the natural character of the waterbody, including but not restricted to flow patterns and channel shape, form and appearance.

The matters listed in (e) to (g) are the potential adverse effects created by the diversion of water. The nature, severity and significance of the potential adverse effects are influenced by the matters listed in (a) to (d). The consideration of the matters listed in the policy will allow a determination to be made as to whether the proposed diversion of water is sustainable.

Damming of water

[R]

Policy 5.2.20 – Where water is to be dammed to enable the storage of water, encourage the construction and use of “out-of-river” dams in preference to the construction and use of dams within the beds of perennially or intermittently flowing rivers.

The damming of water to store water is a key response to temporary and seasonal shortages of water for irrigation purposes. Stored water provides a reservoir that can be accessed when other supplies are constrained or restricted. The policies and methods under Objective 5.8 focus on the positive effects of storing water.

Storage can involve the interception of runoff by damming ephemeral water bodies, the damming of intermittently or permanently flowing water bodies or the placement of abstracted water in purpose-built reservoirs on land. Dams constructed on riverbeds create the potential for a range of adverse effects (see Policies 5.2.21 and 5.2.22 for more detail) that may not be created when water is placed in reservoirs on land. For this reason, the construction of reservoirs on land is preferred to dams within the bed of rivers. However, the policy does not prohibit the construction of dams within the bed of rivers: applications for resource consent can still be made and will be considered having regard to Policies 5.2.21 and 5.2.22. However, district rules will create an incentive to utilise “out-of-river” dams for any water storage proposal.

A decision maker may also utilise this policy to consider alternatives to the use of dams within the bed of rivers. The extent to which this consideration is necessary will also rely on the significance of the potential adverse effects of the damming of water as assessed under Policies 5.2.21 and 5.2.22.

[R]

Policy 5.2.21 – Ensure any new proposal to dam water within the bed of a river provides for:

- (a) effective passage of fish where the migration of indigenous fish species, trout and salmon already occurs past the proposed dam site;
- (b) sufficient flow and flow variability downstream of the dam structure to maintain:
 - (i) existing indigenous fish habitats and the habitats of trout and salmon; and
 - (ii) permitted or authorised uses of water; and
 - (iii) flushing flows below the dam;
- (c) the natural character of any waterbody downstream of the dam structure; and

have regard to the matters in (a) to (c) when considering any resource consent application to continue damming water.

Where a dam is proposed to be constructed in the bed of a river in spite of Policy 5.2.19, the policy identifies three matters to be provided for as part of the proposal. It recognises that a dam structure can act as a barrier to fish passage, modify the flow pattern downstream of the dam

structure and alter the natural character of the river (or other downstream waterbodies) as a result of flow modification. The nature and significance of the adverse effects created by the dam structure will vary depending on the proposed structure, and the nature of the river and the natural and human use values it supports. This policy allows these proposal and site specific factors to be taken into account.

This policy can also be applied to applications for resource consent to continue damming water (i.e. existing dams). Given the existing dam structure, there may be limits to the extent to which the matters in (a) to (c) can be provided for. For this reason, the policy direction is to have regard to the matters, rather than provide for them. However, opportunities to remedy or mitigate the existing adverse effects may exist and can be addressed via conditions imposed on the grant of the resource consent.

[R]

Policy 5.2.22 – In the determination of any resource consent application, have regard to the following effects of damming of water:

- (a) **the retention of sediment flows and any consequent adverse effect upstream or downstream of the dam structure;**
- (b) **changes in river bed levels and the effects of those changes;**
- (c) **any downstream effects of a breach in the dam wall;**
- (d) **interception of groundwater or groundwater recharge; and**
- (e) **interception of surface water runoff.**

In addition to the matters identified in Policy 5.2.21, there are a range of other potential adverse effects of damming water in the bed of a river or on land. These effects are identified in (a) to (e) of this policy. Regard will be had to these effects in determining a resource consent application to dam water.

Water shortage direction

[R]

Policy 5.2.23 – Where necessary, utilise water shortage directions to manage the adverse effects of serious temporary shortages of water on natural and human use values supported by the waterbody.

Section 329 of the RMA allows the Council to issue a notice to apportion, restrict or suspend the taking, use, damming or diversion of water to address a serious temporary shortage of water. The policy identifies that in addition to the management applied through other policies in this chapter, the Council will also consider the option of using a water shortage direction. The circumstances of the shortage will have to be sufficient to justify the additional apportionment, restriction or suspension over and above that already applied in the rules of the MEP.

Other

[R]

Policy 5.2.24 – Impose conditions on water permits to take water requiring users to reduce and cease the authorised take when specified flows and/or levels are reached.

Conditions will be imposed on the grant of new resource consents (whether to continue taking water or to take water for the first time) requiring abstraction to cease when limits set in the MEP are reached. The environmental flows and limits are established by rules in the MEP in accordance with Policies 5.2.4, 5.2.7 and 5.2.11.

[R]

Policy 5.2.25 – Where necessary, review the conditions of existing water permits authorising the taking of water within 24 months of the Marlborough Environment Plan (or

any subsequent plan changes) becoming operative to ensure that relevant environmental flows and levels are met.

For many water resources, environmental flows or levels will be established for the first time. In other cases, environmental flows or levels established in previous planning documents, or on an ad hoc basis through the resource consent process in the absence of such plan limits, have been modified upon review. Where the ongoing exercise of those water permits will result in the non-attainment of Objective 5.2 due to the absence of limits or due to adherence to previous limits, then it is appropriate to consider imposing the limits set by the MEP. This will be achieved by undertaking a review of resource consent conditions in accordance with Section 128(1)(b) of the RMA. Such reviews can only occur once the rules setting the environmental flows or levels become operative. The policy signals that the reviews will occur within a set time period after the operative date.

Plan changes subsequent to the MEP becoming operative may also introduce new limits or may modify existing limits. The policy can also apply in this situation once the plan change becomes operative.

Issue 5C – Marlborough’s social and economic wellbeing relies on an adequate supply of freshwater.

Water is considered Marlborough’s most important natural resource. Over time our communities have come to rely upon freshwater in the district’s rivers, lakes, wetlands and aquifers. This freshwater, particularly from aquifers, is the source of the drinking water that sustains many of Marlborough’s rural and urban communities and provides an essential contribution to health standards within those communities. Freshwater also critically supports primary production in Marlborough, particularly for irrigation of land and crops in our dry climate, and is heavily used for commercial and industrial purposes. The economic value of that water to Marlborough’s economy was estimated at \$1.1 billion in 2011, 77% of which was contributed through primary production. Reductions in the supply of water would therefore have significant implications for Marlborough’s social and economic wellbeing.

[R]

Objective 5.3 – Enable access to reliable supplies of freshwater

For the reasons identified in Issue 5C, enabling access to freshwater in Marlborough’s rivers, lakes, wetlands and aquifers is one of the Council’s most important functions. A reliable and suitable water supply maintains community health standards and can result in significant improvements in primary production, commercial and industrial outputs. This objective is considered necessary in order to ensure Marlborough’s social and economic vitality.

[R]

Policy 5.3.1 – To allocate water in the following order of priority:

- (a) natural and human use values; then**
- (b) aquifer recharge; then**
- (c) domestic and stock water supply; then**
- (d) municipal water supply; and then**
- (e) all other takes of water.**

This policy establishes a hierarchy of water uses. The hierarchy reflects the relative value or significance of the uses listed. The term “uses” is broad and extends beyond consumptive use to include intrinsic values, ecosystem services and hydrological functions. The relative priority between the different uses listed in (a) to (e) have been used as the basis for allocating Marlborough’s freshwater resources. This does not mean that consumptive use is not valuable or significant, but the application of the policy ensures that critical uses are provided for as a priority.

Once those uses are provided for, water can then be made available for the consumptive uses listed in (c) to (e). The application of the policy does influence the reliability of water abstraction for consumptive use. Limits to protect the matters in (a) and (b) will be applied to consumptive water uses. However, those restrictions will be applied progressively, reflecting the relative priority of domestic and stock water supply, municipal water supply and other consumptive takes of water.

[R]

Policy 5.3.2 – Provide information to water users about the amount of water available for abstraction and the circumstances under which it is available.

The use of water involves users making investment decisions relating to the establishment, redevelopment, upgrading and maintenance of infrastructure required to take and use that water. It is therefore important that water users are provided with adequate information regarding the volume of water that is expected to be available for out-of-stream use, as this will influence those investment decisions. Rules will identify the volume of water available for consumptive uses in each freshwater management unit.

Equally important are the circumstances under which the water is available for taking. The application of Policies 5.2.4 to 5.2.11 will influence the reliability of the water supply. The consequent rules establishing environmental flows for rivers and levels for aquifers will prevent water from being taken in particular circumstances. It is anticipated that water users will utilise this information to make informed decisions on the level of risk they are prepared to adopt when making their respective investments.

The information provided to water users will be based upon historical river flow or aquifer level data. However, it is future rainfall that will determine the status of the river flow and aquifer levels, and therefore the availability of water for abstraction. Historical records provide a representation of the reliability of the water allocation but should not be treated as an accurate prediction due to natural variation in rainfall between seasons and within a season.

[R]

Policy 5.3.3 – Confirm and, where they have not previously been set, establish allocation volumes that reflect the safe yield from any Freshwater Management Unit over and above the management flows/levels set through the implementation of Policies 5.2.4 and 5.2.10.

The NPSFM requires the Council to set limits on the allocation of water. Previous planning instruments had established allocation limits for particular rivers and aquifers to ensure the sustainability of the water resource, protect the natural and human use values that the water resource sustains and maintain the reliability of supply for existing water users. These limits have been reviewed and, where appropriate, reconfirmed. Other water resources have not previously had allocation limits and these have now been set. Rules prevent the allocation of water beyond these limits.

For some rivers, two allocation classes are provided for, referred to as Class A and Class B. In many cases, the two classes are carried over from previous planning instruments. Class A water permits have a greater inherent reliability, due to their lower restrictions, than Class B permits. In some cases, a Class B allocation has been provided for the first time in order to provide for growth in demand (within the constraints of the water resource). These allocation classes provide for run-of-the-river irrigation and other instantaneous uses. Allocation moves sequentially through the two allocation classes.

Note that Policy 5.8.2 also provides for a Class C allocation for some water resources, specifically for storage purposes. Class C water can be applied for at any stage.

[R]

Policy 5.3.4 – Establish allocation volumes for municipal water supplies and avoid applying management flows and levels to the taking of water for the purpose of municipal supply.

Municipal water supplies perform the important function of providing water to residential, commercial and industrial activities in Marlborough's urban environments. Without the supply of water, the urban environments would cease to function. It is therefore critical for our social and economic wellbeing that our towns and small settlements have a reliable supply of water. This policy achieves this aim by providing an allocation specifically for the water needs of Blenheim, Picton, Havelock, Renwick and Seddon (including the Awatere community). The allocation volume is set out in rules. This policy also assists to implement Policy 5.3.1 by making municipal water supplies exempt from restrictions that would apply to other consumptive users.

[R]

Policy 5.3.5 – Enable the take and use of water where it will have little or no adverse effect on water resources.

The policy records a principle that users should be entitled to access water with relative ease if the provisions of the MEP determine the abstraction from the water resource to be sustainable. This policy could be applied in two circumstances. The first is through the application of permitted activity rules for the taking of water. Under Section 14 of the RMA, water use can only occur if provided for in a rule or through a resource consent. One of the key functions of the Council is therefore to enable sustainable abstraction of water via the use of permitted activity rules.

Access to water allocated through the provisions of the MEP should also be relatively straight forward. However, one of the potential effects of the taking of water is to adversely affect the reliability of existing water takes accessing the same resource, so called "interference effects." There may also be site specific effects of the taking of water on natural and human use values. For this reason, the rules still require a water permit for takes beyond the low volume uses enabled by permitted activity rules. The resource consent process will enable the adverse effects of any proposed take on another user or on natural and human use values to be taken into account. However, the issue of sustainable levels of abstraction have been determined through the application of Policies 5.2.4 to 5.2.16.

There may be circumstances in which it is appropriate for the Council to consider reducing the amount of water able to be taken under the permitted activity rules to assist it to manage extreme shortages of water. This would be achieved by a Water Shortage Direction issued under Section 329 of the RMA. Any such direction would be issued to address the potential for abstraction authorised by permitted activity rule to adversely affect the resource, the natural and human use resources supported by the resource and/or the ability of people to continue taking essential water from the resource (albeit at a lower rate).

[R]

Policy 5.3.6 – Allocate water within any class on a first-in, first-served basis through the resource consent process until the allocation limit is reached for the first time.

This policy establishes the basis on which freshwater will be allocated within any class. This continues the approach utilised under water allocation and use regimes in previous planning documents. Once an allocation limit is reached, then no further water can be allocated within the class. However, water within the class can become available to allocate again. Other provisions in the MEP address that situation (see Issue 5I).

[R]

Policy 5.3.7 – Allocate water to irrigation users on the basis of a nine in ten year water demand for the crop/pasture.

The irrigation of crops and pasture is designed to offset shortages of soil-water experienced over the drier months of the year. The aim is to provide for the water demand of the plant by supplementing rainfall. Crop and pasture demand for water therefore varies season to season

and within each season, depending on the amount of rainfall. This policy establishes the basis for which irrigation water will be allocated. Allocating on a “nine years in ten” basis fully meets irrigation requirements on the property nine years out of ten and meets a large part of requirements in the very driest years. This standard recognises that it is difficult to provide for absolute reliability given the potential for extreme fluctuations in climate, but nonetheless seeks to provide a high degree of reliability. This reflects the value of the crop/pasture to the grower. It also reflects the fact that the higher the reliability standard is set, the smaller the total area of land that can be irrigated within the allocation limits set for the resource. The “nine in ten” reliability standard is a balance between the value of irrigation to individual growers and its value to Marlborough collectively.

[R]

Policy 5.3.8 – Approve water permit applications to continue taking and using surface water when:

- (a) a specific minimum flow and allocation limit for the source Freshwater Management Unit is established in the Marlborough Environment Plan;
- (a) the Freshwater Management Unit is not over-allocated in terms of the limits set in the Marlborough Environment Plan;
- (b) there is to be no change to the intended use of water, or if there is a change in use, this results in a decrease in the rate of take of water; and
- (c) the application is made at least three months prior to the expiry of the existing water permit.

The policy provides criteria for determining water permit applications to continue taking water from the same water resource. If the circumstances set out in (a) to (d) apply, then the existing take and use of water should be granted. Depending on how other policies in the MEP apply to the take, it may be granted with different conditions.

[R]

Policy 5.3.9 – Express any allocation of water for irrigation purposes on the following basis:

	Take of surface water	Take of groundwater	Use of water , except for the Brancott Freshwater Management Unit, Benmorven Freshwater Management Unit or Omaka Aquifer Freshwater Management Unit.	Use of water – Brancott Freshwater Management Unit, Benmorven Freshwater Management Unit or Omaka Aquifer Freshwater Management Unit
Quantity	m ³	m ³	m ³	m ³
Period	24 hours	Annual	Monthly; and Annual	Annual
Method of determination	The maximum daily rate of take shall not exceed the daily volume that fully meets irrigation demand on 90% of	The maximum rate of take (m ³ /year) in a July-June year shall not exceed the volume that	The maximum volume of irrigation water use in a calendar month shall be the monthly volume that fully meets irrigation demand in	The maximum volume of irrigation water use in a July-June year shall be the volume that fully meets

	Take of surface water	Take of groundwater	Use of water , except for the Brancott Freshwater Management Unit, Benmorven Freshwater Management Unit or Omaka Aquifer Freshwater Management Unit.	Use of water – Brancott Freshwater Management Unit, Benmorven Freshwater Management Unit or Omaka Aquifer Freshwater Management Unit
	the days in the irrigation season, as calculated by using IrriCalc with climate data for the period 1 July 1972 to 30 June 2014.	fully meets irrigation demand in 90% of July-June years in the period 1 July 1972 to 30 June 2014, as calculated by using IrriCalc.	90% of those months in the period 1 July 1972 to 30 June 2014, as calculated by using IrriCalc; and The maximum volume of irrigation water use in a July-June year shall be the volume that fully meets irrigation demand in 90% of July-June years in the period 1 July 1972 to 30 June 2014, as calculated by using IrriCalc.	irrigation demand in 90% of July-June years in the period 1 July 1972 to 30 June 2014, as calculated by using IrriCalc.

This policy sets out how allocations will be expressed on water permits authorising the taking and use of water. A condition will be applied to water permits authorising the taking of surface water, the taking of groundwater and the use of water, setting out the specific allocation for each activity. The application of the policy will ensure consistency in the expression of conditions. Such consistency will assist to reduce the potential for conflict between water users.

[R]

Policy 5.3.10 – The instantaneous rate of take from a surface waterbody may exceed the instantaneous equivalent of the maximum daily allocation:

- (a) by 20% at any point in time; or
- (b) for 20% of the time;

but in both cases the cumulative take over 24 hours (midnight to midnight) must not exceed the daily maximum.

The infrastructure installed for irrigation from surface water resources is not necessarily set up to operate on a 24 hour basis. In some cases, the authorised allocation is applied over a shorter period (i.e. at an instantaneous rate in litres per second that exceeds the instantaneous equivalent of the maximum daily allocation). This policy provides consent holders with the flexibility to apply the allocated water effectively at this higher rate, provided that the volume of water used over the day does not exceed the daily maximum established through Policy 5.3.9. The higher instantaneous rate of take may occur either at any point over the day or for a proportion of the day. In either case, an exceedance of 20% is considered fair and reasonable in this regard. The limit of 20% also assists to manage interference effects between users and adverse effects on the natural and human use values supported by the river. The irrigation day is set from midnight to midnight.

[R]

Policy 5.3.11 – Have regard to the potential for any take of water to adversely affect the ability of an existing water user to continue taking water and mitigate any adverse effects by limiting, where necessary, the instantaneous rate of take.

A site specific adverse effect of taking water is the potential to influence the efficiency of other water takes from the same resource. The rate of abstraction of water from a river or the method of abstraction may reduce the flow of water past an existing intake or divert water from the intake. Similarly, pumping groundwater from an aquifer draws down aquifer levels in proximity to the bore. Takes located in close proximity to the proposed intake/bore are at greatest risk in this respect. The potential for such “interference effects” exists in spite of the limits set in the MEP.

This policy signals that such adverse effects can be managed by limiting the instantaneous rate of take. Any such limit would be imposed, where necessary, as a condition of the water permit. The potential for any interference effects and the scale of those effects will have to be assessed for any water permit application.

Policy 5.3.12 provides for the construction of bores as a permitted activity. Conditions are set in the relevant rule requiring separation distances between bores in order to further reduce the potential for “interference effects.” The separation distance makes it less likely that the drawdown in aquifer level caused by pumping will affect the water level in another bore in the vicinity.

[R]

Policy 5.3.12 – Enable the construction of bores while recognising that this policy does not authorise the taking of water for any purpose other than bore testing.

Bores are used as the means to access water from Marlborough’s aquifers. Rules identify that bore construction will be a permitted activity. The construction of a bore has limited potential to cause adverse effects, while still enabling groundwater to be accessed. Although the construction of a bore may be a permitted activity, the abstraction of groundwater for subsequent use may require a water permit (depending on the status of taking water under the rules).

[R]

Policy 5.3.13 – While seeking to manage interference effects between groundwater users, recognise that it is unreasonable to protect an existing take of groundwater when the bore does not fully penetrate the aquifer.

It is not equitable to utilise Policy 5.3.11 to protect the water supply from bores that do not fully penetrate the aquifer. Any such limit would penalise the resource consent applicant for bores that are effectively too shallow. The effect of the policy is that the owner of a shallow well will have to deepen the well or construct a new well in order to protect the reliability of their own water supply.

[R]

Policy 5.3.14 – The duration of water permits to take water will reflect the circumstances of the take and the actual and potential adverse effects, but should generally:

- (a) not be less than 30 years when the take is from a water resource:
 - (i) that has a water allocation limit specified in Schedule 1 of Appendix 6; and
 - (ii) that has a minimum flow or level specified in Schedule 3 of Appendix 6; and
 - (iii) that is not over-allocated; or
- (b) not be more than ten years when the take is from an over-allocated water resource as specified in Policy 5.5.1; or
- (c) not be more than ten years when the take is from a water resource that has a default environmental flow established in accordance with Policies 5.2.7 and 5.2.14.

This policy assists decision makers to determine the appropriate duration of water permits. The circumstance in (a) reflects a desire by water users for longer water permit terms in order to provide the certainty required to make long-term investment decisions. It also recognises that there is certainty regarding the sustainability of water abstraction from a FMU when limits are set by rules in the MEP. In this circumstance, durations of 30 years are generally considered appropriate.

The circumstances in (b) and (c) reflect situations where there is uncertainty regarding the sustainability of abstraction, either because the resource is over-allocated or because there is a lack of knowledge to set specific environmental flows/levels. A shorter term is an effective means of managing this uncertainty as it allows the sustainability of the existing abstraction to be reassessed against the provisions of a reviewed MEP after its current ten year life.

The policy also recognises that there may be other factors involved with a specific proposal that influence the determination of appropriate duration.

[R]

Policy 5.3.15 – Require land use consent for the planting of new commercial forestry in flow sensitive areas.

Afforestation of land currently in pasture has the potential to reduce water yield in the relevant catchment with consequential effects on the surface water hydrology. Water permits have been granted through the provisions of the MEP and through previous planning documents, with reliabilities based on historical surface water hydrology. If water yield is reduced by afforestation in the long-term, it creates the potential to reduce the flow reliability that water users have come to depend upon. This could mean that water users become subject to restrictions more frequently than they have been to date.

The water resources most at risk are south of the Wairau River and specific Afforestation Flow Sensitive Sites are identified. The identified land receives low rainfall (in comparison to north of the Wairau River) and contributes runoff to smaller catchments. These factors make the water resource supplied by runoff from the land more vulnerable to changes in water yield.

The policy does not apply to existing commercial forestry or the replanting of that forest following harvest, as the effects of this forestry on water yield are part of the existing environment.

[R]

Policy 5.3.16 – When considering any application for land use consent required as a result of Policy 5.3.15, have regard to the effect of the proposed forestry on river flow (including combined effects with other commercial forestry and carbon sequestration forestry (non-permanent) established after 9 June 2016) and seek to avoid any cumulative reduction in the seven day mean annual low flow of more than 5%.

The policy provides guidance to determine land use consent applications required as a result of Policy 5.3.15. The threshold protects the reliability of supply for existing water permit holders by limiting the extent of flow modification. The effects of reductions in water yield on reliability are greatest at times of low flow and for this reason the seven day mean annual low flow is used in the policy. It is also important that any assessment of environmental effects considers the cumulative effects of afforestation within a catchment and any opportunities for adverse effects on water yield to be remedied or mitigated.

The establishment of commercial forestry prior to the notification of the MEP was permitted in most situations under the provisions of the previous Wairau/Awatere Resource Management Plan. Any reduction in flow shall be measured against the seven day mean annual low flow at 9 June 2016, being the date of notification of the MEP, and any assessment of cumulative effects should only consider commercial forestry established after 9 June 2016.

Issue 5D – Many water resources are fully allocated or are approaching full allocation, inhibiting the opportunity to provide for further demand for water resources.

Amounts of water available for abstraction (sometimes called a class) were established between 1995 and 1997 for specific rivers and aquifers. Allocation has progressed relatively smoothly and people have been able to access water reasonably easily through the water permit process. For the Awatere, Wairau and Waihopai Rivers this has involved allocation moving sequentially through a tiered system of allocation classes.

Allocations are approaching or have reached allocation limits for a number of rivers. The NPSFM requires the Council to avoid any future over-allocation; i.e. the Council cannot continue to allocate beyond the limits established by the MEP. Without further intervention, reaching a state of full allocation will seriously affect opportunities for future economic growth. Marlborough's primary and secondary industries rely on freshwater and any constraint on future supply will curtail economic growth in these industries.

[R]

Objective 5.4 – Improve the utilisation of scarce water resources.

In a state of full allocation of water resources, and given the implications of full allocation for potential users under the NPSFM, it is essential that an alternative method to gain access to water is found to meet future demand.

[R]

Policy 5.4.1 – The lapse period for water permits to take water shall be no more than two years.

The statutory lapse period to commence the exercise of a resource consent is five years. This is a considerable period of time to have water allocated but potentially not used. With increasing scarcity of freshwater resources, it is appropriate to have a shorter lapse period. This policy records that the appropriate lapse period is two years, as this period represents a reasonable balance between providing sufficient time for a water permit holder to arrange necessary infrastructure and avoiding a situation of other potential users being denied access to reliable water supplies through the consent holder's inaction. The allocation status of the water resource will be taken into account in terms of considering any applications to extend a lapse period under Section 125(1A) of the RMA.

[R]

Policy 5.4.2 – Giving effect to water permits to take and use water will be determined on the basis of the water being taken (and/or stored) for the authorised use and that the take is recorded in accordance with Policy 5.7.4.

Section 125(1A)(a) specifies that a resource consent does not lapse if the consent is "given effect to." There was uncertainty during the administration of the previous resource management plans as to what this term meant in the context of a water permit. To avoid confusion in the future, this policy clearly describes that a water permit is given effect to when, in conjunction with Policy 7.4, water is taken from the freshwater resource, the take is measured via an appropriate meter and the water is used for the purpose in which it was granted.

[R]

Policy 5.4.3 – The lapse period for water permits to use water shall be at least ten years.

A user must, as a minimum, hold a water permit to use water (a water permit to take water may not be necessary depending on the method of water distribution). Opportunities to utilise enhanced transfer of water permits may be limited in time. It would therefore be inappropriate to lapse the water permit to use water on the basis that no such opportunity arose in the lapse period. For this reason, a long lapse period of ten years is signalled for water permits to use

water by this policy. This will ensure that a system of enhanced transfer has the greatest opportunity to function effectively over time.

[R]

Policy 5.4.4 – Enable access to water that has been allocated but is not currently being utilised by individual water permit holders through the transfer of water permits.

This policy seeks to enable the movement of water between users within a freshwater management unit so that more efficient utilisation of the available water can occur. Through the monitoring of water use authorised by resource consent, it is evident that the actual demand for water is usually less (sometimes considerably so) than the volume of water allocated via the water permit. This is water that could be utilised by other existing users or by potential users that are unable to access water due to a state of full allocation.

[R]

Policy 5.4.5 – When an enhanced transfer system is included in the Marlborough Environment Plan to enable the full or partial transfer of individual water allocations between the holders of water permits to take and use water, this will be provided for as a permitted activity where:

- (a) the respective takes are from the same Freshwater Management Unit;
- (b) the Freshwater Management Unit has a water allocation limit specified in Schedule 1 of Appendix 6;
- (c) the take is not from the Brancott Freshwater Management Unit, Benmorven Freshwater Management Unit or the Riverlands Freshwater Management Unit;
- (d) metered take and use data is transferred to the Council by both the transferor and the transferee in real time using telemetry;
- (e) the allocation is authorised via a water permit(s) applied for and granted after 9 June 2016;
- (f) the transferee holds a water permit to take water if their abstraction point differs from the that of the transferor; and
- (g) the transferee holds a water permit to use water.

The duration of the transfer is at the discretion of the transferor and transferee and can be on a temporary basis or for the remaining duration of the water permit.

An enhanced transfer system was not included in the MEP when it was publically notified on 9 June 2016. However, the Council intends to introduce such a system to the MEP through the plan change provisions under First Schedule of the RMA at a later date. Under a system of enhanced transfer of water permits, water users would have the flexibility to develop their own transfer arrangements. In these circumstances, there is a need for appropriate protections to be put in place to make a system of enhanced transfer work efficiently and effectively for water users, as well as to protect the reliability of the water resource for existing users. The matters (a) to (f) effectively establish ground rules under which enhanced transfer can occur. In doing so, this policy gives effect to Policy B3 of the NPSFM. The matters listed above will form the basis of permitted activity standards for the transfer of water permits.

[R]

Policy 5.4.6 – Provide water users and the community with daily water use information for fully allocated water resources.

This policy commits the Council to providing daily water use information for uses authorised by way of resource consent occurring in fully allocated water resources. The provision of such information will be particularly important when the enhanced transfer system identified in Policy 5.4.5 is introduced to the MEP as this will enable opportunities for the transfer of water between users to be identified by those users.

Issue 5E – The over-allocation of water resources creates a risk that the cumulative abstraction of water from the resource will exceed the safe yield, creating significant adverse effects on natural and human use values and threatening the reliability of existing water uses.

The NPSFM defines over-allocation of water resources as where a water resource has been allocated beyond a limit or is being used to a point where a freshwater objective is no longer being met. Allocation limits are established for water resources through the provisions of the MEP. Where the cumulative abstraction of water by all water users exceeds the allocation limits, the abstraction creates the potential for significant adverse effects. This is because the limits represent the extent of safe yield from the river or aquifer. Water abstracted in excess of the safe yield is likely to not only adversely affect flows in rivers and levels in aquifers, but also the various uses and values that depend upon those river flows and aquifer levels, including abstractive uses. In summary, such abstraction is unsustainable as it threatens the life-supporting capacity of the water resource and, where the adverse effect is long-term, the ability of the water resource to sustain future generations.

Other provisions of the MEP seek to ensure that allocation limits are not exceeded in the future. However, in five aquifers the allocation of water to users through water permit allocations has already exceeded safe yield. These aquifers are identified in Policy 5.5.1. In the Southern Valleys, actual use under those paper allocations has also exceeded safe yield, resulting in significant drawdown of aquifer levels and adverse effects on water users.

[R]

Objective 5.5 – Phase out any over-allocation of water resources.

Objective B2 and Policy B6 of the NPSFM require the Council to phase out over-allocation of water resources. Objective 5.5 of the MEP is designed to give effect to this requirement.

[R]

Policy 5.5.1 – Recognise that the following Freshwater Management Units are over-allocated with respect to limits established in the Marlborough Environment Plan:

- (a) **Wairau Aquifer;**
- (b) **Benmorven, Brancott and Omaka Aquifer; and**
- (c) **Riverlands.**

The water resources set out in the policy have been over-allocated with respect to limits set out in the MEP. The policy provides certainty with respect to the scope of the application of subsequent policies to address over-allocation.

[R]

Policy 5.5.2 – No new water permit will be granted authorising additional abstraction from the water resources identified in Policy 5.5.1 after 9 June 2016.

Water resources identified as over-allocated should not be placed under further stress by additional demand. Any additional demand will not only make existing or potential adverse effects of over-allocation worse, it will make the community's objective of addressing over-allocation more challenging. For this reason, this policy directs that no further water permits to take water from the water resources identified in Policy 5.5.1 should be granted after 9 June 2016 (the date of notification of the MEP). This policy will be implemented by a prohibited activity rule. For the avoidance of doubt, the policy does not apply to any application to continue taking water from the water resource in the same circumstances as previously authorised.

[R]

Policy 5.5.3 – Avoid any additional diversion of water from over-allocated water resources for use on land in other freshwater management units.

Over time, many water users have been innovative in addressing the shortage of water in an area by diverting available water from other water resources. However, diverting water from an over-allocated water resource to another freshwater management unit will not result in sustainable outcomes and is to be avoided.

[R]

Policy 5.5.4 – Progressively resolve over-allocation of the Wairau Aquifer Freshwater Management Unit and Riverlands Freshwater Management Unit by ensuring water permits granted after 9 June 2016 to continue taking water from the Freshwater Management Units reflect the reasonable demand given the intended use.

This policy sets out the means by which the over-allocation of groundwater from the Wairau Aquifer and Riverlands Aquifer will be resolved. The application of the policies to achieve efficient water use (see Policies 5.7.1 to 5.7.6) will reduce the cumulative allocation of water from the Wairau Aquifer over time. By 2025 it is expected that the total allocation authorised by resource consent will reflect the allocation limit. This policy will assist to give effect to Policy B6 of the NPSFM.

[R]

Policy 5.5.5 – Resolve over-allocation of the Benmorven, Brancott and Omaka Aquifer Freshwater Management Units by reducing individual resource consent allocations on a proportional basis, based on the total allocation available relative to each individual's irrigated land area, or equivalent for non-irrigation water uses (excluding domestic and stock water). The reductions will be achieved by reviewing the conditions of the relevant water permits to reallocate the available allocation fairly across all relevant users.

This policy sets out the means by which the over-allocation of groundwater from the Benmorven, Brancott and Omaka Aquifer FMUs will be resolved. A reduction in the allocation that has been granted resource consent, based on reallocating the total allocation available relative to each individual's irrigated land area, is considered to be the most equitable means of reducing total allocation of water from these FMUs. Where water use is for non-irrigation purposes, such as winery or commercial use, the proportion of the reallocation will be calculated to be relative to irrigation water permit holders.

A degree of reduction of allocation has already occurred prior to the notification of the MEP through the processing of some water permits to continue taking water from these resources. Some resource consent applicants have also applied to take less water than the guideline rate under the provisions of the WARMP/MSRMP. These actions will be taken into account in terms of the application of the policy to these specific water permits.

The reductions will be calculated and applied by reviewing the conditions of water permits in accordance with Section 128(1)(b) of the RMA.

Reflecting Policy 5.3.1, no proportional reduction of allocation has been applied to takes used to supply stock or domestic water.

This policy will assist to give effect to Policy B6 of the NPSFM.

Issue 5F – The taking of groundwater in proximity to rivers can individually or collectively reduce flows in the rivers.

For most of Marlborough's water resources, there is exchange of water between rivers and underlying groundwater. Because of this interaction, the taking of groundwater can reduce the flow in the river, termed a "stream depletion" effect. The degree of stream depletion will vary

depending on the rate of groundwater pumping, the distance between the point of abstraction and the river and the ability of water to move through the sediments on the river bed and through the adjoining soils. Where groundwater abstraction causes stream depletion effects, there is the ability for the same effects identified in Issue 5B to be created, either in isolation or in combination with other groundwater and/or surface water takes.

[R]

Objective 5.6 – Ensure that the taking of groundwater does not cause significant adverse effects on river flow.

Natural and human use values supported by rivers are flow dependent. Any reductions in river flow caused by groundwater abstraction at times of low flow have the ability to adversely affect the natural and human use values supported by the river. As for direct takes of surface water, the objective with respect to groundwater takes that have stream depletion effects is to maintain the natural and human use values supported by flow in the river.

[R]

Policy 5.6.1 – Unless there is an identified aquifer dominant Freshwater Management Unit, all water within a catchment will be managed as a surface water resource. This means that the minimum flow, management flow and allocation limit established for the river dominant Freshwater Management Unit will also apply to groundwater takes.

In a Marlborough context, an aquifer is a significant body of water stored in the unconsolidated materials below the ground surface. The groundwater occupies the pore space between sand, silt or gravel particles. In many cases, the groundwater associated with rivers does not involve the storage of a significant volume of water and the groundwater is therefore not recognised as an aquifer. In these circumstances, the taking of groundwater has greater potential for stream depletion effects.

This policy directs that the potential adverse effects of groundwater takes will be managed in the same manner as surface water takes. The effect of the policy is two-fold:

- any take of groundwater will be included within the allocation provided from the river; and
- the environmental flow set for the river will apply to any groundwater take.

Aquifers are excluded from the policy as either the volume of stored groundwater has the potential to buffer the effects of groundwater abstraction on flows in rivers or there is sufficient physical separation between a river and underlying aquifer so that no stream depletion effect is caused.

[R]

Policy 5.6.2 – Manage the potential for groundwater takes in proximity to spring-fed streams on the Wairau Plain to cause a recession of the position of headwaters of the streams by establishing aquifer minimums below which the taking of groundwater must cease.

As the slope of the Wairau Plain flattens, groundwater returns to the surface in the form of springs. The largest of these spring systems are Spring Creek, Fultons Creek and Murphys Creek. Although not retaining outstanding natural character, these rivers are still highly valued by the community for the clear water that flows in them and in the case of Fultons Creek and Murphys Creek, the provision of a baseflow of water to sustain the Taylor River during the summer months.

The taking of groundwater in close proximity to spring-fed streams has the potential to cause stream depletion effects. The greatest risk is that abstraction could cause a downstream shift in the position of the headwaters. In order to preserve the remaining natural character of these spring-fed streams and to maintain the amenity values that they support, this policy identifies that groundwater takes close to spring-fed streams will be subject to specific management.

A network of bores has been established across the spring belt of the Wairau Plains to monitor aquifer levels. There is a very good relationship between aquifer level and the position of headwaters of the spring-fed streams and the subsequent flows in the streams. Aquifer environmental levels have been established by regional rule at each of the monitoring bores. The taking of groundwater in the relevant FMU must cease when the level of water in the Wairau Aquifer falls to the specified level.

Issue 5G – Allocating more water than is actually required for any use creates the potential for inefficient use of water. This can compromise the sustainability of the resource and prevent other users accessing water.

Inefficient allocation and use of water is potentially a significant issue in Marlborough, given that many water resources are at or are approaching full allocation. As described in Issue 5D, once allocation limits have been reached, the Council is unable to continue allocating water to other users. Allocating and/or using more water than is required for a particular use represents a lost opportunity for other potential users to gain access to water in a limit based management system. This can occur when water is allocated to a user but is not utilised or is lost through wasteful distribution/application methods. There will be cumulative social, cultural and economic effects from inefficient allocation and use of water once limits have been reached. In particular, as Marlborough relies on water for primary production and the processing of crops, inefficient allocation and/or use of water limits the opportunities for economic growth and employment.

[R]

Objective 5.7 – The allocation and use of water do not exceed the rate or volume required for any given water use.

Water is one of Marlborough’s most significant natural resources. There is a collective community responsibility to ensure that the greatest social, cultural and economic benefit can be derived from the water available for consumptive use. Efficient allocation and use of water has an important role to play in this respect, as it ensures that water is put to productive use.

[R]

Policy 5.7.1 – When resource consent is to be granted to use water, every proposed use will be authorised by a separate water permit. Categories include municipal, irrigation, industrial, residential, commercial and frost fighting.

This policy identifies that the use of water is a separate activity to the taking of water from a water resource, with the potential for distinct positive and adverse effects. By requiring a separate water permit to authorise the use of water, those effects can be recognised and, where necessary, appropriately managed through the processing of the application in accordance with the provisions of the MEP.

The policy also establishes separate classes of use. This distinction between different uses allows other policies of the MEP to be applied to those uses, including Policy 5.7.5.

[R]

Policy 5.7.2 – To allocate water on the basis of reasonable demand given the intended use.

One of the ways in which efficient use of water can be achieved is by ensuring that the allocation to the user does not exceed that which is reasonably required for the use. In the case of irrigation, the Council will provide users with a tool, “IrriCalc,” to estimate water demand for the crop, based on the soil type(s) and climate that exist at the property.

This policy assists to give effect to Policy B4 of the NPSFM.

[R]

Policy 5.7.3 – Water permit applications to use water for irrigation will not be approved when the rate of use exceeds the reasonable use calculation, except where the applicant can demonstrate that they require more water based on property specific information.

Irrigation is used to replace any deficit in soil moisture in order to maintain crop health and growth. Climate and the properties of the soil in which the crop is growing are the main determinants of water availability and therefore irrigation demand. In terms of soils, Plant Available Water (the measure of the difference between field capacity and plant wilting point) is a key influence on crop water demand. The Plant Available Water varies according to soil type.

“IrriCalc” uses existing soils information and modelled climate data to provide estimates of water use for all crop types. To ensure efficient use of water for irrigation, the Council will generally not grant water permits to use water for irrigation purposes at a rate that exceeds the reasonable use calculation provided by “IrriCalc.”

Past methods of determining water use allocations have not accounted for the variation in water demand when growing the same crop in different locations and conditions. The use of “IrriCalc” in the manner described above will therefore result in improvements in the efficient allocation and use of water and assist to give effect to Policy B4 of the NPSFM.

The policy recognises that the calculation is a modelled calculation and may not accurately estimate reasonable use in all circumstances. For this reason, the policy provides resource consent applicants the opportunity to provide property specific information on the factors that influence crop demand that may demonstrate a higher rate of water use than IrriCalc would otherwise indicate. Examples could include historical measurement of rainfall or the investigation of soil type and plant available water on the property. Regard can be had to such information in determining an appropriate allocation on water permits to use water.

[R]

Policy 5.7.4 – Require water permit holders to measure their water take with a pulse emitting meter, to record water take and use with a data logger, and to transfer the recorded water take and use information by the use of telemetry. Alternative methods of measurement, recording or transfer that provide the Marlborough District Council with accurate water take and use data may be considered.

All water takes authorised by way of resource consent are required to be accurately metered. The water use information gained through the measurement of water take and use is important for:

- establishing compliance with the water allocations provided by water permits and the conditions imposed on water take and use (e.g. compliance with water restrictions);
- enabling cumulative rates of take within a freshwater management unit to be accounted for (and reported) as required by Policy CC1 of the NPSFM;
- indicating the extent of water availability at any point in time; and
- establishing or refining a relationship between cumulative rates of water use and the water resource response. In this way, water use information collected through accurate metering assists the Council to review limits set in accordance with provisions of the MEP and refine those limits where necessary.

The policy establishes the requirements with respect to measurement of water takes in Marlborough. Data loggers provide accurate water take records and their use avoids the need for manual readings. The use of telemetry ensures the transfer of recorded data to the Council in a timely fashion. These efficient means of recording and transferring water take information will also assist to enable the transfer of water permits between users, as provided for under Policy 5.4.4. By providing users with real time information on water user relative to limits, metering establishes the extent of water availability at any point in time.

[R]

Policy 5.7.5 – Separate measurement will be required to record different categories of water use, but not for different uses within each category. Categories include municipal, irrigation, industrial, residential, commercial and frost fighting.

Reflecting Policy 5.7.1, each different category of water use authorised by water permit must be measured. This policy helps to give effect to Policy CC1 of the NPSFM, which requires the Council to account for the proportion of water taken for each major category of use. Water use information is requested by Central Government on an annual basis for the purposes of national reporting. The categories in the policy reflect the nature of those requests.

[R]

Policy 5.7.6 – Have regard to the efficiency of the proposed method of distribution and/or irrigation in determining resource consent applications to use water for irrigation purposes.

The way in which water is distributed and/or applied to the crop can influence the technical efficiency of water use. Methods or practices of distribution and/or application that are wasteful (relative to crop demand) are inappropriate within a limit-based water management system. When considering a water permit application to use water, it is appropriate that the Council has regard to the nature of the irrigation system to ensure that wasteful water use is avoided. The use of technology and best irrigation practice will be important factors for resource consent applicants to address in their applications. Industry groups may produce guidance material that assists with this task.

[R]

Policy 5.7.7 – Allocate water for domestic needs on the basis of five cubic metres per household per day.

Rules specify that a reasonable abstraction for an individual's domestic needs is five cubic metres per household per day. However, there are water permits authorising the supply to more than one household that enable the taking of water at higher rates. The exercise of these water permits effectively represents an inefficient use of water. When applications to continue taking domestic water are processed in these circumstances, the allocation provided will be reduced from the previously authorised level to the equivalent of five cubic metres per household per day.

This reduction in allocation will help the Council to address over-allocation in accordance with Policy B6 of the NPSFM while still providing sufficient water to the consent holder for domestic needs. This outcome will ensure that the over-allocation of the water resource is addressed equitably across all water users.

This policy assists to give effect to Policy B4 of the NPSFM.

Frost fighting

[R]

Policy 5.7.8 – Approve applications to take and use water for frost fighting purposes only where there are no effective alternative methods for frost control on the property.

Although the use of water for frost fighting may be efficient for protecting crops, it involves significant volumes of water at very high rates of use (compared to irrigation). For this reason, the use of water for frost fighting is not considered efficient, especially in circumstances where water resources are fully allocated or are approaching full allocation. There are alternative methods of frost fighting that do not involve the use of water (e.g. wind machines) and the policy identifies that these methods should generally be used in preference. However, the policy also recognises that there are circumstances where alternative methods of frost protection are not effective and in these cases the use of water can be considered.

This policy assists to give effect to Policy B4 of the NPSFM.

[R]

Policy 5.7.9 – A limitation will be imposed on the maximum rate of use of water for frost fighting purposes of 44 cubic metres per hour per hectare.

This policy assists to give effect to Policy B4 of the NPSFM and sets a maximum rate of water use for frost protection in order to avoid excessive use of water.

[R]

Policy 5.7.10 – Avoid taking water for frost fighting purposes during periods of peak irrigation demand (1 January to 30 April in any calendar year).

Given the significant volume of water involved in frost fighting, it is inappropriate for this water to be taken during the period of peak water demand (January to April). Abstraction of frost fighting water during this period has the potential to adversely affect other users of water. It is also unlikely that frost conditions will exist for most of the time period stated in the policy.

[R]

Policy 5.7.11 – Where water is to be stored for the purpose of frost fighting, require a minimum storage volume equivalent to three days of frost fighting demand. In addition, where water is proposed to be taken to replenish stored water used during a frost event, have regard to effect of the rate of refill on other water permit holders and the natural and human use values supported by the source waterbody.

Stored water is often used to supply water for frost protection given the high water demand. It is reasonable for people to replace the water utilised from the reservoir/dam for frost protection, particularly if subsequent frosts are predicted. The rate of abstraction of water to refill the reservoir/dam can be high and may lead to adverse effects on the natural and human use values supported by the waterbody and on other users of water. For this reason, there should be sufficient water stored to protect against three consecutive days of frost. This will minimise the need to take water at a significant rate to refill the reservoir for frost fighting on the subsequent day. If a person undertaking frost fighting proposes to refill the reservoir within the three days, then it is appropriate to also consider the effects of the rate of refill.

Issue 5H – Demand for water typically peaks when river flows and aquifer levels are at their lowest, which can cause short-term water availability issues.

Marlborough typically experiences a dry climate with the potential for significant seasonal variation in rainfall. Rainfall over summer months, even in average years, is insufficient to meet the demand of most crops, resulting in a significant increase in the demand for water for irrigation purposes. For the same reasons (low rainfall and high evapo-transpiration), the flow of water in rivers and the levels of aquifers are typically at their lowest over this same period. The imposition of environmental flows/levels to protect the life-supporting capacity of the water resource can result in the restriction or suspension of abstraction from those water resources. The outcome is one in which water users, particularly irrigators, cannot access water at the very time they need it the most. In such circumstances there is the potential for failure of crops or at least reduced yield. Given the importance of primary production to Marlborough's social and economic wellbeing, there is a need to find ways to alleviate such short-term water availability issues.

[R]

Objective 5.8 – Maximise the availability of water within the limits of the resource.

Water availability varies significantly in Marlborough, both in time and location. There are methods by which water that is available at different times of year (due to higher rainfall and lower evapo-transpiration) or available at other locations can be made available to help resolve short-term water availability issues. Examples can include the storage of water and/or augmentation of

water resources from other sources. This objective seeks to maximise water availability in order to mitigate the significant negative effects of water shortages, especially for primary production, which relies on water to grow crops. The sustainable yield from the water resource can place natural limits on the ability to achieve this objective, but where there are opportunities to supplement water resources, these will result in a more resilient economy and community.

[R]

Policy 5.8.1 – Encourage the storage of water as an effective response to seasonal water availability issues.

Given Marlborough's dry climate, especially over the summer months, storage of water has been utilised as a common strategy to offset temporary shortages of water for irrigation purposes. Storage has involved the interception of runoff by damming ephemeral water bodies, the damming of intermittently or permanently flowing water bodies and the placement of abstracted water in purpose-built reservoirs. There may also be the potential to augment river flow from the stored water. All of these approaches provide a back-up supply of water that increases water user resilience. For this reason the storage of water is strongly supported.

In some cases, activity status will assist to encourage the storage of water by providing for activities involved in storing water as a permitted activity or controlled activity.

Damming of intermittently or permanently flowing waterbodies can create the potential for adverse effects. These effects will be considered through Policies 5.2.21 and 5.2.22.

[R]

Policy 5.8.2 – Provide for the abstraction of surface water for storage purposes during periods of higher flow for subsequent use during periods of low flow (and therefore low water availability).

Utilising higher flows in surface waterbodies to offset the shortage of water for irrigation during periods of low flow is an efficient and effective water management mechanism. The abstraction of water during periods of higher flow and the placement of this water into storage have been enabled for some time in Marlborough through Class C water permits. This regime continues under the reviewed resource management framework. It will assist water users to manage water shortages in a limit-based management regime, especially in response to the effect of any suspension of Class A or Class B water permits in accordance with other provisions in the MEP. "Higher flows" will be defined by rules which will set minimum flows below which water cannot be taken for storage through Class C water permits.

[R]

Policy 5.8.3 – Water may be stored at times other than those specified in Policy 5.8.2 to provide water users with greater flexibility to manage water use on-site, provided that the rate of take does not exceed the authorised daily rate of take for irrigation purposes.

Although an explicit C class exists to facilitate access to water for storage purposes under the circumstances set out in Policy 5.8.2, taking water allocated under another class for storage can also be efficient. For example, some rivers experience periods of high turbidity that can make run-of-the-river abstraction particularly difficult due to the effect on irrigation distribution systems. The storage of water during the irrigation season provides for a back-up supply of irrigation water when access to Class C water may otherwise be restricted or where no Class C has been established. There may also be short-term peaks in flow over the irrigation season in response to rainfall events that, while not sufficient to reactivate access to Class C, still create an opportunity to store water. This policy recognises these circumstances by enabling the storage of Class A or Class B water.

The policy also recognises that Class A and Class B were primarily created to enable access to water as instantaneous takes. Significant abstraction of water over the irrigation season for storage purposes has the potential to adversely affect the reliability of existing takes of water (by drawing down river flow/aquifer level at a faster rate than would otherwise have been the case).

For this reason, the policy limits the rate of take of water for storage purposes to the authorised daily take for irrigation purposes. This still provides the consent holder with flexibility to decide how water will be used on any given day, but also ensures that the abstraction would have no greater effect on existing users than the daily take solely for irrigation purposes.

[R]

Policy 5.8.4 – The annual volume of water taken for storage shall not exceed a volume equivalent to the authorised rate of take for irrigation purposes for two irrigation seasons for the property or properties to be served by the stored water.

This policy ensures that water taken for storage is not excessive relative to the use(s) to which it is eventually to be put. Excessive storage of water may frustrate the attempts of other users to access water by fully allocating the C class or through interference effects caused by the rate of take from the source waterbody. The policy provides a threshold for appropriate storage that reflects that the stored water should be sufficient to provide for irrigation needs for two seasons. This is reasonable in Marlborough's dry climate where consecutive dry summers have historically occurred.

The policy assists to give effect to Policy B4 of the NPSFM.

[R]

Policy 5.8.5 – All water placed in storage should be accurately accounted for.

Although storage is not as such a 'use' of water (as water is stored for pending and subsequent use), it is still important to account for water taken from freshwater bodies for storage purposes as it represents a permanent removal of water from the freshwater resource. This policy does not establish a set methodology for accounting in these circumstances, as there has been, and will continue to be, a wide diversity of distribution systems developed by individual water users in response to the circumstances that exist on their property. The appropriate accounting system will be developed on a case-by-case basis through the resource consent process, but as a minimum requirement must accurately account for water taken from the freshwater resource that would not otherwise be accounted for through the metering requirements established by Policy 5.7.4. Dedicated metering would be one form of measurement, but other methods may also be appropriate.

Issue 5I – There is the potential for a new water user to get access to water on a more reliable basis than allocations already made, resulting in inequitable outcomes.

Freshwater in Marlborough has become a scarce resource in many freshwater management units as resource limits are approached (if not already reached). This results in competition for available water. Policy 5.3.6 identifies that the first in, first served method of allocation is efficient and effective for dealing with this competition prior to allocation limits being reached for the first time.

Once the water resource is fully allocated, there are limited circumstances under which that allocated water could become available for re-allocation. For example, an existing consent to take and use water may lapse, be only partially exercised, or be surrendered. Water users have identified as a concern the ability for existing or potential users to gain access to that water through the first in, first served method of allocation. Water that becomes available will have an inherent reliability depending on when that water was first allocated relative to other subsequent allocations. If the application is granted, the successful applicant may gain access to water under more favourable circumstances than other users granted water later than the original permit was granted. This is considered an inequitable outcome and one that could see the competition for water resulting in community conflict.

[R]

Objective 5.9 – Ensure that water users in the same or similar circumstances are treated in the same manner when it comes to securing access to water.

Water users have a desire to ensure that others in the same or similar circumstances are treated in the same manner with regard to securing access to water through the resource consent process. That does not mean that the outcome of the process will necessarily be the same, as the finite nature of water resources will inevitably result in different outcomes as allocation proceeds on a first in, first served basis. The provisions of the MEP attempt to ensure that there is some certainty about the volume of water available for allocation and the circumstances under which it is available to minimise the potential for conflict in the community. Even so, there will be circumstances under a first in, first served allocation regime that create the potential for a water user to get access to water on a more reliable basis than allocations made previously. This objective seeks to avoid such inequitable outcomes.

[R]

Policy 5.9.1 – Once an allocation limit is reached and that part of the water resource is fully allocated, any water that subsequently becomes free to allocate to other users will only be made available to those users through a system of ballot.

This policy sets out in principle that any water that becomes available to re-allocate shall be allocated via ballot. A ballot is considered by water users to be the most equitable way to determine who should receive the water given the likely competition for the water amongst existing users. It avoids the situation of a person gaining access to water in preference to other potential users based on the nature of the use or because they were first to make an application.

[R]

Policy 5.9.2 – On securing the ballot, the successful ballotter must apply for the necessary water permits to authorise the taking and (if relevant) use of water. Until the successful ballotter(s) secures the necessary water permits, the water resource is considered fully allocated.

The policy sets out what the successful ballotter must do to secure the allocation gained through a ballot. As existing water permits define the spatial extent and rate of use, any proposed additional use would exceed existing allocations expressed in consents to take and use water. This means that a separate water permit would be required to authorise the taking and use of water. This policy secures the ability to make such an application without predetermining the outcome. While this process is underway, the water resource is considered to remain fully allocated to prevent a third party making an application for a water permit that would effectively nullify the result of the ballot.

[R]

Policy 5.9.3 – If required, any ballot will be conducted on the following basis:

- (a) at least annually for the calendar year;
- (b) if the water permit holder already holds a water permit to take and use water for the same purpose, then they must surrender the original water permit before giving effect to the new water permit; and
- (c) if the subsequent water permit application to authorise the taking of water is not made within 12 months of the ballot result or the water permit application is refused, then that water will be re-balloted in the subsequent year.

The matters in (a) to (c) set out procedurally how any ballot to allocate water would be conducted. These matters will therefore guide the ballot process, if any ballot is required.

Methods of implementation

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

[R]

5.M.1 Regional rules

Set environmental flows and/or levels for permanently flowing rivers, lakes, wetlands and aquifers to maintain the uses and values supported by the waterbody.

Set allocation limits for each FMU to establish the total amount of water able to be sustainably abstracted from the water resource.

Apply regional rules to regulate the taking, use, damming or diversion of water in accordance with the policies in this chapter. This includes the use of permitted activity rules to enable the taking, use, damming or diversion of water where the activity will not give rise to adverse effects on natural and human use values supported by the waterbody.

A permitted activity rule will enable the construction of bores.

Prohibit the taking, use, damming or diversion of water where those activities would adversely affect the significant values of outstanding water bodies.

Prohibit the taking of water beyond environmental flows/levels and allocation limits set by rules.

Require all resource consents granted for water takes to be measured by pulse emitting meter and recorded by data logger, and require the recorded take and use information to be transferred to the Council by telemetry.

Review water permit conditions to impose or alter environmental flows and levels (or other relevant limits) established by rules in the MEP.

[R]

5.M.2 Water user groups

Encourage the establishment of water user groups to assist the Council to manage water resources. In particular, seek to work with water user groups in the Awatere and Waihopai FMUs to achieve voluntarily rationing of water takes in response to falling flows in order to achieve the flow objectives for each river.

[R]

5.M.3 Ballot

If water in a fully allocated FMU becomes available for allocation again, the Council will hold a ballot to determine who can make an application to take and use the water. If a water user group exists for the FMU, then the Council will seek to work with it to run the ballot.

[R]

5.M.4 Information

Provide water users and the community with river flow and aquifer level information so that they can make informed decisions with respect to the rationing or cessation of their water take in order to comply with the rules in the MEP.

Provide water users with information on their recorded water use relative to their water permit allocation.

[R]

5.M.5 E-Planning

Deliver Council resource consent, compliance and environmental information functions through digital means via the Council website. Provision of timely information and functions will assist water users to improve their use practices and encourage more efficient use of water.

[R]

5.M.6 Incentives

Incentivise the storage of water during periods of higher river flow to provide an alternative supply of water during periods of low flow. Incentives include the use of a permitted activity for the use of stored water and a controlled activity for the taking of Class C water.

[R]

5.M.7 Modelling

Model the irrigation demand of pasture and crops according to soil type and climate. The model output will be used as a basis for determining allocations for the use of water. The model will be provided to water users via the E-planning tool.

[R]

5.M.8 Research

Continue to research the reasonable use requirements of the crops grown in Marlborough. This will include continuing to collect and refine soil information to allow the model to be refined over time.

[R]

5.M.9 Advocacy

Encourage water users to undertake soil moisture monitoring on irrigated properties so that irrigation occurs to maintain soil moisture levels. This will result in more responsive and efficient use of water.

Issue 5J – People want to be able to use and develop the coastal marine area for private benefit.

The Council's role in managing the resources of the coastal marine area follows from the way in which people's use of the coastal marine area is restricted under the RMA. The RMA prohibits the use or occupation of the coastal marine area unless allowed to by resource consent or rules within a regional coastal plan. (The same situation does not apply to land uses above the mean high water springs mark, where people are allowed to use land unless a district plan rule states they cannot.)

Management regimes for specific uses and activities in the coastal marine area are included within Chapter 13 - Use of the Coastal Environment. However, provisions in this part of the Marlborough Environment Plan (MEP) deal with higher level concerns about how space in the coastal marine area should be allocated, the degree to which various occupations generate private versus public benefits and the circumstances in which a user should pay to use the space.

The community has different expectations about the extent of rights able to be enjoyed in using public resources. For some, there is a belief that there is a right to be able to have a jetty and a boatshed fronting a family property in the Marlborough Sounds and multiple moorings for boats. Others believe that there are no such rights. Many such structures have limited benefit for the wider public, yet occupy public space. Conversely, some structures, such as public jetties and launching ramps, do provide enhanced public use of and access to the coast and consequently are of general public benefit.

The occupation of coastal marine area may effectively prevent other activities from occurring. The extent to which the public are excluded from parts of the coastal marine area varies according to the nature of an authorised activity, whether by resource consent or by a rule in a regional coastal plan. At times there can also be conflict and competition for water space, where uses and activities are not necessarily compatible in the same area.

Regardless of the type of activity or use proposed in the coastal marine area, in addition to consideration of other effects it is important that the impact on the public interest is considered, as the coastal marine area is a public resource.

[RPS, C]

Objective 5.10 – Equitable and sustainable allocation of public space within Marlborough’s coastal marine area.

The control of the occupation of space in the coastal marine area is a specific function of the Council. The Council allocates or allows the right to use public resources for private benefit. This is within the Council's role of promoting the sustainable management of the natural and physical resources of the coastal marine area. The objective is therefore intended to ensure that these resources and their associated qualities remain available for the use, enjoyment and benefit of future generations in a way that minimises adverse effects on the environment, avoids conflicts between users and ensures efficient and beneficial use.

[RPS, C]

Policy 5.10.1 – Recognition that there are no inherent rights to be able to use, develop or occupy the coastal marine area.

Both the RMA and the New Zealand Coastal Policy Statement 2010 (NZCPS) anticipate that appropriate ‘use’ can be made of the coastal marine area and that this may involve occupation of coastal space for private benefit. Additionally, the Marine and Coastal Area (Takutai Moana) Act 2011 enables public access and recreation in, on, over and across the public foreshore and seabed, as well as general rights of navigation. However, it is important to recognise that the rights to be able to use coastal marine area are not guaranteed in terms of Section 12 of the RMA; rather, use must be enabled by way of a rule in a plan or by resource consent.

[RPS, C]

Policy 5.10.2 – The ‘first in, first served’ method is the default mechanism to be used in the allocation of resources in the coastal marine area. Where competing demand for coastal space becomes apparent, the Marlborough District Council may consider the option of introducing an alternative regime.

The default process for processing resource consent applications under the RMA is ‘first in, first served.’ The Council processes resource consent applications in the order they are received, provided they are accompanied by an adequate assessment of environmental effects. Using this approach the Council has to date effectively managed the demand for space in the coastal marine area. However, if competing demand for space becomes an issue, the Council may consider the introduction of other allocation methods. There may also be certain circumstances under which a specific allocation mechanism is introduced to address a specific issue.

[RPS, C]

Policy 5.10.3 – Where a right to occupy the coastal marine area is sought, the area of exclusive occupation should be minimised to that necessary and reasonable to undertake the activity, having regard to the public interest.

Exclusive occupation restricts access to the resource consent holder, who has the right to occupy and therefore alienate public space from public use. However, not all activities require exclusive occupation, meaning that other users may carry out activities in the same space where there is no occupation needed, e.g. recreational boating. Given the public's expectation of being able to use the coastal marine area, the Council considers that exclusive occupation should only be allowed where absolutely necessary.

[C]

Policy 5.10.4 – Coastal occupancy charges will be imposed on coastal permits where there is greater private than public benefit arising from occupation of the coastal marine area.

The RMA enables the Council to apply a coastal occupancy charge to activities occupying space within the coastal marine area, after having regard to the extent to which public benefits from the coastal marine area are lost or gained and the extent to which private benefit is obtained from the occupation of the coastal marine area. The Council has considered the private and public benefits associated with coastal occupations and has determined that where the private benefit is greater than the public benefit, charging for occupation of coastal space is justified. The assessment of benefits (private/public) is directed to those arising or lost as a consequence of the structure occupying coastal space, not the associated activity that may be facilitated by the structure being present.

[C]

Policy 5.10.5 – The Marlborough District Council will waive the need for coastal occupancy charges for the following:

- (a) public wharves, jetties, boat ramps and facilities owned by the Marlborough District Council and the Department of Conservation;
- (b) monitoring equipment;
- (c) activities listed as permitted, except for moorings in a Mooring Management Area;
- (d) retaining walls; and
- (e) port and marina activities where resource consents authorised under Section 384A of the Resource Management Act 1991 are in place until such time as those resource consents expire.

These waivers exist because the facilities owned by the Council and the Department of Conservation provide a significant level of public benefit as they are used by and available to many people. Retaining walls generally do not occupy significant areas of the coastal marine area to the exclusion of other users, while monitoring equipment is generally very small and often temporary. There are few permitted activities that involve occupation and those that are permitted tend to have a more significant element of public benefit, e.g. navigation aids or public and safety information signs. Although moorings in a Mooring Management Area identified through rules are provided for as a permitted activity in the Coastal Marine Zone (where a relevant bylaw is in place), these moorings are for private benefit and therefore will attract a coastal occupation charge.

Certain occupation rights are granted to port companies under Section 384A of the RMA. In Marlborough the resource consents granted under this section of the RMA relate to port related commercial undertakings being carried out in the areas of Picton (excluding the area of port in Shakespeare Bay), Waikawa, Havelock, Elaine and Oyster Bays. The RMA appears to exempt these resource consents from attracting coastal occupancy charges until after 30 September 2026.

[C]

Policy 5.10.6 – Where there is an application by a resource consent holder to request a waiver (in whole or in part) of a coastal occupation charge, the following circumstances will be considered:

- (a) the extent to which the occupation is non-exclusive;
- (b) whether the opportunity to derive public benefit from the occupation is at least the same or greater than if the occupation did not exist;
- (c) whether the occupation is temporary and of a non-recurring nature;
- (d) whether the applicant is a charitable organisation, trust or community or residents association, and if so:

- (i) the nature of the activities of that organisation; and**
- (ii) the responsibilities of that organisation.**

Section 64A(3)(b) of the RMA requires the circumstances when the Council will consider waiving, either in whole or part, coastal occupation charges to be set out in the MEP. These circumstances, set out in a) to d) above, effectively require consideration of the difference between private benefit from an occupation and the public benefit that can accrue from an occupation. For a), where there is exclusive occupation this carries a high degree of private benefit, whereas where the occupation is only temporary there may only be a short-term private benefit. Where trusts, clubs, associations, etc are involved, it is important to understand the nature of the activities and responsibilities of that organisation, including how its purpose relates to the occupation for which a waiver is being sought and the wider public benefits that will accrue from this.

[C]

Policy 5.10.7 – The manner in which the level of coastal occupancy charges has been determined is as follows:

- (a) the expenditure related to the Marlborough District Council's role in the sustainable management of Marlborough's coastal marine area has been established;**
- (b) the anticipated exemptions and waivers from coastal occupancy charges has been considered;**
- (c) the beneficiaries and allocation of costs fairly and equitably amongst beneficiaries has been decided; and**
- (d) the appropriate charge for the differing occupations to recover costs has been determined.**

In deciding how to set charges, the Council has used as its starting point the actual expenditure considered necessary to promote the sustainable management of the coastal marine area. The budgeted expenditure for this is described year to year in the Council's Annual Plan for the Environmental Science and Monitoring Group, Environmental Policy Group and Environmental Compliance and Education Group.

In determining who should meet the cost of sustainably managing the coastal marine environment, an allocation of costs needs 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%). The Council has also given consideration to anticipated waivers that may be granted and the number and size of the various occupations. From this assessment, a schedule of charges has been derived and is set out in the Council's Annual Plan.

[C]

Policy 5.10.8 - Any coastal occupancy charges collected will be used on the following to promote the sustainable management of the coastal marine area:

- (a) implementation of a Coastal Monitoring Strategy;**
- (b) State of the Environment monitoring;**
- (c) research in relation to the state and workings of the natural, physical and social aspects of the coastal marine area;**
- (d) education and awareness;**
- (e) habitat and natural character restoration and enhancement;**
- (f) managing marine biosecurity threats;**
- (g) maintaining and enhancing public access; and**

(h) formal planning in the Resource Management Act 1991 planning context and strategic planning and overview in relation to the coastal environment.

The RMA requires that in implementing a coastal occupancy charging regime, any money collected must be used to promote the sustainable management of the coastal marine area. The policy describes those matters on which the revenue collected from imposing charges is to be used, as required by the RMA. Greater detail on these matters can be found in a number of the subsequent chapters of the MEP, including Chapter 6 - Natural Character, Chapter 7 - Landscape, Chapter 8 - Indigenous Biodiversity, Chapter 9 - Public Access and Open Space, Chapter 10 - Heritage Resources, Chapter 13 - Use of the Coastal Environment and Chapter 15 - Resource Quality (Water, Air, Soil).

Methods of implementation

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

[C]

5.M.10 Regional Rules

Include provisions relating to the requirement for coastal occupation charges for port facilities where appropriate, moorings, marinas where appropriate, marine farms, jetties, wharves, boat ramps and slipways, boatsheds and other structures and utilities. Rules will also require discretionary activity applications to be made to enable an assessment of whether an exemption or waiver of any charge should be granted.

[C]

5.M.11 Annual Plan

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.

Anticipated environmental result	Monitoring effectiveness
<p>5.AER.1</p> <p>Sufficient flow in rivers and adequate groundwater level to sustain natural and human use values supported by these water bodies.</p>	<p>Attainment of environmental flows and levels, as recorded at representative monitoring sites.</p> <p>The record of compliance with environmental flows and levels, as recorded by water meter and published via E-planning.</p>
<p>5.AER.2</p> <p>Maintenance of spring flows on the Wairau Plain.</p>	<p>Attainment of environmental flows for Spring Creek, Taylor River and Doctors Creek, as measured at representative monitoring sites.</p>
<p>5.AER.3</p> <p>Maintenance of the significant values of outstanding water bodies.</p>	<p>Reassessment of waterbody values at the time of the next review of the MEP.</p>
<p>5.AER.4</p> <p>More efficient allocation of water resources.</p>	<p>The number of water permits granted for the use of water on the basis of the reasonable use test.</p>

Anticipated environmental result	Monitoring effectiveness
<p>5.AER.5</p> <p>Increased utilisation of allocated water.</p>	<p>Increased use of water, within allocation limits, as recorded by water meter and published via E-planning.</p> <p>Water users transfer water permits from site to site, as recorded by E-planning.</p>
<p>5.AER.6</p> <p>Reduced conflict between water users.</p>	<p>A reduction in the number of complaints regarding the taking, use, damming and diversion of water.</p>
<p>5.AER.7</p> <p>Over-allocation of water resources is phased out.</p>	<p>The total amount of water allocated to water users in over-allocated resources does not exceed the allocation limit by 2025.</p>
<p>5.AER.8</p> <p>Land use change does not reduce water yield in fully allocated FMUs to the extent that it adversely affects the reliability of existing water permits.</p>	<p>No significant increase in the incidence of flow restrictions experienced by water permit holders in fully allocated FMUs.</p>
<p>5.AER.9</p> <p>Storage of water is increasingly utilised to improve the resilience of water uses.</p>	<p>The record of the number of Class C water permits granted.</p>

6. Natural Character

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.

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 of the natural character of the coastal environment, and of lakes, rivers and their margins.

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.

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.

[RPS]

Policy 6.1.1 – 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 patterns;**
- (f) water flows and levels and water quality; and**
- (g) the experience of the above elements, patterns and processes, including unmodified, scenic and wilderness qualities.**

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.

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.

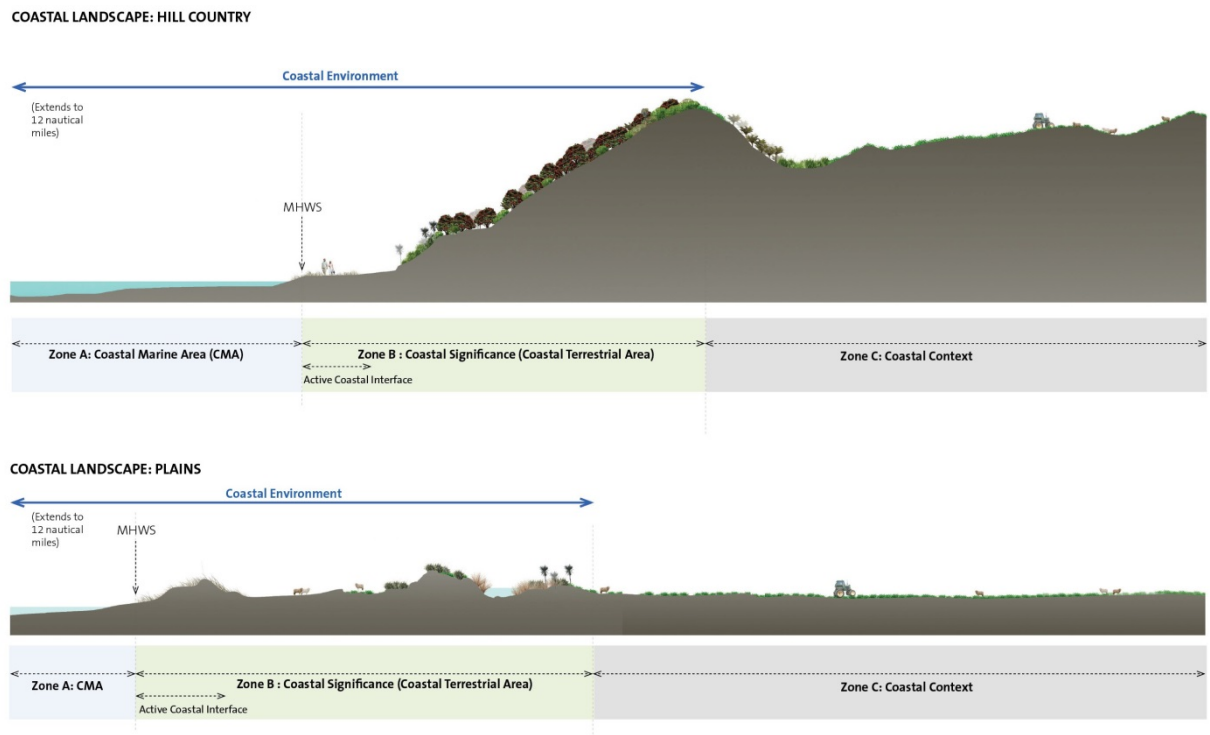


Figure 6.1: Extent of the coastal environment.

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**
- (b) natural character at a range of scales.**

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 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.

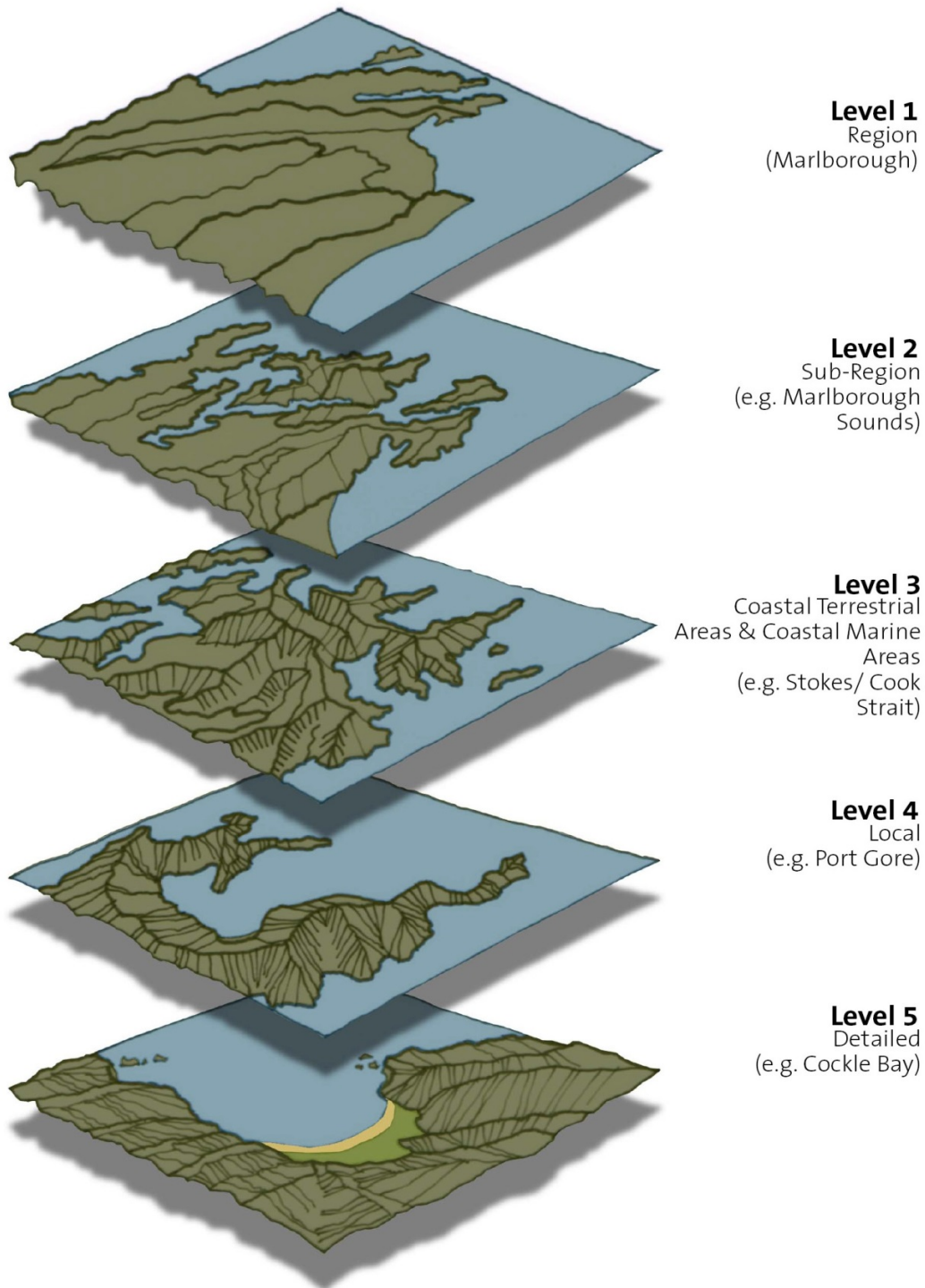


Figure 6.2: Natural Character Assessment Scale

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 6.1.4 – 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.

[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 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 – 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.

[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, 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.

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 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 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.

[R, C, D]

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
<p>6.AER.1</p> <p>The natural character of Marlborough's coastal environment and of lakes, rivers and their margins is retained.</p> <p>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.</p>	<p>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 of natural character within these environments.</p> <p>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.</p>

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

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.

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) land use.**

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.

[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.**

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.

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**
- (b) **more detailed assessment of landscape values.**

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.

[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.

[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:

- (a) **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**
- (b) **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 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;**

- (b) **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**
- (c) **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]

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 MEP. 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 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]

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.

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.

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;
 - (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
 - (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.

[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.

[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 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.*

[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>

8. Indigenous Biodiversity

Introduction

New Zealand's biodiversity gives our country a unique character and is internationally important. A large proportion of our species are endemic to New Zealand and if they become extinct they are lost to the world. About 90 percent of New Zealand insects, 80 percent of trees, ferns and flowering plants, 25 percent of bird species, all 60 reptile species, four frog species and two species of bat are endemic.

New Zealand's biodiversity has helped shape our national identity, with our distinctive flora and fauna contributing to our sense of belonging. The koru and kiwi are internationally recognised. Biodiversity also provides social and economic benefits through recreational opportunities, tourism, research, education, provision of ecosystem services and natural resources for primary industry and customary and medical uses.

The Resource Management Act 1991 (RMA) requires the Council to recognise and provide for as a matter of national importance the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (Section 6(c)). The protection of these values, whether on land, in freshwater or coastal environments, also helps to achieve other matters of national importance, including landscape and natural character values and historic heritage. However, biodiversity values are also important components of amenity, kaitiakitanga, quality of the environment and ecosystem values, matters to which regard shall be had in terms of Section 7 of the RMA. For this reason there are important links between the provisions of this chapter and others in the Marlborough Environment Plan (MEP).

In addition, there are specific roles and functions in relation to protecting significant natural areas and habitats and maintaining indigenous biological diversity. These functions enable the Council to:

- establish, implement and review objectives, policies and methods for maintaining indigenous biological diversity [Section 30(1)(ga)]; and
- control any actual or potential effects of the use, development or protection of land for the purpose of maintaining indigenous biological diversity [Section 31(1)(b)(iii)].

Marlborough's central location within New Zealand and its varied landforms, climate and rich human history combine to form an interesting and diverse area. The District has a range of important and unusual natural features, native plants and animals, a number of which are at their southern or northern limits of distribution. Part of south Marlborough has been identified as one of five areas of high biodiversity concentration within New Zealand.

Importantly, Marlborough's tangata whenua iwi have a significant interest in the protection, management and restoration of indigenous biodiversity, having developed relationships based on whakapapa, mahinga kai and kaitiakitanga developed over centuries of occupation, close interaction and use of natural resources. Whakapapa provides the links or connections between people and all things, including plants and animals. Mahinga kai is based on the sustainable gathering of food and resources, the places where they are gathered, the resources themselves and the passing on of knowledge about these resources. Kaitiakitanga is a responsibility to ensure that the mauri of natural resources is healthy and strong and that the life supporting capacity of these ecosystems is preserved.

Although the focus of the RMA is on indigenous biodiversity, it is important to recognise that some parts of Marlborough have been modified as a result of a variety of land uses over many years. As has occurred throughout New Zealand, Marlborough's natural environment has been highly modified from that which would have existed prior to human arrival. This has resulted in a range

of non-indigenous species, which have in their own right made a significant contribution to amenity values in both urban and rural environments as well as to the character and economy of Marlborough. This is recognised in other chapters of the MEP. However, it is important to acknowledge that the remaining areas of indigenous biodiversity still contribute significantly to Marlborough's heritage values.

Issue 8A – A reduction in the extent and condition of indigenous biodiversity in Marlborough.

Despite the original diversity and uniqueness of Marlborough's biodiversity and natural areas, human activities have been particularly severe on Marlborough's sensitive landscape and ecosystems, especially in the terrestrial and freshwater ecosystems of lowland south Marlborough. A continuation of past trends will result in further loss of or deterioration in the condition of Marlborough's indigenous biological heritage. For Marlborough's tangata whenua iwi, this will impact on the mauri of natural resources.

Terrestrial and freshwater environments

Centuries of fire have created the present pattern of small, isolated remnants of natural vegetation. The dry climate and easy contours of most of this land have meant that fires were very effective in clearing vegetation. Very few original areas of native forest remain in south Marlborough – most are secondary vegetation that has regenerated after the earliest fires. Further intensive clearance of shrub and tussock subsequently removed most of the remaining vegetation.

North Marlborough has a moister climate and steeper terrain than south Marlborough and has been less modified by human arrival. A significant amount of original forest cover remains and vigorous native regeneration is well underway on land that was cleared for pastoral farming from 1850 to 1940.

High populations of exotic wild animals and introduced plants have become well established in Marlborough because of the favourable climate, terrain and land-use. These introduced species have added further pressure on natural habitats. As a result of habitat loss and competition and predation from introduced animals, the original indigenous animals have also largely disappeared; only a few of these species remain in isolated remnant habitats. These habitats are often too small and too far from other sites in the locality to support significant and sustainable populations of native species, including birds, invertebrates and lizards.

The ecology of ground water is a relatively new area of investigation. Aquifers are now known to provide a habitat that can support a subterranean ecosystem. Species of crustaceans have adapted and evolved to live and complete their entire lifecycle underground. It is possible that these species may have a role in maintaining underground water quality. To date, little is known of the distribution of densities or even what species are present in our groundwater aquifers.

Many of the small streams and waterways on the Wairau Plain, including the largest river in Marlborough, the Wairau River, have been straightened, diverted and channelled over the last 150 years in order to control flooding and enable increased agricultural production. Native riparian or riverside vegetation has been largely replaced by exotic willows and shrubs. These modifications have resulted in the loss of native fish species that rely on native invertebrates falling onto the water for food.

With intensification of lowland land-use, particularly for viticulture, the demand for water for irrigation purposes has been significant. In the naturally dry landscape of these lowland areas, taking or diverting water from surface and groundwater sources can result in the loss of habitat as headwaters of spring-fed streams recede or waterways dry up altogether. The increasing use of dams to capture and store water also has the potential to have both negative (e.g. preventing fish passage) and positive effects (e.g. creation of new habitat) on natural areas and biodiversity.

Wetlands

The term wetland covers habitats where the land is covered in or wetted by water for most (but not necessarily all) of the time. Wetlands occur in areas where surface water collects or where groundwater seeps to the surface. They include swamps, bogs, coastal wetlands, lakes and some river edges.

Wetlands are highly productive environments that can support a diverse range of plants and animals (birds, fish, insects and micro-organisms). They support processes that provide environmental services such as water storage and flood control, nutrient removal, erosion control and water table maintenance. Wetland areas have always been highly valued by Māori as they provide a rich source of traditional resources like food (fish and birds), flax and medicinal plants. Wetlands therefore represent a significant part of Marlborough's natural heritage.

Between 1920 and 1980, most of New Zealand's wetlands were drained for pastoral land use. This has resulted in an approximately 85% reduction in wetland areas and many remaining wetlands are still under pressure from land development. Many remaining wetlands are small and their natural character and habitat quality have been degraded by partial drainage, damage by farm animals and weed invasion. Lowland wetlands have been worst affected and in some cases are still at risk.

The systematic draining of Marlborough's wetlands over the last 150 years has had a profound impact on aquatic ecosystems, especially in the lowland areas of the Wairau Plain. Less than one percent of the Wairau Plain wetlands that existed before Europeans arrived in New Zealand still exist. In addition, the taking of groundwater or surfacewater can affect the habitat and flow regimes of wetlands.

Marine environments

Marlborough supports a wide variety of marine habitats, ranging from exposed rocky shores to sheltered sandy bays. The coast is affected by a wide variety of physical and biological processes including tidal currents, wave energy, water clarity, substratum and temperature. Marlborough's geographic location influences these processes and as a result, our marine environment is one of the most interesting of any coastal areas in New Zealand, supporting a high diversity of species. Furthermore, Marlborough is an important part of the migratory route for several large marine mammals, including humpback and southern right whales. Other marine mammals live in Marlborough's marine environment, including the nationally endangered Hector's dolphin, which resides in Cloudy-Clifford Bays and Queen Charlotte Sound. Species such as dusky dolphins and orca regularly visit the Marlborough Sounds, while bottlenose dolphins are found here during most of the year.

Marlborough's marine environment supports a significant diversity of sea birds, most of which rely on the area for breeding, raising young or for feeding. Of particular note is the king shag, which is endemic to the Marlborough Sounds.

Tidal wetlands, although mostly small and widely spread throughout Marlborough, form an important network for mobile species of wetland bird. Larger estuaries do exist, including those at Whangarae (Croisilles Harbour), Havelock, Kaiuma and Wairau Lagoons. These larger estuaries provide habitat and feeding areas for a wide variety of fish, invertebrates and birds.

The condition and state of marine biodiversity can be affected by land or water based activities. Adverse impacts can arise from sedimentation, contamination and habitat disturbance. Effects can be temporary, but in particular circumstances can result in permanent loss or damage. Long term or cumulative smaller scale, localised effects from impacts such as contamination and physical disturbance can also have significant effects on the functioning of marine systems. Many activities, such as recreational swimming, do not affect or have an impact on marine biodiversity; however, other activities, including shipping (especially large and/or fast ships), reclamations or other coastal structures, marine farming and physical disturbance from certain fishing techniques can affect marine biodiversity.

There are also a variety of marine organisms that can be introduced by transport into our marine environment by ships (including the discharge of ballast water), oil rigs, barges and other boat. Regardless of whether or not these pest organisms are exotic, there is the potential for displacement of native species if the introduced organisms are not kept to a minimum. This could otherwise have a significant impact on Marlborough's indigenous biodiversity.

Despite the extensive length and physical size of Marlborough's coastline, many marine habitats and species are fragile and vulnerable to impact. The increasing use of the coastal environment for recreational, cultural and commercial activities leads to a corresponding increase in the potential for adverse effects on marine biodiversity. Unfortunately, it is difficult to determine all of the significant marine values due to the size of the area and difficulties associated with surveying subtidal marine areas, although techniques for assessing marine biodiversity are constantly improving and evolving.

Objective 8.1 – Marlborough's remaining indigenous biodiversity in terrestrial, freshwater and coastal environments is protected.

As there has been considerable loss of indigenous biodiversity in Marlborough, it is important that remaining areas are protected and that their condition is maintained and improved where opportunities arise. Protection in this context should be considered in a broad sense and may include legal protection as well as fencing, active pest control, regulation and improved land management practices. The inclusion of this objective helps to achieve the National Policy Statement for Freshwater Management 2014 (NPSFM), where for both water quantity and quality reasons the protection of the significant values of wetlands is required. This objective also helps to achieve the New Zealand Coastal Policy Statement 2010 (NZCPS) where there is specific direction to protect biological diversity in the coastal environment.

This objective also helps to protect indigenous biodiversity as an important component of Marlborough's natural heritage and gives recognition to central government's 'statement of national priorities' for protecting rare and threatened indigenous biodiversity on private land (June 2007). These priorities are:

National Priority 1:

To protect indigenous vegetation associated with land environments that have 20 percent or less remaining in indigenous cover.

National Priority 2:

To protect indigenous vegetation associated with sand dunes and wetlands; ecosystem types that have become uncommon due to human activity.

National Priority 3:

To protect indigenous vegetation associated with 'originally rare' terrestrial ecosystem types not already covered by priorities 1 and 2.

National Priority 4:

To protect habitats of threatened and declining indigenous species.

Matters of national importance in Section 6(a) and 6(c) of the RMA require the Council to recognise and provide for the preservation of the natural character of the coastal environment, wetlands, lakes, rivers and their margins, and the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. These matters help to protect biodiversity as important components of Marlborough's natural heritage.

Objective 8.2 – An increase in area/extent of Marlborough’s indigenous biodiversity and restoration or improvement in the condition of areas that have been degraded.

While protection of remaining areas of indigenous biodiversity is important, so too is the restoration and re-establishment of some of what has been lost or degraded. Restoration means the active intervention and management of degraded biotic communities, landforms and landscapes to enhance biological character, ecological and physical processes. If restoration and re-establishment does not occur then indigenous biodiversity will remain seriously threatened and be vulnerable to further decline, especially in lowland southern Marlborough.

Given the important roles that wetlands can play and as many wetlands in Marlborough are in poor condition, it is important to improve their extent and condition. The creation of new wetlands will also help to increase the overall size and stock of wetland habitat in Marlborough.

It is acknowledged that in some hill country areas extensive natural regeneration has occurred and this has already helped to increase the extent of Marlborough’s indigenous biodiversity. Although there is a natural ability of many species to regenerate given the right circumstances, some species cannot as they are too few in number, sometimes down to single individuals. In many cases, the propagation and replanting of plants is needed to establish a centre from which natural regeneration is possible.

Identification of sites, areas and habitats with significant indigenous biodiversity value

Policy 8.1.1 – When assessing whether wetlands, marine or terrestrial ecosystems, habitats and areas have significant indigenous biodiversity value, the following criteria will be used:

- (a) **representativeness;**
- (b) **rarity;**
- (c) **diversity and pattern;**
- (d) **distinctiveness;**
- (e) **size and shape;**
- (f) **connectivity/ecological context;**
- (g) **sustainability; and**
- (h) **adjacent catchment modifications.**

For a site to be considered significant, one of the first four criteria (representativeness, rarity, diversity and pattern or distinctiveness/special ecological characteristics) must rank medium or high.

To determine whether a site is significant for the purposes of Section 6(c) of the RMA, an assessment needs to be made by the Council or others against consistently applied criteria. The criteria identified in this policy (further explained in Appendix 3), have been used by the Council previously to identify and encourage opportunities for the conservation of natural features on private land in Marlborough and will enable assessments to be made in the future where none have occurred to date. The same criteria have also been used in identifying wetlands of significance in Marlborough and in identifying areas in the coastal marine area with significant indigenous biodiversity value.

Policy 8.1.2 – Sites in the coastal marine area and natural wetlands assessed as having significant indigenous biodiversity value will be specifically identified in the Marlborough Environment Plan.

Significant wetlands have been identified in the MEP because these small and fragmented areas are all that remain of the once vast areas of wetland that covered lowland Marlborough. It is important to ensure the values of the significant wetlands are protected. Areas that meet the

RMA's definition of a wetland but do not have significant values in terms of the criteria in Policy 8.1.1 have not been identified in the MEP and therefore are not subject to wetland rules.

Areas or habitats assessed as having significant ecological values within the coastal marine area have been specifically identified in the MEP and are referred to as 'ecologically significant marine sites'. This is because the coastal marine area is comprised of resources in public ownership, with the Council having a more direct role in managing these resources including in relation to areas with significant biodiversity value in terms of Section 6(c) of the RMA. Regulation and education will be the Council's main approach in protecting marine biodiversity.

Policy 8.1.3 – Having adequate information on the state of biodiversity in terrestrial, freshwater and coastal environments in Marlborough to enable decision makers to assess the impact on biodiversity values from various activities and uses.

Survey work on private land through programmes run by the Council and Department of Conservation has provided an overview of biodiversity in Marlborough. However, while many landowners have had their land surveyed as part of these programmes, not all land has been surveyed. Having adequate information about biodiversity values of waterbodies is equally important for decision makers when assessing the impacts of various activities and uses within waterbodies, as well as activities and uses on adjoining land.

For the coastal marine area, the Council has undertaken a review of published and unpublished reports to provide an overview of Marlborough's marine biodiversity. This information is available to the public but it is acknowledged that there are significant gaps in our knowledge. The Council will undertake surveys to improve knowledge of biodiversity patterns and condition.

Continuing to add to the knowledge of the extent, condition and use of biodiversity in Marlborough will be important in assisting decision making on resource consent or plan change applications, as well as for general awareness of the state of Marlborough's environment.

Protecting and enhancing indigenous biodiversity

Policy 8.2.1 – A variety of means will be used to assist in the protection and enhancement of areas and habitats with indigenous biodiversity value, including partnerships, support and liaison with landowners, regulation, pest management, legal protection, education and the provision of information and guidelines.

A variety of methods are necessary to achieve the protection and enhancement of areas and habitats with indigenous biodiversity value. Sometimes, simply fencing an area is the most effective means of protection and in this case, it is the Council's role to support landowners (including financially). In other cases, it may be appropriate that regulation is used. It is important to acknowledge, however that rules on their own do not protect important areas. The Council can also take an active role in enhancement activities, again through supporting landowners with education, the provision of information and guidelines and through working in partnerships.

Policy 8.2.2 – Use a voluntary partnership approach with landowners as the primary means for achieving the protection of areas of significant indigenous biodiversity on private land, except for areas that are wetlands.

Since 2000, the Council has undertaken a programme to identify and protect significant natural areas and indigenous biodiversity on private land in Marlborough. The Council has worked on the principle of a partnership approach, with landowners to achieve improvements in the protection of remaining significant natural areas. The rate of participation in this programme reflects the fact that most landowners want to protect unique ecosystems and species where they occur on their properties. The programme includes support through a landowner assistance programme operating alongside the field survey work. The programme is funded by the Council, central government's biodiversity fund and landowners. This approach has allowed for property-based surveys to be carried out in cooperation with landowners.

The exception for wetlands reflects that these significant sites will be subject to a regulatory regime. This helps give effect to the NPSFM, where for both water quality and quantity purposes the significant values of wetlands are to be protected (Objective A2(b) and Objective B4). This approach also assists in recognising and providing for the preservation of natural character of wetlands as required by Section 6(a) of the RMA.

Policy 8.2.3 – Priority will be given to the protection, maintenance and restoration of habitats, ecosystems and areas that have significant indigenous biodiversity values, particularly those that are legally protected.

Those ecosystems, habitats and areas assessed as having significant indigenous biodiversity value are to be given priority in terms of their protection, maintenance and restoration. This policy recognises that a targeted approach to indigenous biodiversity is appropriate given that resources to assist landowners are limited. If the Council has to make decisions about which sites should be supported financially for protection works, those sites that have been legally protected through mechanisms such as covenants will be prioritised for funding support.

This policy also gives recognition to central government's 'statement of national priorities' for protecting rare and threatened indigenous biodiversity on private land as set out in Objective 8.1. These priorities will potentially have a significant influence on the Council's future policy and programmes. A significant area of lowland Marlborough (i.e. the Wairau and Awatere Plains) and coastal south Marlborough will fall under Priority 1. A number of specific areas will fall into Priorities 2 and 3, for example wetlands, the stony beach ridges at Rarangi and the coastal limestone cliffs. In terms of Priority 4 habitats, in Marlborough bird species such as the New Zealand falcon, weka and rifleman and plant species such as pīngao, *Muehlenbeckia astonii* and native broom species are either acutely or chronically threatened.

Policy 8.2.4 – Priority will be given to the re-establishment of indigenous biodiversity in Marlborough's lowland environments.

In Marlborough's lowland environments (the Wairau and Awatere Plains) some ecosystem types are extremely depleted and have been fragmented over time. In these areas fully functioning ecosystems are not common as many native bush birds and insects are present in low numbers (for instance, very few tui can be found in south Marlborough). Lack of habitat caused by lack of fauna prevents natural functions such as seed dispersal and pollination, meaning that without active intervention by humans, some sites are, or will become unviable in the long term. Although there are challenges in natural regeneration and assisted revegetation, it is important that efforts are made to re-establish indigenous biodiversity in these areas, particularly as there is little public conservation land in south Marlborough. This policy will also help to address central government's national priorities for protecting indigenous vegetation on private land.

Policy 8.2.5 – Encourage the legal protection of sites with significant indigenous biodiversity value through covenanting.

An important aspect of covenanting is that it is voluntary. To assist with the implementation of Policy 8.2.2, the Council will actively work with landowners to register covenants over sites with significant indigenous biodiversity value, resulting in important sites being protected in perpetuity. Covenants, such as those available under the Queen Elizabeth II National Trust, mean that land ownership and management of land remains with the landowner, but ongoing advice and support can be received for the site covenanted.

Policy 8.2.6 – Where areas of significant indigenous biodiversity value are known to exist in riparian margins of rivers, lakes or in the margins of a significant wetland, consideration will be given to acquiring or setting aside these areas to help protect their values.

Land along the margins of rivers, lakes and significant wetlands may have significant natural value and serve as important habitats. There is strong emphasis given to the enhancement of these areas under Section 6 of the RMA. Esplanade reserves or esplanade strips can be taken for the purposes set out in Section 229 of the RMA, including where this will contribute to the protection of conservation values. The reason for this policy therefore is to signal that where areas of significant indigenous biodiversity value occur in riparian margins, then land may be

taken or set aside upon subdivision, or as a financial contribution on activities not requiring subdivision consent. The Council may also negotiate with landowners outside of these more formal processes if the values are significant enough to warrant protection.

Policy 8.2.7 – A strategic approach to the containment/eradication of undesirable animals and plants that impact on indigenous biodiversity values will be developed and maintained.

The wide range of pest species present in Marlborough, their location, characteristics and spread, means that a range of responses is necessary to deal with them and protect indigenous biodiversity. This can occur through rules in the Council's regional pest management plan, national pest management strategies, provision of information and advice to landowners, consent holders and the public, biological and physical control, monitoring and surveillance and at times, direct funding to landowners to help protect significant sites from pests. It is important to acknowledge that landowners (including statutory organisations) have a significant responsibility for controlling and managing pest animals and plants.

Often the resources required (technologically or financially) to effectively manage pests with physical control methods across the entire District are not available. The most effective and efficient approach will be to target pests at sites of high ecological value where they can be realistically managed to protect particular values or areas. This approach will rely on strong partnerships with landowners.

To date the Council has had limited involvement or experience in dealing with pests in the coastal marine area, but what work has been done has focussed on managing pests for economic reasons, especially for the marine farming industry in the Marlborough Sounds. Part of the Council's strategic approach for the coastal marine area has seen the establishment of a collaborative partnership to help build capability and put in place a framework to manage future biosecurity threats.

Policy 8.2.8 – Where monitoring of ecosystems, habitats and areas with significant indigenous biodiversity value shows that there is a loss of or deterioration in condition of these sites, then the Marlborough District Council will review the approach to protection.

Ongoing monitoring of the condition of sites with significant indigenous biodiversity value will be necessary to determine if the methods in the MEP are helping to improve the overall condition of significant indigenous biodiversity in Marlborough. Where state of the environment monitoring shows a loss of or deterioration in the condition of significant sites as a result of the voluntary approach to protection, then the Council will review the voluntary approach to determine whether increased use of regulation should be pursued. Any changes to the MEP as a result of this review would only occur through the First Schedule process of the RMA.

Policy 8.2.9 – Maintain, enhance or restore ecosystems, habitats and areas of indigenous biodiversity even where these are not identified as significant in terms of the criteria in Policy 8.1.1, but are important for:

- (a) the continued functioning of ecological processes;
- (b) providing connections within or corridors between habitats of indigenous flora and fauna;
- (c) cultural purposes;
- (d) providing buffers or filters between land uses and wetlands, lakes or rivers and the coastal marine area;
- (e) botanical, wildlife, fishery and amenity values;
- (f) biological and genetic diversity; and
- (g) water quality, levels and flows.

This policy identifies a range of factors that are important for the overall functioning of ecological processes. However, it is important to recognise that not all areas with indigenous biodiversity value will be considered significant. Nonetheless, these areas still add to the overall sustainable

management purpose of the RMA, particularly when having regard to the following Section 7 matters of the RMA:

- (c) *The maintenance and enhancement of amenity values.*
- (d) *Intrinsic values of ecosystems.*
- (f) *Maintenance and enhancement of the quality of the environment.*
- (g) *Any finite characteristics of natural and physical resources.*

Policy 8.2.10 – Promote to the general public and landowners the importance of protecting and maintaining indigenous biodiversity because of its intrinsic, conservation, social, economic, scientific, cultural, heritage and educational worth and for its contribution to natural character.

Increasing awareness about the unique and diverse biodiversity of Marlborough is important. The policy recognises contributions towards protecting and maintaining biodiversity will see the Council continuing to work closely with the community. This approach has been fundamental to improving biodiversity to date, because to protect biodiversity on private land, the Council relies heavily on voluntary participation and proactive protection activity from landowners. Within the coastal environment this role is particularly important as the resources comprised in the coastal marine area are in public ownership. Coupled with imperatives in the RMA requiring the preservation of the natural character of the coastal environment, wetlands, lakes and rivers, the Council recognises that informing the public about Marlborough's biodiversity is essential in helping to protect the values identified in the policy.

Policy 8.2.11 – Promote corridors of indigenous vegetation along waterbodies to allow the establishment of native ecosystems and to provide wildlife habitat and linkages to other fragmented bush or wetland remnants.

Riparian areas are the interface between land and water resources and provide important habitat for unique flora and fauna, including swamp nettle and whitebait spawning sites. Vegetation within the riparian area also contributes to freshwater habitat through the provision of refuge and the input of food and shade. For example, many native fish species are dependent on native terrestrial insects as a food source and these insects are often only found in indigenous riparian vegetation. Promoting ecological corridors on both public and private land therefore plays an important part in protecting ecosystems and maintaining and enhancing the quality and diversity of remaining natural areas.

The opportunity already exists to improve biodiversity on Council-owned land along a number of waterways on the Wairau Plain, as well as alongside rivers in other catchments (e.g. Wakamarina, Rai, Onamalutu and Pelorus), despite these riparian areas being maintained for flood hazard mitigation. These river margins may not presently have particular value for biodiversity, but they could have in future with enhancement work such as the removal of plant pests and planting with native species.

Policy 8.2.12 – Encourage and support private landowners, community groups and others in their efforts to protect, restore or re-establish areas of indigenous biodiversity.

Not all of the responses to protecting, restoring or re-establishing indigenous biodiversity need to be achieved through the RMA or by regulation. For example, voluntary agreements can be put in place by various groups to protect species or habitats. There are also provisions in other statutes that can be used by various agencies to protect particular values and these may extend to also protecting important biodiversity values, e.g. the Marine Reserves Act 1971. The Council has also established programmes to assist landowners and community groups to protect and restore natural areas and ecosystems. This includes financial assistance to landowners willing to protect ecologically important areas on their properties.

Policy 8.2.13 – When re-establishment or restoration of indigenous vegetation and habitat is undertaken, preference should be given to the use of native species of local genetic stock.

Plants within the same species can adapt to local conditions to become genetically separate (and sometimes physically distinctive). Local plants are therefore well adapted and are best used for propagation, as they provide the best chance of survival and good growth within the District. These plants also protect genetic diversity within local populations and prevent the character of local ecosystems from being swamped by imported varieties from other areas. Therefore, where feasible, seed should be collected from within a catchment or ecological district as close as possible to the specific site of a planting project.

Managing effects of subdivision, use and development on indigenous biodiversity

Policy 8.3.1 – Manage the effects of subdivision, use or development in the coastal environment by:

- (a) **avoiding adverse effects where the areas, habitats or ecosystems are those set out in Policy 11(a) of the New Zealand Coastal Policy Statement 2010;**
- (b) **avoiding adverse effects where the areas, habitats or ecosystems are mapped as significant wetlands or ecologically significant marine sites in the Marlborough Environment Plan; or**
- (c) **avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects where the areas, habitats or ecosystems are those set out in Policy 11(b) of the New Zealand Coastal Policy Statement 2010 or are not identified as significant in terms of Policy 8.1.1 of the Marlborough Environment Plan.**

Policy 11 of the New Zealand Coastal Policy Statement 2010 (NZCPS) defines a range of priorities so that indigenous biodiversity in the coastal environment is protected. Policy 8.3.1 of the MEP reflects the priority approach of the NZCPS to subdivision, use and development activities within the coastal environment.

Policy 8.3.2 – Where subdivision, use or development requires resource consent, the adverse effects on areas, habitats or ecosystems with indigenous biodiversity value shall be:

- (a) **avoided where it is a significant site in the context of Policy 8.1.1; and**
- (b) **avoided, remedied or mitigated where indigenous biodiversity values have not been assessed as being significant in terms of Policy 8.1.1.**

This policy sets up a hierarchy for decision makers to use when assessing the effects of subdivision, use or development activities on areas, habitats or ecosystems with indigenous biodiversity value. For those sites identified as being significant in terms of Policy 8.1.1, it is important that adverse effects are avoided. This recognises that there are few significant sites remaining on private land, especially in southern Marlborough. Where sites have not been identified as significant through Policy 8.1.1, decision makers can also consider remediation or mitigation options to address adverse effects.

Policy 8.3.3 – Control vegetation clearance activities to retain ecosystems, habitats and areas with indigenous biodiversity value.

Although the Council has adopted an approach of voluntary partnerships with private landowners to identify and protect areas of significant indigenous biodiversity, it is important there is a “backstop” measure in place to control activities that involve the removal of indigenous vegetation. The difference in approach recognises that rules in themselves will not improve the overall condition of significant natural areas; only by working with landowners can that occur. However, control through both permitted activity rules (with conditions) and discretionary activity rules for

vegetation clearance is also necessary to assist in minimising the loss of ecosystems, habitats and areas with indigenous biodiversity value. It is important to note that there may be some circumstances where the clearance of indigenous vegetation will be excluded from rules, such as that which occurs under plantation forestry or on existing roads. The policy will also contribute to achieving outcomes for the protection of outstanding natural features and landscapes and the maintenance of high amenity areas (see Chapter 7 - Landscape, Volume 1 of the MEP).

Policy 8.3.4 – Improve the management of drainage channel maintenance activities to mitigate the adverse effects from these activities on the habitats of indigenous freshwater species.

The Council operates and maintains a historic network of drainage channels on the Wairau Plain. This network reduces groundwater levels and improves the productive potential of the rural land resource. Some of the drainage channels are modified rivers, while others are artificial watercourses. The drainage channels often provide habitat to indigenous freshwater fauna, including eel (tuna) and other freshwater fish and kōura. These species are a source of mahinga kai to Marlborough’s tangata whenua iwi and contribute to Marlborough’s overall biodiversity.

The maintenance of the drainage network involves the control and/or removal of aquatic plants, wetland plants and accumulated sediment from the bed of the channels that would otherwise reduce the efficiency of water flow and increase water levels. Such maintenance can adversely affect aquatic animals within the channel, either through direct removal or a reduction of habitat. While it is difficult to completely avoid the adverse effects of drainage channel maintenance on aquatic biodiversity, it is possible, using good environmental practice guidelines, to mitigate the nature and degree of effect from maintenance activities.

Policy 8.3.5 – In the context of Policy 8.3.1 and Policy 8.3.2, adverse effects to be avoided or otherwise remedied or mitigated may include:

- (a) fragmentation of or a reduction in the size and extent of indigenous ecosystems and habitats;
- (b) fragmentation or disruption of connections or buffer zones between and around ecosystems or habitats;
- (c) changes that result in increased threats from pests (both plant and animal) on indigenous biodiversity and ecosystems;
- (d) the loss of a rare or threatened species or its habitat;
- (e) loss or degradation of wetlands, dune systems or coastal forests;
- (f) loss of mauri or taonga species;
- (g) impacts on habitats important as breeding, nursery or feeding areas, including for birds;
- (h) impacts on habitats for fish spawning or the obstruction of the migration of fish species;
- (i) impacts on any marine mammal sanctuary, marine mammal migration route or breeding, feeding or haul out area;
- (j) a reduction in the abundance or natural diversity of indigenous vegetation and habitats of indigenous fauna;
- (k) loss of ecosystem services;
- (l) effects that contribute to a cumulative loss or degradation of habitats and ecosystems;
- (m) loss of or damage to ecological mosaics, sequences, processes or integrity;
- (n) effects on the functioning of estuaries, coastal wetlands and their margins;
- (o) downstream effects on significant wetlands, rivers, streams and lakes from hydrological changes higher up the catchment;

- (p) **natural flows altered to such an extent that it affects the life supporting capacity of waterbodies;**
- (q) **a modification of the viability or value of indigenous vegetation and habitats of indigenous fauna as a result of the use or development of other land, freshwater or coastal resources;**
- (r) **a reduction in the value of the historical, cultural and spiritual association with significant indigenous biodiversity held by Marlborough's tangata whenua iwi;**
- (s) **a reduction in the value of the historical, cultural and spiritual association with significant indigenous biodiversity held by the wider community; and**
- (t) **the destruction of or significant reduction in educational, scientific, amenity, historical, cultural, landscape or natural character values.**

The policy identifies a range of adverse effects that may result from subdivision, use and development, and which may need to be avoided to protect indigenous biodiversity values. The effects can occur in terrestrial, freshwater or coastal environments or be specific to one environment. Therefore in determining whether these adverse effects may occur and potentially affect indigenous biodiversity values, a case-by-case assessment will be necessary. Depending on the environment within which the subdivision, use or development is to take place and the particular values associated with the site and degree of effect likely to result from the proposed activity, a determination can be made as to whether the effects should be avoided in terms of Policies 8.3.1 and 8.3.2 or can otherwise be remedied or mitigated.

Policy 8.3.6 – Where taking or diversion of water from waterbodies is proposed, water levels and flows shall remain at levels that protect the natural functioning of those waterbodies.

This policy sets an environmental bottom line to protect biodiversity values in waterbodies (including in streams that are spring fed) where the taking of water is proposed. Regard will be had to the policy in establishing environmental flow and level limits and when considering resource consent applications where no such regime has been established. This policy recognises that all waterbodies are important and that protecting the natural functioning of these environments will at least maintain biodiversity values. In some cases, prohibited activity rules have been applied to protect the values of waterbodies.

Policy 8.3.7 – Within an identified ecologically significant marine site fishing activities using techniques that disturb the seabed must be avoided.

Some fishing activities use techniques that result in disturbance of the seabed. Depending where this occurs, there is the potential for adverse effects on marine biodiversity. The policy seeks to specifically avoid the use of these techniques to ensure areas identified as having significant biodiversity value in the coastal marine area are protected. This will help to give effect to Policy 11 of the NZCPS.

Policy 8.3.8 – With the exception of areas with significant indigenous biodiversity value, where indigenous biodiversity values will be adversely affected through land use or other activities, a biodiversity offset can be considered to mitigate residual adverse effects. Where a biodiversity offset is proposed, the following criteria will apply:

- (a) **the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;**
- (b) **the residual adverse effects on biodiversity are capable of being offset and will be fully compensated by the offset to ensure no net loss of biodiversity;**
- (c) **where the area to be offset is identified as a national priority for protection under Objective 8.1, the offset must deliver a net gain for biodiversity;**
- (d) **there is a strong likelihood that the offsets will be achieved in perpetuity;**

- (e) **where the offset involves the ongoing protection of a separate site, it will deliver no net loss and preferably a net gain for indigenous biodiversity protection; and**
- (f) **offsets should re-establish or protect the same type of ecosystem or habitat that is adversely affected, unless an alternative ecosystem or habitat will provide a net gain for indigenous biodiversity.**

Biodiversity offsets are the final step in a hierarchical process in which adverse effects on indigenous biodiversity are first avoided, then remedied, and finally mitigated. Only after these approaches have been exhausted is it appropriate to consider biodiversity offsets to deal with unavoidable residual adverse effects. Policy 8.3.8 makes clear that biodiversity offsets should not be considered in areas that have been assessed as having significant biodiversity value and where adverse effects on these values are to be avoided.

The goal of a biodiversity offset is to achieve no net loss and preferably a net gain of biodiversity with respect to species composition, habitat structure and ecosystem functions. It is therefore important that offsets are appropriate compensation. There is a preference for the re-establishment or protection of the same type of ecosystem or habitat to avoid the difficulty of assessing relative values of different ecosystems or habitats of different species. Trade-offs involving different species will not always adequately compensate for the loss of the originally threatened species. However, the policy does recognise that where significant indigenous biodiversity benefits can be achieved, the protection of other habitats may be appropriate.

There will be cases where the indigenous biodiversity at risk is so significant that it should not be significantly modified or destroyed under any circumstances (other than when necessary for avoiding risks to human condition and safety). There are also situations where residual effects cannot be fully compensated because the biodiversity is highly vulnerable or irreplaceable; for example, where the vegetation or habitat is so rare or reduced that there are few or no opportunities to deliver an offset. In such cases, offsetting cannot be considered as a means of environmental compensation for adverse effects.

There also needs to be certainty that the proposed offsets will occur. Offset measures such as indigenous planting will take a long time to establish and become useful in a biodiversity role. There should be an overall improvement in indigenous biodiversity as a result of the project and its biodiversity offsets.

Methods of implementation

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

8.M.1 Regional rules

Resource consent will be required to modify waterbodies and for any activity that would result in the draining or modification of a wetland (excluding artificially created ponds). The term 'modification' applies in the context of a physical change to the waterbody or in terms of alteration to flow (including the taking of water). Regard must be had to the values of waterbodies identified in Appendix 5.

Permitted activity rules will enable some activities to be carried out in wetlands and rivers where there is no more than minor adverse effect. These rules will specify certain standards that have to be met for the activity to remain as permitted. In some cases where significant wetlands have been least modified by humans, prohibited activity rules have been applied to ensure the values of the significant wetlands are maintained.

Where appropriate, regional rules will enable pest management activity for biodiversity outcomes.

Fishing activities using techniques or methods that disturb the seabed in the areas identified as an ecologically significant marine site will be prohibited. Resource consent is required for most uses

or activities within the coastal marine area and an assessment of the effects of the activity on indigenous biodiversity will be undertaken, including whether there are any significant biodiversity values.

8.M.2 District rules

Resource consent will be required for land disturbance or vegetation clearance activities where certain species or habitats with indigenous biodiversity value are to be modified.

8.M.3 Marlborough's Significant Natural Areas Programme

The Council's Marlborough Significant Natural Areas programme involves the collection of information about natural ecosystems on private land, with the aim of working with landowners to help protect significant sites. An ecological survey is undertaken with property reports prepared that summarise the ecological values found and suggest management options to ensure their long term survival.

The Department of Conservation has also identified significant sites on private land through its Protected Natural Areas survey programme. There is no duplication in effort as the Council and Department programmes have surveyed different areas of Marlborough.

Although a good proportion of private land in Marlborough has been surveyed, some landowners have not allowed the Council onto their property, therefore the programme of identifying sites is incomplete and ongoing. If a landowner changes their mind or a property changes ownership and a new landowner wishes to have their property surveyed, then the Council will undertake the survey work.

8.M.4 Identification of areas with significant biodiversity value

Identification of the values of various waterbodies within Marlborough is included in Appendix 5. The natural and human use values include ecological, habitat, recreational and natural character values.

The Council has also identified in the resource management plan significant wetlands and ecologically significant marine sites.

8.M.5 Monitoring

The Council has gathered a significant amount of information about indigenous biodiversity in Marlborough through the Significant Natural Areas programme. The Council has established a monitoring programme that will be ongoing to determine if support programmes are helping to improve the overall condition of indigenous biodiversity in Marlborough.

The Council will establish baseline monitoring programmes that provide a benchmark for determining the ongoing condition of habitats, ecosystems and areas that have significant indigenous biodiversity values. Where appropriate, the Council will also require resource consent holders to monitor the effects of their activity on marine biodiversity.

The Council is aware that its knowledge on areas with biodiversity value is incomplete and is therefore committed to carrying out and supporting research, and undertaking state of the environment monitoring to gain a better understanding of Marlborough's biodiversity.

8.M.6 Support

The Council will support, including financially, the protection and/or restoration of areas with biodiversity value in the following ways:

- *through the established landowner assistance programme, which provides both practical and financial help with work such as pest and weed control and fencing;*
- *by the waiving of resource consent application fees for activities that would assist in the protection of significant areas;*

- *through the annual planning process, consider granting reductions in rating for properties where sites are protected through conservation covenants;*
- *from funding made available by central government for the protection of areas of significant indigenous vegetation and habitats of indigenous fauna;*
- *by prioritising available funds for significant sites where sites are subject to protective covenants;*
- *through appropriate investigations to improve our understanding of the nature and state of indigenous biodiversity in Marlborough; and*
- *through supporting initiatives developed by community and industry groups to promote protection and restoration of indigenous biodiversity.*

8.M.7 Information

Increasing the knowledge and understanding of landowners and the public of the occurrence of significant areas of ecological value not only leads to greater appreciation of those values, but can motivate voluntary action to maintain and enhance indigenous biodiversity. The type of information already available or to be provided includes:

- *information to individual landowners through the 'Marlborough Significant Natural Areas' programme and the Department of Conservation 'Protected Natural Areas' survey programme on sites of significant indigenous biodiversity on private land, on the issues affecting the sites and suggestions for future management of the sites;*
- *based on knowledge through the survey programmes, a summary overview of significant natural areas in south and north Marlborough;*
- *newsletters for the public about the achievements being made on private land to protect and/or enhance biodiversity in Marlborough;*
- *web-based information on Marlborough's indigenous biodiversity, the various programmes of support available and guidelines on various issues;*
- *on specific issues affecting indigenous biodiversity through groups such as the Sounds Advisory Group;*
- *through maintenance of a database that records studies of marine areas undertaken by a variety of science providers. (This database is available on the Council's website.) The studies undertaken include those for resource consent applications or other scientific investigation, e.g. those undertaken on dusky dolphins in Admiralty Bay;*
- *encouraging the implementation of regimes such as voluntary retirement of land from farming, Queen Elizabeth II National Trust and other covenants, the establishment of reserves and voluntary restoration to achieve the protection of areas of significance;*
- *state of the environment reporting on the extent and condition of Marlborough's biodiversity; and.*
- *fact sheets on effective methods to control undesirable plants and animals and opportunities for private land to be covenanted.*

8.M.8 Guidelines

Guidelines have already been developed by the Council and other agencies for a range of aspects concerning biodiversity, including:

- *to help interested landowners identify and clarify both production and ecological values on private property and develop practical and specific management strategies to balance these;*
- *which species are suitable for planting in south Marlborough, including for different areas and ecosystems. The guide (produced in conjunction with the Department of*

Conservation) provides advice and information for small and larger scale plantings and restoration projects;

- *approaching marine mammals from land, sea and air and on minimising acoustic disturbance to mammals from seismic survey operations (both produced by the Department of Conservation);*
- *the benefits of and how to eco-source plants for restoration projects; and*
- *for the restoration/creation of wetlands.*

The Council will prepare guidelines to assist developers on options available for enhancing indigenous biodiversity.

The Council will investigate and document best practice guidelines to assist when planning for and undertaking drainage channel maintenance activities. The practices will vary between drainage channels, depending on the circumstances. Marlborough's tangata whenua iwi and others with an interest in aquatic biodiversity will be provided the opportunity to assist in the development of the guidelines.

As the need arises, the Council will develop further guidelines in an endeavour to enhance overall biodiversity in Marlborough.

8.M.9 Regional Pest Management Plan for Marlborough

The Regional Pest Management Plan for Marlborough (prepared under the Biosecurity Act 1993) classifies a range of plant and animal species as pests because they cause or have the potential to cause significant adverse effects on Marlborough's economy and/or environment. Individual pests are placed in one of three categories. The management regime, which includes rules for each pest, applies mostly to terrestrial environments but does include aquatic plant and animal pests. The plan also lists plant and animal species that pose potential threats to ecological values in Marlborough. These species do not have a specific regime for control because they do not pass the required cost benefit tests set out in the Biosecurity Act. However, control of these pests will likely be based on a 'site led' approach, targeted to sites with significant ecological value where the reduction of a range of pests would be effective in protecting those values.

8.M.10 Works

The Council will undertake planting of riparian margins with indigenous species on land owned or administered by the Council where appropriate.

8.M.11 Partnership/Liaison

The Council works closely with the Queen Elizabeth II National Trust, an independent organisation that assists landowners to formally protect their land through a covenant on the property title. The Council also works closely with the Department of Conservation in providing information for landowners and the public in general and in on-the-ground work to assist in enhancing biodiversity in Marlborough.

Focussed projects to enhance indigenous biodiversity are supported and promoted by the Council. This can include projects such as landcare groups set up to restore areas such as the Grovetown Lagoon and Rarangi foreshore, working with nurseries to ensure locally-sourced native plants are available for restoration projects, establishing the Tui to Town project to entice native birds across the Wairau Plain from the Northbank forests and working with resident groups on local projects.

Through its role in biosecurity the Council also acts in a liaison capacity with the Ministry for Primary Industries (MPI) Biosecurity New Zealand in the management of a range of undesirable animals and plants. Equally important in the control and management of pest animals and plants is the partnership role between the Council and private landowners and between the Council and Department of Conservation/Land Information New Zealand with respect to Crown land.

The Council has a partnership role with the Minister of Conservation in managing Marlborough’s coastal marine area. The Minister is responsible for approving regional coastal plans and also administers the NZCPS. For this reason, maintaining a strong partnership with the Department of Conservation through its area and local offices will be very important in looking after Marlborough’s marine biodiversity.

The Council has entered a collaborative partnership with Top of the South councils (Tasman, Marlborough and Nelson), MPI Biosecurity New Zealand, marine farming industries and iwi to help build capability and put in place a framework to manage future marine biosecurity threats. The Department of Conservation will also be involved in the consideration of biosecurity threats where these may affect marine biodiversity.

Many residents, resident groups and other community based groups have an interest in how Marlborough’s coastal marine areas are to be managed into the future. Maintaining a strong relationship with these individuals and groups will help to achieve the outcomes sought for maintaining marine biodiversity. This will extend to supporting community initiatives and advocating to government departments to set up protected marine areas and working with industry groups to promote sustainable use of marine resources.

8.M.12 Acquisition of land

The Council may consider acquiring sites with outstanding ecological values where land purchase is the only means available for protection of the values and that land is available for purchase. The Council will also encourage other agencies to do this.

Anticipated environmental results and monitoring effectiveness

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

Anticipated environmental result	Monitoring effectiveness
<p>8.AER.1</p> <p>An increase in the number and extent of ecosystems, habitats and areas with indigenous biodiversity value that are formally protected or covenanted (where practicable).</p>	<p>There is an increase in the area of land covered in indigenous vegetation (including in riparian margins) in those parts of Marlborough defined as acutely or chronically threatened in the Threatened Environment Classification (National Priority One in “Statement of National Priorities for Protecting Rare and Threatened Biodiversity on Private Land).</p> <p>The number of sites with significant indigenous biodiversity value under formal protection by either a landowner agreement with the Council or a Queen Elizabeth II National Trust covenant or similar has increased.</p> <p>There is an increase in the number of marine protected areas.</p>

Anticipated environmental result	Monitoring effectiveness
<p>8.AER.2</p> <p>Maintenance and enhancement of the condition of ecosystems, habitats and areas with indigenous biodiversity value.</p>	<p>Monitoring of sites identified through the Significant Natural Areas programme shows an improvement in the values of those sites.</p> <p>Baseline monitoring programmes established in 2010 for a representative sample of terrestrial, river and wetland and in 2014/15 for ecologically significant marine site shows no loss of those values over the life of the MEP.</p> <p>There is no increase in the extent or distribution of known aquatic pest species identified as declared pests in the Regional Pest Management Plan for Marlborough.</p>
<p>8.AER.3</p> <p>There is no loss in wetland area.</p>	<p>Measured against a baseline monitoring programme established for wetlands in 2010, there is no loss in the overall area of wetlands in Marlborough.</p>
<p>8.AER.4</p> <p>Widespread community involvement in looking after Marlborough's indigenous biodiversity.</p>	<p>Continuation of community involvement in projects and initiatives such as 'Tui to Town,' Grovetown Lagoon restoration, landcare groups, planting of riparian areas, etc.</p> <p>The number of landowners protecting private land with indigenous biodiversity values (through formal protection or active management) increases.</p> <p>A voluntary partnership approach with landowners continues to be the primary means of protecting terrestrial areas of significant indigenous biodiversity.</p>
<p>8.AER.5</p> <p>An increase in knowledge of Marlborough's indigenous biodiversity.</p>	<p>Use of scheduled criteria to identify ecosystems, habitats or areas present with significant indigenous biodiversity value through resource consent applications or where future survey work may be undertaken.</p> <p>The number of private properties over which ecological assessments to determine if there are ecosystems, habitats or areas present with significant indigenous biodiversity value, increases (albeit at a low level) as the active SNA survey has been completed. Any increase in properties surveyed is most likely to arise through resource consent processes.</p> <p>Knowledge and understanding of indigenous biodiversity in Marlborough's coastal marine area is enhanced through maintenance of the marine database of information and from supporting research in areas where little is known about marine biodiversity.</p>

9. Public Access and Open Space

Introduction

Two regionally significant elements of community wellbeing in Marlborough are the ability for the public to gain access to our rivers, lakes, high country and coast (including the coastal marine area) and enjoy areas of open space for recreation and other purposes, whether in urban or rural environments.

Public access is very important in resource management terms, as Section 6(d) of the Resource Management Act 1991 (RMA) requires as a matter of national importance public access to and along the coastal marine area, lakes and rivers to be maintained and enhanced. Being able to enjoy and access marine, freshwater and high country areas is also important in maintaining and enhancing amenity values (Section 7(c) of the RMA).

The Walking Access Act 2008 also affects public access around New Zealand. This Act is intended to enhance and extend walking access throughout New Zealand. The New Zealand Walking Access Commission implements the Act and provides leadership on walking access issues. The Commission maps walking access routes, provides information to the public, has developed a code of responsible conduct, assists with dispute resolution and negotiates new walking access.

In Marlborough there is a high public expectation to be able to access and use coastal areas, as there are some 1,800 kilometres of coastline in the district, a large proportion of which occurs in the intricate waterways of the Marlborough Sounds. Public access to the coast in Marlborough is already relatively well established, with over 900 kilometres already accessible through Sounds Foreshore Reserve, legal road and esplanade reserves. Access is generally freely available, though in some areas is difficult because of land ownership or physical constraints. In some areas, public access is restricted for conservation or health and safety reasons.

In high country areas, public access is sometimes through legal routes on land administered by the Crown or the Council. However, often the areas for which access is sought, such as high country parcels, rivers and streams, can only be reached through private property and at the discretion of the landowner.

Areas of open space, including land administered by the Department of Conservation and reserves for recreation and other purposes, also contribute significantly to the quality of life experienced by Marlborough residents. These open space areas (both land and water) range from the relatively undeveloped to the highly modified and managed. Most are in public ownership or control, although some land is privately protected. Collectively or individually, open space areas are valued by people for ecological, amenity, landscape or recreational purposes.

Areas of open space that are more developed are usually readily accessible to the public and include public landscaped areas, playing fields, parks and play areas, legal roads, river reserves in towns. The degree of development is complementary, necessary or appropriate to the use and enjoyment of the open space. For example there may be community facilities that provide for or encourage recreation, such as halls, jetties, clubrooms or pavilions, courts and swimming pools. Other development may also provide amenity, such as footpaths, seating, lighting, monuments and plaques, or help in the management of an area, such as signs and bollards.

However, a significant part of Marlborough's open space comprises areas in a more natural or undeveloped state and include forests, wetlands, waterbodies and waterways. Areas of open space often show high levels of natural character. For example, the substantial open space resources that exists in the Marlborough Sounds and on Molesworth Station are significant

contributors to the wellbeing of both residents and visitors. Open space areas in these locations also provide protection for important habitats and ecosystems. Other areas of open space, such as the Wither Hills Soil Conservation Reserve provide a valued landscape backdrop to Blenheim, an important recreation resource for walking and mountain biking and fulfil an important soil conservation function.

There is a close relationship between providing for public access and areas of open space. This is particularly so where open space areas may only be able to be enjoyed by the wider community through some form of public access. To this extent there are close links between policies for public access and for open space.

Issue 9A – Trying to meet community expectations that public access will be available to rivers, lakes and the coast.

There is a history of community expectation in Marlborough that public access will be available to the coast, rivers, lakes and high country areas. Being able to meet those expectations is sometimes difficult, especially where access over private land is involved. (However, it is important to recognise that the public have no right of access across private land without express permission from the landowner.) Although public access is coordinated at a central government level through the Walking Access Commission, there are important issues to consider at the District level as well. This is because the effects arising from activities and the development of resources can physically impede public access, as well as affecting people's enjoyment and recreational use of rivers, lakes, the coast and public land.

Within the coastal marine area, structures such as jetties, marinas, moorings and boatsheds can enhance public access, especially in the Marlborough Sounds where substantial parcels of land are in private ownership. However, these structures do occupy public space and may in some locations detract from some people's experience of the Sounds' environment, or even affect access to land or areas in the coastal marine area. Activities such as marine farming, while bringing economic benefits to the District, can physically impede access over water and may also limit some people's interest in using an area for recreational purposes.

In some locations, public access can be physically difficult (e.g. coastal cliffs off the western side of Rangitoto - d'Urville Island) or even unavailable, as along some river margins and the coast, because of private ownership (riparian rights) or privately leased land. Public access may sometimes need to be restricted, for example for health and safety reasons in port areas, during forestry operations, in managing fire risk or to protect significant conservation values (such as those on some of the offshore islands of the Marlborough Sounds).

[RPS, R, C, D]

Objective 9.1 – The public are able to enjoy the amenity and recreational opportunities of Marlborough's coastal environment, rivers, lakes, high country and areas of historic interest.

Given the extensive nature of Marlborough's land, freshwater and coastal environments, there exists a wide range of recreational and amenity opportunities for people to experience. To enable many of these opportunities, there needs to be a reasonable level of public access provided to our rivers, lakes and coast. The maintenance and enhancement of public access to these areas is a matter of national importance under the RMA. The objective also identifies the importance of providing access to high country areas and places of historic interest.

Marlborough is fortunate to be served by networks of rivers, tributaries and streams that bring with them significant access opportunities. Many rivers have legal roads or other forms of public reserve running along their edges. This is particularly the case in the more populated area of the Lower Wairau Plain, where there has been a history of flood plain management with stopbanked river floodways. This has resulted in a high proportion of public ownership of riparian margins than in other areas of Marlborough, with public access more readily achieved. A fair amount of

the land for which access is sought, such as high country parcels and river margins, can only be reached through private property.

For the coastal environment, public access is important from the land to the coastal edge, within the coastal marine area, from the sea to the land and along the foreshore itself. Although many public roads run near the coast, private ownership of land between the road and the coast can be a significant barrier to public access. Additionally, it is important that structures within the coastal marine area itself are not sited in areas or constructed in any way that creates an adverse effect on access.

General

[RPS]

Policy 9.1.1 – The following areas are identified as having a high degree of importance for public access and the Marlborough District Council will as a priority focus on enhancing access to and within these areas:

- (a) **Wairau River from State Highway 63 bridge to the sea;**
- (b) **high priority waterbodies for public access on the Wairau Plain and in close proximity to Picton, Waikawa, Havelock, Renwick, Seddon, Ward and Okiwi Bay;**
- (c) **coastal marine area, particularly in and near Picton, Waikawa and Havelock, Kaiuma Bay, Queen Charlotte Sound (including Tory Channel), Port Underwood, Kenepuru Sound, Mahau Sound, Mahikipawa Arm and Croiselles Harbour, Rarangi to the Wairau River mouth, Wairau Lagoons, Marfells Beach and Ward Beach;**
- (d) **connections would be made with other public land (including esplanade reserves) or other land where esplanade strips or access strips already exist; and**
- (e) **the Queen Charlotte Track.**

Some areas within Marlborough have historically had a high degree of importance for public access. This is because they are often near significant sources of population, such as the waterbodies on the Wairau Plain, or are coastal sites with a long history of public use. This policy provides a long term focus for the Council to enhance access in these areas. Enhanced access may result from the acquisition (or purchase) of esplanade reserves or esplanade strips through subdivision or development. There may also be opportunities, through physical works such as walking or cycling tracks or through liaison with landowners, to enhance access. In some cases, this may lead to the need for additional infrastructure to manage the effects of enhanced public access (e.g. the provision of public toilets).

[RPS, C, D]

Policy 9.1.2 – In addition to the specified areas in Policy 9.1.1, the need for public access to be enhanced to and along the coastal marine area, lakes and rivers will be considered at the time of subdivision or development, in accordance with the following criteria:

- (a) **there is existing public recreational use of the area in question, or improving access would promote outdoor recreation;**
- (b) **connections between existing public areas would be provided;**
- (c) **physical access for people with disabilities would be desirable; and**
- (d) **providing access to areas or sites of cultural or historic significance is important.**

In addition to the priority areas identified in Policy 9.1.1, there may be other locations where it is appropriate to enhance public access. This policy sets out those circumstances to be considered in any application where a land use activity or subdivision requiring resource consent adjoins the

coastal marine area, lakes or rivers. In some circumstances it may not be appropriate to enhance access in terms of (d) and the exclusion provided for in Policy 9.2.1 will be more applicable.

[D]

Policy 9.1.3 – Where public access is enhanced in priority locations, steps shall be taken to ensure this does not result in:

- (a) **adverse effects on the wider environment of that location from littering, unsanitary disposal of human waste or damage to vegetation; or**
- (b) **conflicts between users that would detract from public enjoyment of the area.**

The cumulative effects of enhancing public access and resulting recreational use are potentially major. These effects arise from cumulative minor adverse effects of individual actions. It is considered that the most effective way to avoid, remedy or mitigate these cumulative effects is to influence the choices made by individuals through bylaws, public awareness programmes, provision of supporting facilities, use of signs, working with local communities and community groups etc.

[RPS]

Policy 9.1.4 – Acknowledge that public access to land held in private ownership can only be granted by the landowner.

Access to beaches, rivers and the high country frequently relies on landowner goodwill in allowing people to cross private land. This policy acknowledges that the Council respects the private property rights of the landowner and understands it is their prerogative to grant or refuse permission for people to cross their land.

[RPS, C, D]

Policy 9.1.5 – Acknowledge the importance New Zealander’s place on the ability to have free and generally unrestricted access to the coast.

The public has an expectation that access to coastal areas and use and enjoyment of our beaches, foreshore and the sea be free and in most cases, generally unrestricted. This policy recognises that expectation and in most circumstances, public access to Marlborough’s coastline will be unrestricted, particularly as a significant part of the District is within a coastal environment. However, it is important to acknowledge that there is no right of public access over private land to reach the coast and there are some circumstances where walking access is able to be restricted (see Policy 9.2.1). This policy also assists in giving effect to the NZCPS objectives and policies to maintain and enhance public walking access to, along and adjacent to the coastal marine area.

Providing/enhancing public access

[RPS, C, D]

Policy 9.1.6 – Continue to assess the need to enhance public access to and along the coastal marine area, lakes and rivers.

In some areas of Marlborough (such as in the Marlborough Sounds), good information is provided about where public access is available. In other parts of the District however, the same level of information is not apparent. Having records about where there is public access is important in terms of providing the public with information, but is also essential to establish which areas are in need of enhanced public access. Therefore, the Council needs to establish a comprehensive overview of the nature and location of existing means of public access. Having established this, the Council will undertake a gaps analysis to determine where there is a demand for further public access. From time to time the Council may also wish to review the conditions of an esplanade or access strip negotiated for public access to determine whether public access needs have changed.

[RPS, C]

Policy 9.1.7 – Recognise there is an existing network of marinas at Picton, Waikawa and Havelock, publicly owned community jetties, landing areas and launching ramps that make a significant contribution in providing access for the public to Marlborough’s coastal areas.

An existing network of marinas, jetties and launching ramps enable the public to access the coastal marine area. This includes substantial marinas in Havelock, Picton and Waikawa as well as access points across the foreshore at locations such as Wards Beach, Marfells Beach, the Wairau Diversion and Ohingaroa Bay in Mahau Sound. The policy recognises this significant contribution to public access and thereby gives effect to the matters of national importance in Section 6 of the RMA.

[RPS, C]

Policy 9.1.8 – Enable public use of jetties for the purposes of access to the Sounds Foreshore Reserve and legal road along the coast.

Consistent with recognising the importance of providing, maintaining and enhancing public access to and along the coast, there are many existing jetties in the Marlborough Sounds that can provide access to the Sounds Foreshore Reserve. This reserve is a strip of land generally 20 metres wide, which has as its main purpose the right for the general public to come ashore from the sea and traverse the reserve for any lawful reason. In some locations, legal road also runs along the foreshore. It is important that public access to the foreshore via jetties and along the beach is allowed in any area where access is not otherwise constrained under conditions of a coastal permit.

[RPS, D]

Policy 9.1.9 – Enhance public access through:

- (a) development of networks for cycling and walking in both rural and urban areas; and**
- (b) facilitating public access and recreational use of Marlborough District Council owned or administered land.**

In order to promote opportunities for walking and cycling in Marlborough, there need to be places available for people to undertake these activities. While in many cases these opportunities are evident within urban areas, in rural areas they are sometimes less evident. Improving public access for cycling or walking (including within the hills, plains, farms and vineyards and along rivers and coastal areas) will be important. In some cases this will extend to identifying new routes, but may also include seal widening or sealing shoulders on existing roads, or identification of specific cycle lanes.

In addition, there are areas of Marlborough that are served by networks of rivers, tributaries and streams with significant opportunities for access. Many of the rivers have legal roads or other forms of public reserve running along their edges. (In addition to being corridors into the landscape, rivers provide significant opportunities for the creation and/or enhancement of tracts of ecological habitat.)

The more populated area of the Lower Wairau Plain has a recorded history of flood plain management with stopbanked river floodways. Much of the floodway land is in Council ownership, thus public ownership of riparian margins is high and public access can be readily achieved.

[D]

Policy 9.1.10 – The creation of esplanade reserves, esplanade strips or access strips will be a significant means of enhancing public access to and along the coastal marine area, rivers and lakes.

By providing for public ownership, management of or access to the margins of the coast and other waterbodies, esplanade areas are an important mechanism for achieving the goals of the RMA in terms of public access. The RMA specifically provides for esplanade areas as one method of providing public access and enabling public recreational use of them. The RMA provides three tiers of esplanade areas: esplanade reserves, esplanade strips and access strips. Esplanade reserves or esplanade strips can be taken in accordance with Part 10 of the RMA (Subdivision and Reclamation) or as a financial contribution under Section 108 of the RMA. Access strips can be established at any time by agreement between the landowner and the Council.

[D]

Policy 9.1.11 – An esplanade reserve to be taken for public access purposes will be preferred to an esplanade strip or access strip in the following circumstances:

- (a) for those sites that adjoin existing esplanade reserves or other reserves vested in either the Marlborough District Council or Crown;
- (b) where the site adjoins the coastal marine area; or
- (c) where the site is or is likely to be a high use area.

There are some circumstances where the Council may believe, for public access purposes, that a greater level of control and management is warranted along the margins of the coast, lakes and rivers. This is particularly so where the Council may want to carry out enhancement works such as placement of tracks or landscaping. This will be easier to achieve if the Council has ownership of the land. The Council is also able to transfer ownership of an esplanade reserve to the Crown. This has occurred previously in the Marlborough Sounds, where esplanade reserves are largely owned by the Crown and managed by the Department of Conservation as the Sounds Foreshore Reserve. This ownership enables the Department to manage in an integrated manner access to the foreshore for the general public as well as for residents and bach owners with adjoining land.

[D]

Policy 9.1.12 – In considering whether to waive the requirement for, or to reduce/increase the width of an esplanade reserve or esplanade strip of 20 metres in width, the Marlborough District Council shall have regard to:

- (a) whether the application is in an area identified as having a high degree of importance for public access, as set out in Policy 9.1.1; and
- (b) the width required to effectively provide physical access along the waterbody;

while taking into account the following special circumstances:

- (c) whether significant ecological, conservation or cultural values exist that may be incompatible if general public access to the site is allowed;
- (d) whether significant ecological or conservation values warrant a wider esplanade reserve or esplanade strip;
- (e) whether topography renders the 20 metre width inadequate or excessive for public access;
- (f) whether the site is in an urban zone, where a reduced width of esplanade reserves/strips to 8 metres is generally considered sufficient;
- (g) whether the provision of public access along the esplanade reserve or esplanade strip would result in health or safety risks to the public using the reserve or strip; and

- (h) **taking an esplanade reserve or esplanade strip would not enhance public access to or along the waterbody over time.**

Under the RMA (Section 230), esplanade reserves 20 metres wide are required where any allotment of less than 4 hectares is created when land is subdivided adjacent to the coast, lakes and rivers. The Council has the discretion to waive or vary the requirement for esplanade reserves or strips. The policy identifies those circumstances where in public access terms, a waiver or reduction in width may be appropriate. Regard should also be had to the special circumstances identified in policies in Chapter 8 – Indigenous Biodiversity, Chapter 11 - Natural Hazards and Chapter 15 - Resource Quality (Water, Air, Soil).

There are some locations adjacent to waterbodies in urban areas, for which there has been a practice adopted to reduce the width of esplanade reserve or esplanade strip. These include adjacent to waterbodies in urban areas where an 8 metre wide reserve or strip has been taken. This is because a 20 metre wide esplanade reserve or strip could effectively render any future development of an urban property impossible, as urban properties are generally smaller than rural properties.

Impacts on public access

[C, D]

Policy 9.1.13 – When considering resource consent applications for activities, subdivision or structures in or adjacent to the coastal marine area, lakes or rivers, the impact on public access shall be assessed against the following:

- (a) **whether the application is in an area identified as having a high degree of importance for public access, as set out in Policy 9.1.1;**
- (b) **the need for the activity/structure to be located in the coastal marine area and why it cannot be located elsewhere;**
- (c) **the need for the activity/structure to be located in a river bed and why it cannot be located elsewhere;**
- (d) **the extent to which the activity/subdivision/structure would benefit or adversely affect public access, customary access and recreational use, irrespective of its intended purpose;**
- (e) **in the coastal marine area, whether exclusive rights of occupation are being sought as part of the application;**
- (f) **for the Marlborough Sounds, whether there is practical road access to the site of the application;**
- (g) **how public access around or over any structure sought as part of an application is to be provided for;**
- (h) **whether the impact on public access is temporary or permanent and whether there is any alternative public access available; and**
- (i) **whether public access is able to be restricted in accordance with Policies 9.2.1 and 9.2.2.**

These criteria provide a framework to assist decision makers in assessing the effects on public access to and along the coast, rivers and lakes arising through resource consent applications for subdivision, activities or structures.

[C, D]

Policy 9.1.14 – Where existing public access to or along the coastal marine area, lakes and rivers is to be lost through a proposed use, development or structure, alternative access may be considered as a means to mitigate that loss.

In some cases public access may be lost as a consequence of a particular use or development. Where it is not possible to avoid this loss, environmental benefits may be obtained by imposing

requirements to enhance public access, preferably in the same area or if this is not possible, in a different area with equivalent amenity value. The intent is that the person whose activities are responsible for the permanent loss of public access should consider, as a means of mitigating that loss, the provision of alternative or upgraded access in a reasonable and practical location.

Unformed legal road

[D]

Policy 9.1.15 – Recognise the benefits of the presence of unformed legal road as a means to enhance access to and along waterbodies (including the coast) and to public land.

The presence of unformed legal road that has not been formed or used for road purposes and to which the public have a right of access (often referred to as a paper road) potentially forms an important resource for public access purposes. Where possible, opportunities should be made to ensure that access over unformed legal roads, especially to areas identified as having a high priority for public access in Policy 9.1.1, is enhanced.

[D]

Policy 9.1.16 – In considering an application to stop any unformed legal road, the Marlborough District Council shall consider the following:

- (a) **current level of use, including whether the unformed legal road is:**
 - **the sole or most convenient means of access to any existing lot(s) that is public land or feature (for example, a river or the coast); or**
 - **used as a walkway or to access conservation land;**
- (b) **opportunities for future use, including whether the unformed legal road will be needed:**
 - **to service future residential, commercial, industrial or primary production developments; or**
 - **in the future, to connect existing roads;**
- (c) **alternative uses of the land, including its current or potential value for amenity or conservation functions, e.g. walkway, utilities corridor, esplanade strip or access way to features such as a river or the coast;**
- (d) **whether there is alternative and practical existing public access to the same end point of the unformed legal road; and**
- (e) **whether acceptable alternative access can be provided to offset the stopping of the unformed legal road.**

Regular requests are made to the Council from landowners wishing to purchase portions of unformed legal roads to be added to private land. However, there is a core principle that this land is owned by the public and has potential for high country, coastal and/or riparian access purposes. Although applications from the public to stop unformed legal roads are processed under the Local Government Act, it is important that regard is had to other legislation, such as the RMA where there are imperatives to recognise and provide for public access to and along the coastal marine area, lakes and rivers as a matter of national importance. Although the RMA does not make specific reference to high country areas in relation to public access, the Council has identified in Objective 9.1 the importance of the public being able to enjoy these areas. Given these imperatives, the criteria in this policy have been included to provide guidance on when it may or may not be appropriate to stop legal unformed roads.

[D]

Policy 9.1.17 – Where an unformed legal road provides access:

- (a) **to or from a public road or reserve;**

- (b) to or along a waterbody or the coastal marine area; or
- (c) provides primary access to an esplanade reserve or other reserve land;

and there is no other access to the areas identified in (a) to (c), the Marlborough District Council will not stop an unformed legal road unless an equal or better alternative is provided.

This policy recognises the importance of the access links that unformed legal road can provide. If any of the situations described in (a) to (c) exist when the Council considers an application to stop unformed legal road, then there must be an offset of equal or better access provided. This will help to ensure the access links are not lost.

[RPS, C, D]

Objective 9.2 – Identification of circumstances when public access to and along the coast and the margins of lakes and rivers can be restricted.

There are some situations where public access to the coast, lakes and rivers is already restricted, for example by natural physical restrictions like those imposed by the coastal cliffs on the western side of d'Urville Island. Public access is also restricted where land to the water's edge is in private ownership (riparian rights). However, there are other circumstances where access is or may need to be limited.

Public access is already restricted in some parts of the Marlborough Sounds to protect special values such as endangered wildlife. The restriction on public access to these locations (generally islands) is governed by legislation other than the RMA. Access can also be restricted to defence areas, including areas used for temporary military training activities, under the provisions of the Defence Act 1990. Port operations in Picton and Havelock may result in restrictions on public access to protect public safety.

Given the imperatives regarding the maintenance and enhancement of public access in Section 6(d) of the RMA, it is important that any restrictions placed on public access to and along the coast and the margins of lakes and rivers are well justified.

[RPS, C, D]

Policy 9.2.1 – Public access to and along the coastal marine area and the margins of lakes and rivers may be restricted to:

- (a) ensure a level of security consistent with the purpose of a resource consent or designation;
- (b) protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;
- (c) protect cultural values of Marlborough's tangata whenua iwi;
- (d) allow for foot access only;
- (e) protect public health and safety and animal welfare and to manage fire risk;
- (f) protect heritage, natural or cultural values; and
- (g) in other exceptional circumstances sufficient to justify the restriction, notwithstanding the national importance of maintaining that access.

Marlborough's river and coastal environments are in constant use by many locals and tourists. In coastal environments particularly, development pressures for activities such as marine farming and coastal structures (jetties, boatsheds and moorings) have the potential to affect public access. The NZCPS sets out circumstances in which a restriction on public walking access can be considered, notwithstanding the national importance of maintaining public access to the coast. Policy 9.2.1 is an extension of this and recognises the priority to be afforded unrestricted public access to and along the coastal marine area, while also acknowledging that a number of

exceptions account for other matters, which the RMA and practicality suggest should take priority when the circumstances arise.

Despite there being no equivalent national policy statement about public access to freshwater bodies, the RMA still requires public access to and along the margins of lakes and rivers to be recognised and provided for as a matter of national importance. As there is a high level of public use of Marlborough's waterbodies, it is similarly appropriate to identify the circumstances where access can be restricted. In particular, exception (a) is necessary to exclude the public from areas to which they would otherwise have access in order to protect the security of operations that have resource consents granted in respect of, or designations operating in, those areas. This is particularly relevant to activities that extend across the land/water interface, e.g. within the port area where health and safety issues may occur.

Exception (g) recognises the difficulty of foreseeing all circumstances in which a restriction may be necessary. However, circumstances need to be exceptional at a national level, as mandated by legislation or otherwise sufficient to override the national importance of unrestricted public access.

[RPS, C, D]

Policy 9.2.2 – Aside from the circumstances in Policy 9.2.1 above, constraints on public access shall not be imposed unless:

- (a) there is no practical alternative; and
- (b) the effects on public access would be no more than minor.

The policy is included in recognition that the RMA has placed a high priority on maintaining and enhancing public access to the coast, and to the margins of lakes and rivers.

Issue 9B – Ensuring the provision and management of suitable open space meets the present and future recreational, conservation and landscape needs of the community.

Open space and recreation areas serve a wide variety of purposes in Marlborough and vary in terms of significance to residents and visitors. Some areas have only local significance, while others assume regional, national or even international significance.

Most areas of reserve, open space and publicly owned land fulfil one or more of the following purposes.

- Visual amenity (e.g. gardens, areas of indigenous vegetation, landscape views)
- Children's play (e.g. playground equipment, neighbourhood parks)
- Active outdoor activities (e.g. team sports, physical fitness, water sports, skiing, golf, tramping, fishing and hunting)
- Low impact use of open space (e.g. picnicking)
- Access (e.g. especially to the coast, waterways and the high country)
- Linkages (e.g. walking tracks, cycleways)
- Built facilities (e.g. halls, clubrooms, pre-schools, swimming pools, libraries)
- Historic sites and features
- Conservation (e.g. ecological values, water margins, wetland, indigenous habitats, fauna and flora)
- Public utilities (e.g. toilets, reticulated services)
- Commercial opportunities (e.g. rafting, four wheel drive tours)

Given the wide range of purposes, it can be challenging at times to ensure there are suitable open space areas available to meet all of the needs of the community. Influences that can affect the ability to ensure there is adequate open space include urban intensification, with smaller section size potentially resulting in the loss of environmental quality, including opportunity for large trees and recreation areas. Changing recreation patterns through increased population can also result in changes in the type, location and number of open space areas required.

Marlborough is fortunate to have vast areas of open space in public ownership, such as those in the Marlborough Sounds or along the major rivers on the Wairau Plain, with relatively easy access for most in the community. However, it is important to ensure the public open space network is well managed so that the characteristics of these open spaces remain highly valued by the community in terms of particular conservation, recreation and/or landscape values. In this regard it is important to acknowledge the significant community resource that is provided through the open space network of reserves around Marlborough.

An equally important factor in managing open space areas is that other statutes, such as the Reserves Act 1977, also have a significant role in the control of land with reserve status. The Council recognises that the management of reserve land is a responsibility under the RMA. However, because management of the resources contained within reserve land also comes under the control of both the Conservation Act 1987 and the Reserves Act 1977, it is important that management processes are not repeated in the Marlborough Environment Plan (MEP). To this end, the management framework within the MEP deals with those matters not covered by other legislation. This includes management of the following:

- any off-site effects of land uses extending beyond the boundary of the reserve area;
- significant on-site effects of activities such as discharges, water takes and disturbance to the beds of lakes and rivers;
- the effects on the values of reserve land from activities on neighbouring lands; and
- the use of reserve land for activities not related to the reserves purpose.

[RPS, C, D]

Objective 9.3 – A wide range of reserves and open space areas are available that contribute to the social and economic wellbeing of residents and visitors.

The existing network of reserves of varying types and open space areas, including the coastal marine area, make a significant contribution to the social and economic wellbeing of residents and visitors to Marlborough. It is important to ensure that this continues to be the case for future generations.

[RPS, C, D]

Policy 9.3.1 – Ensure that open space areas and recreational facilities are equitably distributed and conveniently located throughout Marlborough.

Accessibility and distribution of open spaces and recreational facilities around the District is important. An equitable distribution is important in achieving convenience of access to open space and recreational opportunities, recognising the particular role or function of the open space or recreational facility in meeting the differing needs of the community.

With respect to local parks, distribution is especially important as these areas are particularly used by the less mobile sectors of the community, including young children and the elderly. Sports areas also need to be accessible, though it is recognised that part of the organised sport experience involves travelling to different areas of the District to compete.

[RPS, C, D]

Policy 9.3.2 – Seek diversity in the type and size of open spaces and recreational facilities to meet local, district, regional and nationwide needs, by:

- (a) identifying areas with conservation value;
- (b) enabling a wide range of organised sports, recreation and community activities;
- (c) enabling low-key, everyday recreation and community activities to serve local communities; and
- (d) recognising and protecting the value of open space in the coastal marine area, high country environments and river beds.

To achieve Objective 9.3, it is important to recognise different types of open space/recreational facilities are needed. Sub clause (a) of this policy sets the framework for the creation of zones to accommodate different types of open space areas or recreational facilities, ranging from land administered by the Department of Conservation through to neighbourhood reserves, sports fields, walkways, indoor sports facilities, swimming pools and other recreation facilities.

Sub clause (d) acknowledges the significant contribution made by the coastal marine area and river beds to open space in Marlborough. Protecting these open space values may see some activities being regulated in specified areas. This policy also gives effect to the NZCPS by recognising the value of open space in the coastal marine area. The existing open space areas used for skiing activities in Marlborough's high country environment also add to the diversity and range of open space areas available.

[D]

Policy 9.3.3 – Support the management of reserves through strategies and reserve management plans prepared under the Conservation and Reserves Acts.

Integrated management of the resources contained within reserve land comes under the control of the Conservation Act 1987 and the Reserves Act 1977. Generally, the types of activities and consequently the acceptable effects within a reserve are indicated by management plans under the above legislation. (For example, the Conservation Management Strategy provides the management framework for land administered by the Department of Conservation.) The general intent of the MEP is therefore to only take on those matters requiring management or control under the RMA because they are not covered under other legislation.

[D]

Policy 9.3.4 – Identify those areas of Marlborough where there are or are likely to be deficiencies in the provision of open space and recreational facilities.

Demand for recreation facilities in particular changes constantly with new activities arising or existing activities becoming more popular. The number, quality and type of reserves and facilities available is regularly reassessed and surveyed to ensure the needs of all sections of the community are being met.

[C, D]

Policy 9.3.5 – Ensure the community is adequately informed about areas of open space, reserves and recreational facilities and the opportunities available to access them.

The Council and the Department of Conservation are responsible for the management of considerable areas of open space and reserve land in Marlborough. Educating the public about the ability to access these areas is important and already occurs to a significant extent through publicly available information on the Council's website and through visitor centres.

[D]

Policy 9.3.6 – Explore opportunities to use Marlborough District Council owned or managed river reserve land to enhance areas for recreational activities to take place.

The Council owns and/or manages a considerable area of floodway land on the Wairau, Taylor, Ōpaoa and other rivers, primarily for flood control purposes. However, much of this land poses an opportunity for secondary land uses including public access, amenity and recreational use. For example, currently the Taylor River floodway land through Blenheim is intensively used by the public for recreational and amenity purposes and low-key recreational land use occurs along the Wairau River between the Tuamarina and Waihopai Rivers and along the Wairau Diversion.

This policy aims to consider how use of river reserve land for the public can be enhanced, as many recreational activities do not conflict with the primary flood control purpose. Where river reserve land has been leased for commercial activity, it is appropriate that at the time for reviewing the lease, opportunities to improve public access and recreation use are assessed as part of the review.

[D]

Policy 9.3.7 – Provide walking and cycling linkages between reserves and areas of open space in, around and between towns where appropriate, and maintain and enhance these areas.

Opportunities exist for the development of linkages for cycling and walking in, around and between towns as a means of increasing recreational opportunities and enhancing the quality of the environment.

[D]

Policy 9.3.8 – Provide for the creation of allotments to enable protection of outstanding natural features including bush, riparian lands, wetlands, headlands, heritage features and ridges, which collectively contribute to open space values.

The policy reflects a need to provide for the creation of allotments that protect natural features including bush, riparian lands, wetlands, headlands, heritage features and ridges where such protection contributes to open space values. Whilst accepting the potential impacts of subdivision and associated developments on natural features, it is also acknowledged that as a land management tool, subdivision can be an appropriate mechanism for protection in terms of contributing to open space values. Allotments should be able to be created for this express purpose.

[D]

Policy 9.3.9 – In assessing the impacts of subdivision or development through resource consent applications, consideration shall be given to the need for public open space and recreation areas to provide for:

- (a) additional neighbourhood parks needed as a result of additional residential and visitor accommodation across Marlborough;
- (b) additional open space necessary for visual relief and plantings amongst the built environment; and
- (c) the development of neighbourhood parks and open space areas that are useable and enjoyable.

The subdivision and development of land creates opportunities for various activities to be established. If communities continue to grow through subdivision and building development without providing for the recreation and open space needs of the community, adverse environmental effects may arise. This could occur through a lack of neighbourhood parks in new subdivisions or in areas where infill housing and redevelopment is taking place, reduced accessibility to parks and a lack of visual relief in the form of open space amongst the built environment. The policy therefore directs that when subdivision and development activities are to

be assessed through a resource consent that the need for open space and recreation areas is considered.

[RPS, C, D]

Objective 9.4 – The establishment or development of open space areas and recreational activities does not have adverse effects on the environment.

Activities associated with open space and recreational facilities can have a range of adverse environmental effects. Potential adverse effects include: noise, resulting from recreational activity and the social activity of clubrooms and their hours of operation; glare, particularly from flood lighting; attraction of increased numbers of people and vehicles into an area; the impacts of building scale or shading of adjoining properties; and damage to vegetation including trees, waterways or sensitive habitats upon development. Other effects can include a loss of openness and tranquillity, pest control for ecological management purposes or competition for space between exclusive-use sports and the general public. The objective aims to avoid these activities occurring through subsequent policy and rules to be applied to such areas.

[D]

Policy 9.4.1 – Manage the scale, size, design and location of buildings so as to avoid, remedy or mitigate any adverse effects on the amenity of surrounding areas and the function and character of the open space.

The open space character of reserves and other areas of open space, their amenity and natural and environmental values need to be carefully managed. It is important that buildings are designed and sited to complement the function and character of the reserve and minimise any nuisance to neighbouring properties. Through the use of zoning, it is intended that buildings will be clustered together rather than scattered across sites to ensure retention of open space. This policy establishes the basis for setting permitted activity standards for buildings in open space areas, as well as considering the situations in which consents are required for buildings and structures, and where mitigation may be required to address adverse effects.

[D]

Policy 9.4.2 – Manage activities on open spaces to ensure that adverse effects of activities on the surrounding environment are minimal and/or temporary.

Open spaces provide a valuable function to communities and are available for a range of recreational activities. Recreational facilities such as clubrooms and associated activities can result in adverse effects such as night time noise, light spill, late night vehicle manoeuvring, parking and accessing of the reserve and the adjacent roading pattern. These effects need to be avoided, remedied or mitigated to ensure the purpose of the RMA is achieved. However, it is appropriate to provide for other activities with low-key impacts within reserves.

[C, R, D]

Policy 9.4.3 – Ensure the recreational activities that use river and coastal margins do not create significant adverse effects such as diminished natural value or increased bank instability.

Marlborough's rivers and coastline are a valuable resource, providing recreational opportunities that enhance community wellbeing. However, some recreational activities can affect the margins of the rivers and coast, e.g. bank stability, ecological values (including interfering with wildlife habitat) and public safety. These effects need to be avoided, remedied or mitigated and in some cases, activities will need to be controlled to limit adverse impacts on safety, amenity and ecological values.

[C, R, D]

Policy 9.4.4 – When determining applications for resource consent to carry out activities on reserves, the following matters must be considered:

- (a) the existing character and amenity of the reserve and the locality in which the site is set;

- (b) the location and design (including colour) of any proposed structure on the reserve itself;
- (c) the effect of the proposed activity regarding daylight, shading and light spill on adjoining properties and the reserve itself;
- (d) the effects of traffic flow to and from the reserve site and the locality in which the reserve is set;
- (e) the effects of noise from the proposed activity on adjoining properties;
- (f) access points onto the reserve;
- (g) any historical, conservation, ecological, archaeological or waahi tapu values associated with the reserve;
- (h) design and location in terms of enabling people to provide for their safety, either at the reserve or on adjoining properties; and
- (i) the effect on other users of the reserve.

This policy contains criteria against which applications for activities on reserve land can be considered. It will allow for the different aspects of a proposal to be considered in relation to the particular characteristics of the reserve on which the activity is proposed.

[C, R, D]

Policy 9.4.5 – When determining applications for resource consent to carry out activities in the Open Space 4 Zone, the following matters must be considered:

- (a) the sensitive alpine character of the Open Space 4 Zone and how the proposed activity will avoid or mitigate any adverse effects on this character;
- (b) the location and design (including colour) of any proposed structure; and
- (c) any other policies of the Marlborough Environment Plan related to discharges to water, land or air, land disturbance, the clearance of indigenous vegetation and the taking and use of water.

The Open Space 4 Zone has been established to accommodate the activities of Marlborough's two ski fields - the Rainbow Ski Area, located high in the St Arnaud Range and operating under a licence from the Department of Conservation, and the Mount Lyford Ski Area, which is a privately owned and operated resort development with access off the Inland Kaikoura Road. Both ski fields are important recreation/tourism attractions for Marlborough but are located in sensitive alpine environments with only limited ability to absorb change and development. It is important that development in these areas is carefully managed to ensure the values of these high country environments is protected.

Methods of implementation

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

[C, D]

9.M.1 Zoning

The MEP identifies four specific open space zones, which along with the Coastal Marine Zone and Floodway Zone are important in providing for public access. The Open Space 1 Zone generally applies to smaller areas of open space that provide for the amenity of residential areas. These areas provide for amenity because of their open character and the local recreation and community activities they accommodate. Children's play areas are often found in the Open Space 1 Zone. The Open Space 2 Zone applies to those areas of open space that cater to active recreation, including sports fields, tennis courts, indoor recreation/ leisure pursuits and a number of other recreation and community activities.

The zone for conservation purposes (Open Space 3 Zone) applies to open space intended to be retained largely in its natural state. Included in this zone are areas of native vegetation, natural ecosystems and important habitats, riparian margins and areas of outstanding landscape value that are in public ownership. An important aim for this zone is also the promotion of public access to and along the coast, lakes and rivers. The Zone will therefore be applied to areas identified as Sounds Foreshore Reserve, esplanade reserve or unformed road reserve that abuts the coastline.

The Open Space 4 Zone provides for activities in Marlborough's alpine environments where skiing takes place in winter months and other activities, such as mountain biking and walking, occur during summer. This Zone has been applied to Rainbow Skifield and the Mount Lyford Ski Area.

[D]

9.M.2 District rules

District rules permit activities based on the particular value associated with the reserve or type of reserve, subject to standards where these are necessary. The activities permitted in Open Space 1, 2, and 3 zones are largely based on activities that are allowed in management plans prepared for the reserve under the Conservation or Reserves Acts. Standards address matters to ensure open space areas are used and developed in a manner compatible with the amenities of adjoining areas, e.g. noise, car parking, building setbacks, etc.

District rules will set out the circumstances when the setting aside of esplanade reserves or esplanade strips will be required.

District rules also enable a range of activities to occur within the Open Space 4 Zone, particularly in relation to skifield activities.

[C, R]

9.M.3 Regional rules

Riparian margins will be protected through controls on activities on rivers, lakes and streambanks. The Council may include conditions on resource consents that restrict the rights of public access in accordance with Policy 9.2.1 and 9.2.2.

Regional rules may regulate activities in specified areas to assist in protecting amenity values, public access, recreational values and areas of open space in the coastal environment. Regional rules also regulate activities relating to discharges to land, air and water and to activities taking place in sensitive high country environments.

[RPS, C, R, D]

9.M.4 Long Term Plan

Provision and maintenance of open space and recreational areas and facilities is provided for through the Long Term Plan, including funding arrangements.

[D]

9.M.5 Walking and Cycling Strategy for Marlborough

A Walking and Cycling Strategy for Marlborough has been prepared. The Council, together with the New Zealand Transport Agency, has developed this strategy with the help of many agencies and interest groups. This strategy aims to ensure that all people feel they have the choice to walk and cycle if they wish, and to reverse the New Zealand-wide downward trends in the numbers of people cycling and walking to work. The Marlborough Walking and Cycling Action Plan, which implements the Strategy, sets out locations and actions where cycling and walking opportunities can be enhanced for both urban and rural areas.

[RPS, C, R, D]

9.M.6 Other legislation

The Council currently prepares reserve management plans under the Reserves Act. These reserve plans are important as they provide the basis for activities able to be undertaken in the three open space zones and so there is a close relationship with these documents and the MEP. Other legislation also exists by which the Council can manage activities, including for example controlling freedom camping in public places through the Freedom Camping Act 2011, or the abatement and control of litter through the Litter Act 1979.

The Council also takes part in the development of management plans or strategies for reserves prepared by the Department of Conservation, e.g. the Conservation Management Strategy. This Strategy provides an overview of conservation issues and gives direction for the management of public conservation land, waters and species for which the Department of Conservation has responsibility. Its purpose is to implement general policies and establish objectives for the integrated management of natural and historic resources, recreation, tourism and any other conservation purposes.

[C, D]

9.M.7 Investigation

The Council will carry out investigations to assess the need for enhancement of physical access to and along the coastal marine area, lakes and rivers.

[C, D]

9.M.8 Information

The Council's website provides information on the location of parks and reserves, swimming and boating locations, cycling and walking opportunities and recreation centres. This information is updated regularly and when new reserve or recreational facilities or opportunities become available. Much of this information is also available in map form through visitor centres. The Walking Access Commission website also provides information on walking access routes and the Council provides guidelines for holding recreational and special events in Marlborough.

The Council will make available information on the location and area of esplanade reserves, esplanade strips and access strips taken on subdivision and development or through negotiation, as required by Section 35 of the RMA.

[C, D]

9.M.9 Liaison

The Council will liaise with the Department of Conservation to identify areas along Marlborough's coastline where the use of vehicles on the foreshore and seabed is not appropriate.

The Council will liaise with the Department of Conservation to assess the need for additional or upgraded public facilities for areas identified in Policy 9.1.1 as having a high degree of importance for public access.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results of the public access and open space provisions of the MEP. The anticipated environmental results are ten year targets, unless otherwise specified. For each anticipated environmental result, a series of indicators will be used to monitor the effectiveness of the public access and open space provisions.

Anticipated environmental result	Monitoring effectiveness
<p>9.AER.1</p> <p>The public has improved access to Marlborough's lakes, rivers, high country and coastal environment.</p>	<p>The areas identified as having a high priority for enhanced public access have an improved level of access as measured against a 2011 baseline.</p> <p>The number of esplanade reserves/strips available for access purposes is increased as measured against a baseline of esplanade reserves/strips available for access existing as in 2011.</p> <p>Ongoing development and improvement of walkways and/or cycleways through the actions of the Marlborough Walking and Cycling Strategy.</p> <p>Review of areas identified as having a priority focus for enhancing public access five years after the MEP becomes operative, including a review of the purpose of esplanade strip agreements in place in these high priority areas.</p>
<p>9.AER.2</p> <p>A variety of pleasant and quality recreation and open space areas throughout Marlborough that are well used and provide a focus for a wide range of activities.</p>	<p>Survey the public to determine the level of satisfaction with the open space, recreation and reserve areas provided or managed by the Council.</p> <p>Monitor complaints from land owners and the public about the management, use and creation of reserves and recreation areas.</p>
<p>9.AER.3</p> <p>The public is aware of where and how they can access Marlborough's lakes, rivers and coastal environment and where Council managed open space areas are.</p>	<p>Information is available on the Council's website and reviewed annually, about:</p> <ul style="list-style-type: none"> (a) the location of esplanade reserves/strips taken on subdivision and development; (b) the location of and opportunities for use of reserves, parks and sports grounds owned or managed by the Council; and (c) the location of walkways and cycling routes.

10. Heritage Resources and Notable Trees

Introduction

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

Within Marlborough there are a variety of important heritage resources reflecting a rich and varied cultural history. This includes a long history of occupation by Māori and a legacy left by early exploration (e.g. Cook's visits), settlement and extractive industries, including agriculture, flax milling, logging, mining and whaling. What is exciting about Marlborough, in the heritage sense, is the number of New Zealand firsts and the diversity of heritage resources. While there may be more iconic heritage examples in other parts of New Zealand, Marlborough possibly contains the best overall combination of sites with historic heritage value. Some of Marlborough's heritage resources are nationally significant, such as the history of Māori occupation at the Wairau Bar or the ship Edwin Fox in Picton Harbour. Many other heritage resources are either significant for the district or for local communities. Sites of historical or cultural value are also becoming increasingly important as tourism in Marlborough grows, bringing with it the advantage of commercial support for the enhancement of historic heritage.

Most people wish to retain the heritage of the past, not only for themselves but also for those generations to come. Protection of heritage resources is one of the duties of stewardship that the Council accepts as being essential for the District.

Heritage New Zealand is the agency that manages heritage resources on a national basis. This autonomous Crown Entity administers the New Zealand Heritage List/Rārangi Kōrero, which informs property owners and the public about New Zealand's historic places. It also investigates and processes proposals for new additions to the List. It is also important to note that Heritage New Zealand retains regulatory responsibilities regarding archaeological sites. Any modification or destruction of a known or unknown archaeological site requires an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 and Heritage New Zealand processes applications for such authorities.

The protective mechanisms for places or sites listed on the List are administered by local authorities through district plans prepared under the RMA. This reflects Section 6(f) of the RMA which requires the Council to recognise and provide for protection of historic heritage from inappropriate subdivision, use and development. Local authorities can also protect unregistered heritage resources that are significant to the district, or to local communities within it.

Indigenous biodiversity is also a heritage resource. Habitats of indigenous fauna and areas of indigenous flora make a significant contribution to Marlborough's unique natural heritage. However, protecting and maintaining indigenous biodiversity is a significant issue in its own right and has been dealt with in Chapter 8 - Indigenous Biodiversity of Volume 1 of the Marlborough Environment Plan (MEP).

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

Marlborough’s historic heritage is vulnerable to the use and development of natural and physical resources. Changes brought about as a result of resource use can involve the demolition, relocation or modification of heritage resources. These changes have the significant potential to either completely eliminate or otherwise reduce the historic heritage values of the heritage resource.

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

One of the threats to historic heritage is that there are many unknown areas of heritage significance. For example, although past archaeological studies have revealed a little of the Māori and early European settlement patterns and culture, much more remains to be identified, researched and recorded. There will also be forgotten sites. The lack of awareness of the existence of a heritage resource makes the resource vulnerable to irreparable damage as a result of land use change.

Managing environmental change is a significant challenge as it recognises the needs of the community to develop and grow, while ensuring that heritage resources are retained for present and future generations. Protection of heritage resources does not necessarily mean that the heritage resource cannot be developed; some heritage resources, such as buildings, may be able to be reused or redeveloped in a way that enhances the heritage value. Intervention, in the form of alteration or addition, may also be required to actively protect the heritage resource. It is important to acknowledge that it can be difficult to balance safety objectives, especially in terms of fire and earthquake, with the retention of historic buildings. The earthquake risk presented by some historic buildings has resulted in their demolition in the past. Heritage resources can also be vulnerable because of a lack of care and maintenance.

[RPS]

Objective 10.1 – Retain and protect heritage resources that contribute to the character of Marlborough.

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

[RPS, C, D]

Policy 10.1.1 – Manage Marlborough’s heritage resources in association with Heritage New Zealand, the Department of Conservation, the New Zealand Archaeological Association, Marlborough’s tangata whenua iwi, other heritage organisations and the local community.

Multiple agencies and groups are involved in the protection of Marlborough’s historic heritage. It is important that the actions of all are co-ordinated to ensure integrated management of heritage resources and to foster positive relationships between these agencies and groups. This policy signals that the Council will actively involve a wide range of groups and organisations in managing Marlborough’s heritage resources.

[RPS, C, D]

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

Local communities can initiate projects to retain and enhance heritage resources. The Council will support such proactive efforts as an effective way of not only protecting Marlborough’s historic heritage, but also creating a community awareness of this heritage.

[RPS, C, D]

Policy 10.1.3 – Identify and provide appropriate protection to Marlborough’s heritage resources, including:

- (a) historic buildings (or parts of buildings), places and sites;
- (b) heritage trees;
- (c) places of significance to Marlborough’s tangata whenua iwi;
- (d) archaeological sites; and
- (e) monuments and plaques.

This policy sets out those items and structures considered to be heritage resources in a Marlborough context, all of which make a significant contribution to our historic heritage. The policy also establishes the way that, in order to achieve Objective 10.1, these heritage resources should be protected. Protection in this context should be considered broadly: it includes the use of rules, so that the adverse effects of the demolition, relocation or modification of heritage resources can be considered through the resource consent process, but may also include things such as the use of heritage protection orders (legal protection), provision of assistance to undertake physical protection works, assistance for other heritage protection agencies and acting to improve the community’s awareness of heritage resources etc. The use of “appropriate” in the policy reflects the diversity of protection methods.

Note that the protection of heritage trees has been combined with the protection of trees that have amenity significance. See provisions under Objective 10.2 below.

[RPS, C, D]

Policy 10.1.4 – Increase the community’s awareness of historic heritage values by identifying heritage resources, including historic buildings, places, sites, monuments and plaques that meet the following criteria for significance in the Marlborough Environment Plan:

- (a) have value as a local landmark, over a significant length of time;
- (b) have historic association with a person or event of note, or has strong public association for any reason;
- (c) reflect past skills, style, materials, methods of construction or workmanship that would make it of educational or architectural value;
- (d) is unique or rare in relation to particular historical themes, or is a work of art;
- (e) is important to Marlborough’s tangata whenua iwi; and
- (f) forms part of a precinct or area of heritage value.

The criteria included in the policy will be used to identify heritage resources that require protection. In this way, the policy allows a schedule of heritage resources to be established. The schedule contains historic places, historic areas, waahi tapu and waahi tapu areas included in the New Zealand Heritage List/Rārangi Kōrero. Heritage New Zealand administers the New Zealand Heritage List/Rārangi Kōrero, which recognises the national significance of historic places, historic areas, waahi tapu and waahi tapu areas. Under the RMA the Council is required to have regard to any entry on the List in preparing its MEP. Heritage resources of local significance that meet the above criteria are also included. This schedule is included within the MEP in Appendix 13 in order to increase the community’s awareness of historic heritage values in Marlborough. Other

heritage resources that meet the criteria of the policy can be added to the schedule over time. Any such addition must first proceed through the First Schedule process of the RMA.

Note that for historic buildings, the area around the building (called the “defined setting”) may also contribute to its heritage significance. Where this is the case, it may be appropriate to also identify the surroundings as part of the heritage resource.

[RPS]

Policy 10.1.5 – Avoid adverse effects on the historic heritage values of Category I heritage resources.

Heritage resources sourced from the New Zealand Heritage List/Rārangi Kōrero are assigned either a Category I or Category II status. Heritage resources classified as Category I are nationally significant. Any loss or damage of or significant change to a Category I heritage resource would result in a significant and potentially irreversible loss of historic heritage that is important in a national context. For this reason, any adverse effects on the historic heritage values of Category I resources must be avoided. This will see a prohibited activity rule that forbids the loss or destruction of a Category I resource.

[RPS, C, D]

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

Where modification is proposed to a Category I heritage resource, a resource consent will be required to enable assessment of the effects on the values of the specific resource. There may also be circumstances where there is a need for resource consent in respect of other listed heritage resources. Where this is the case, adverse effects on the historic heritage values are able to be avoided, remedied or mitigated after having regard to the matters in Policy 10.1.7.

[RPS, C, D]

Policy 10.1.7 – When assessing resource consent applications in relation to heritage resources, have regard to:

- (a) the contribution the heritage resource makes to the local or national identity and sense of place;
- (b) the effect demolition, removal, alteration or additions will have on the heritage values of the heritage resource;
- (c) the extent to which the adaptive reuse of a heritage resource enables reasonable and economic use of that resource;
- (d) the extent to which the work is necessary to enable the continued use of the heritage resource;
- (e) the extent to which the work is necessary to ensure structural stability, accessibility, fire egress, sufficient earthquake strengthening, and the extent of the impact of the work on the heritage values of the heritage resource;
- (f) any cumulative effects, especially where the resource is part of a group of similar resources;
- (g) efforts by the applicant to retain important features of the heritage resource;
- (h) the extent to which any alteration or addition is in keeping with the original design and materials, or otherwise enhances the heritage value of the resource;
- (i) the need for ongoing recognition of the significance of sites currently identified by monuments or plaques;
- (j) options for retaining a heritage resource when its demolition is proposed; and

- (k) for heritage resources on the New Zealand Heritage List/Rārangi Kōrero, the views of Heritage New Zealand.**

This policy sets out the matters that the Council should have regard to when assessing any resource consent application to demolish, remove, alter or add to a heritage resource. These matters are designed to ensure that the significance of the heritage resource is recognised and appropriately provided for in the decision making process.

Opportunities exist to retain and enhance historic buildings through the active use and adaptive reuse of the buildings. Where the use of a historic building is not permitted by the relevant zone rules (i.e. a land use consent is required for the activity irrespective of the historic heritage value of the building), this policy allows the Council to consider any positive effects of the use in determining the application. Reuse of heritage buildings may require modification to be made to the building. This creates the opportunity for the heritage value of a historic building to be enhanced, especially where the modifications are sympathetic to, or build on, existing heritage features.

[RPS, C, D]

Policy 10.1.8 – When assessing resource consent applications to destroy or modify a registered waahi tapu site or area, or to undertake activities in a place of significance to Marlborough’s tangata whenua iwi, have regard to:

- (a) the effect of demolition, removal, alteration or additions on the heritage values of the heritage resource;**
- (b) the position of the relevant iwi;**
- (c) the views of Heritage New Zealand;**
- (d) the effects of the destruction or alteration on the heritage resource or the effects of the proposed activity on the spiritual and cultural values of iwi;**
- (e) any cumulative effects, especially where the resource or place is part of a group of similar resources or places;**
- (f) efforts by the applicant to retain important features of the heritage resource, or spiritual and cultural values of iwi; and**
- (g) whether the activity can be undertaken at an alternative location on the same property or on another property owned by the applicant, where the adverse effects on the heritage resource or place can be avoided.**

This policy sets out the matters that the Council should consider when assessing any resource consent application to destroy or modify a waahi tapu site or area, or other area of significance to Marlborough’s tangata whenua iwi. These matters are designed to ensure the cultural and spiritual significance of the site or area is recognised and appropriately provided for in the decision making process.

Archaeological sites

[RPS, D]

Policy 10.1.9 – Except as set out in Policy 10.1.11, primarily rely on Heritage New Zealand and the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 to regulate archaeological sites within Marlborough.

There are dual management responsibilities for the management of historic heritage in New Zealand (especially for archaeological sites), with both Heritage New Zealand and local authorities involved. Given the specific regulatory protection provided to archaeological sites through the Heritage New Zealand Pouhere Taonga Act 2014, the Council considers it an inefficient use of resources to create a dual consenting process in respect of archaeological sites. An additional consenting process under the RMA would provide no measurable additional protection of the archaeological site. Archaeological sites are important in a Marlborough context and the Council will actively support Heritage New Zealand’s regulatory protection of these sites

through the provision of a range of non-regulatory methods and in the processing of resource consent applications.

[RPS, D]

Policy 10.1.10 – Liaise with Heritage New Zealand, the New Zealand Archaeological Association and Marlborough’s tangata whenua iwi to develop and implement an appropriate discovery protocol for archaeological sites.

Given the long history of Māori and more recent European settlement in Marlborough, it is likely that there are many unrecorded archaeological sites beneath the ground. Such sites can be unearthed as a result of land disturbance activities and there are legal requirements under the Heritage New Zealand Pouhere Taonga Act 2014 that apply in such circumstances. However, the person undertaking the work may not be familiar with these requirements or be aware that the site is of significance as an archaeological site; for this reason, the Council will liaise with Heritage New Zealand, the New Zealand Archaeological Association and Marlborough’s tangata whenua iwi to establish protocols to guide appropriate action in the event of a discovery of an archaeological site. These protocols will be published and provided to the community.

[D]

Policy 10.1.11 – Control land disturbance activities in places of significance to Marlborough’s tangata whenua iwi.

Policies 10.1.9 and 10.1.10 guide how the Council will assist in the protection of archaeological sites in Marlborough. Māori occupation of Marlborough in the past was extensive and not all sites of spiritual or cultural significance to Marlborough’s tangata whenua iwi will be known and/or recorded. It also means that the significance cannot necessarily be attributed to a discrete site. For this reason, the policy applies to “places” of significance. Land disturbance within these places is to be controlled through regional and district rules so that the potential impact of excavation, filling or vegetation removal on the mana of the relevant iwi can be assessed. This will enable iwi to exercise kaitiakitanga through involvement in the resource consent process as affected parties.

Issue 10B – Trees that contribute to Marlborough’s historic heritage and/or amenity values are at risk of being removed or adversely affected.

Individual indigenous and exotic trees and stands of trees contribute significantly to Marlborough’s character and the amenity values that the community enjoys. Some trees also have historic heritage significance because they commemorate an important local event, serve as an important local landmark or have an association with a well-known public figure.

The contribution that notable trees make to historic heritage and amenity would be lost if they were to be adversely affected, harmed or felled. This may occur where a notable tree has become an impediment to the use or development of a site or has become a nuisance (e.g. through size, blocking of sunlight or leaf fall). Ignorance of the heritage or amenity value that the community places on the tree increases the risk that it could be felled. Sometimes the removal of a notable tree is unavoidable, especially if it is dying, diseased or creates a threat to public safety. Maintenance pruning of notable trees can also pose a threat, as such work could damage the tree or adversely affect the essential qualities for which the tree is valued.

Other activities undertaken in close proximity to notable trees create the potential for adverse effects. Activities of particular concern include excavation, laying of overhead or underground services and the construction of buildings.

[RPS, D]

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

Trees which have significant heritage value or make a significant contribution to the character and amenity values of an area are to be retained, given the contribution they make to our social and cultural wellbeing. Retaining such notable trees ensures that current and future generations can continue to appreciate and benefit from these trees. This objective also reflects the Council’s obligations under Sections 6(f) and 7(c) of the RMA.

[RPS, D]

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

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

The criteria included in the policy will be used to identify notable trees that require protection. Criteria (a) to (c) apply to heritage trees. Criteria (e) refers to an assessment process used to evaluate the amenity significance of trees. This assessment process rates the scientific, botanic, landscape, cultural and functional value of the tree, along with its size, age, condition and setting. Trees that accumulate a score of greater than 150 are considered significant for amenity reasons.

The use of the criteria in the policy allows an inventory of notable trees to be established. This inventory is to be included within the MEP as a schedule in Appendix 13 to increase the community’s awareness of amenity and historic heritage values in Marlborough. Other notable trees that meet the criteria of the policy can be added to the inventory over time through the First Schedule process of the RMA.

[RPS, D]

Policy 10.2.2 – When considering resource consent applications to remove, trim or prune a notable tree or trees, or undertake activities in close proximity to a notable tree, have regard to:

- (a) the reasons for the identification of the notable tree or trees;
- (b) the effects of any pruning on the notable tree or proposed works in vicinity of the notable tree or trees;
- (c) the extent to which replacement trees (or other vegetation) are to be planted and maintained and whether those trees (or other vegetation) will provide for amenity values in time; and
- (d) whether replacement of trees will enhance indigenous biodiversity.

This policy describes matters that the Council should have regard to when assessing any resource consent application to remove, trim or prune a notable tree or trees, or undertake activities in close proximity to a notable tree. These matters are designed to ensure the heritage or amenity significance of the tree or trees is recognised and appropriately provided for in the

decision making process. There is an opportunity for any adverse effects to be remedied through the provision of replacement trees.

[RPS, D]

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

- (a) **the tree or trees are dying, diseased or have otherwise lost the essential qualities for which the tree was originally identified;**
- (b) **the tree or trees have become a danger to people; or**
- (c) **the tree or trees are significantly restricting a particular use of the site that offers greater positive effects in terms of historic heritage or amenity values.**

There are circumstances where it will be appropriate to allow a notable tree to be removed, trimmed or pruned despite its contribution to historic heritage and/or amenity values. These circumstances are identified in (a) to (c) of the policy. In this way the policy recognises that trees can lose the essential qualities for which they are valued, create a risk in terms of public safety or otherwise unreasonably restrict the use of a site.

[D]

Policy 10.2.4 – Encourage and support landowners in retaining and protecting notable trees.

The Council will encourage and support the retention and protection of notable trees through the use of non-regulatory methods in addition to district rules. In this way, the policy recognises that proactive actions, including support for the owners of notable trees, can also be effective in ensuring notable trees are retained and protected in our surrounding environment.

Methods of implementation

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

[RPS, C, D]

10.M.1 Identifying Marlborough’s significant heritage resources and notable trees

The Council will identify significant heritage resources and notable trees within Appendix 13 of the MEP. Each individual resource or tree will be described in a schedule and included on planning maps. Resources or trees identified will be those that meet the criteria in Policies 10.1.4 and 10.2.1 and/or those included on the New Zealand Heritage List/Rārangī Kōrero.

The relative heritage value of heritage resources recognised by the New Zealand Heritage List/Rārangī Kōrero will be included in the schedule. This will assist in the application of the policies of this chapter.

Assessment against the criteria will occur periodically. This will allow emerging heritage resources and notable trees to be added to the MEP, via plan change processes, on an ongoing basis.

The Standard Tree Evaluation Method (STEM) will be used to assess the value of individual trees and groups of trees. This method, developed by the Royal New Zealand Institute of Horticulture, uses a point system to rate 20 tree attributes in three general categories of condition, amenity and notable qualities.

Further information on each heritage resource or notable tree is held by the Council and is available to the public upon request.

Iwi Management Plans developed by Marlborough's tangata whenua iwi may identify areas of spiritual or cultural significance.

[RPS, C, D]

10.M.2 District rules

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

- *Any relocation, alteration of or addition to a scheduled heritage resource;*
- *Construction of a new building within the defined setting of a of a Category I heritage resource;*
- *Any demolition of a Category II heritage resource;*
- *Any removal or significant trimming of a scheduled notable tree;*
- *Any excavation, laying of overhead or underground services or construction of buildings within close proximity to scheduled notable trees.*

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

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

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

A prohibited activity rule will apply to the loss or destruction of Category I heritage resources.

[RCP, D]

10.M.3 Support

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

- *Waiving some or all resource consent and building consent application fees where the activity requiring consent will assist with the protection or enhancement of a heritage resource or notable tree;*
- *Providing grants on an annual basis to facilitate the protection of heritage resources/notable trees and/or the community's appreciation of the resources/trees;*
- *Providing funding to assist with the ongoing maintenance of notable trees where required.*

[RPS, C, D]

10.M.4 Liaison

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

[D]

10.M.5 Discovery protocol

In conjunction with Heritage New Zealand, the New Zealand Archaeological Association and Marlborough's tangata whenua iwi, the Council will develop, maintain and implement a discovery protocol for archaeological sites. This will detail the procedures to be followed if any feature, artefact or human remains are discovered or are suspected to have been discovered. Information will be included within the protocol on the rohe of different iwi to enable people to make contact with the relevant iwi. The protocol will assist in ensuring that the relevant provisions of the Heritage New Zealand Pouhere Taonga Act 2014 can then be applied.

[RPS, C, D]

10.M.6 Information

In conjunction with the New Zealand Archaeological Association, the Council will provide information on known archaeological sites in Marlborough. This will assist resource users to determine whether they need to approach Heritage New Zealand for an archaeological authority.

Information on property-specific heritage resources will be available to the public through the issue of LIMs.

From time to time, use information held on heritage resources to tell Marlborough's story.

[C, D]

10.M.7 Affected party status

Heritage New Zealand will be treated as an affected party in respect of any resource consent application involving a heritage resource also recorded in the New Zealand Heritage List/Rārangi Kōrero, or any resource consent application within a place of significance to one or more of Marlborough's tangata whenua iwi.

Marlborough's tangata whenua iwi will be treated as an affected party in respect of any resource consent application involving a waahi tapu site or area, or any resource consent application within a place of significance to one or more of the iwi.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results of the heritage resource and notable tree provisions of the MEP. The anticipated environmental results are ten year targets, unless otherwise specified. For each anticipated environmental result, a series of indicators will be used to monitor the effectiveness of the heritage resource and notable tree provisions.

Anticipated Environmental Result	Monitoring Effectiveness
<p>10.AER.1</p> <p>Heritage resources that make a significant contribution toward Marlborough’s historic heritage are identified and protected.</p>	<p>An increase in the number of heritage resources included in the MEP.</p> <p>No loss of Category I heritage resources as measured through the grant of resource consent applications to demolish Category I heritage resources.</p> <p>Maintain or improve resident satisfaction with the heritage activity of the Council as measured by customer satisfaction surveys.</p> <p>A review of the condition and extent of all heritage resources included in the MEP is completed and reported within ten years of becoming operative.</p>
<p>10.AER.2</p> <p>Notable trees that make a significant contribution towards Marlborough historic heritage and/or amenity values are identified and protected.</p>	<p>An increase in the number of notable trees included in the MEP.</p> <p>A review of the condition of all notable trees included in the MEP is completed and reported within ten years of becoming operative.</p>
<p>10.AER.3</p> <p>Greater public awareness of the contribution that archaeological sites, heritage resources and notable trees make to our social and cultural wellbeing.</p>	<p>Property-specific archaeological, heritage resource and notable tree information is made available to the public through the issue of LIMs.</p> <p>A reduction in the number of complaints of unlawful activity involving archaeological sites, heritage resources and notable trees.</p>

11. Natural Hazards

Introduction

A natural hazard is defined in the Resource Management Act 1991 (RMA) as any atmospheric, earth or water related occurrence that may adversely affect human life, property or other aspects of the environment. They include earthquake, tsunami, liquefaction, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire and flooding. On their own, natural processes do not constitute a hazard; they only become hazardous when they adversely affect human lives, property and infrastructure.

Marlborough is characterised by its physical contrasts. The diversity of landscape, climatic conditions and coastline, combined with dynamic geological forces mean that most of the hazards described above can be experienced in Marlborough. The only exceptions are volcanic and geothermal hazards.

Civil defence emergency management in New Zealand is based on four principles – reduction, readiness, response and recovery. The Marlborough Civil Defence Emergency Management Plan (CDEMP) provides strategic direction for the effective and efficient management of all hazards in the District. The CDEMP details the frameworks for readiness, response and recovery. A risk assessment of all likely hazards and consequences is identified in the CDEMP. Earthquakes are identified as having an extreme risk rating, flooding and wildfire have a high risk rating, while coastal erosion and tsunami have a low risk profile.

The Council can act to reduce the risk of natural hazards adversely affecting life, property and regionally significant infrastructure. Using its functions under the RMA to control the use of land to avoid or mitigate natural hazards, the Council can influence the location and management of new developments to ensure that they are not subject to unreasonable risk. Other land uses may adversely affect hazard mitigation works and these can be similarly controlled to ensure that the integrity of the works is not compromised.

Issue 11A – Natural hazards in Marlborough, particularly flooding, earthquakes and land instability, have the potential to cause loss of life and significant damage to property and regionally significant infrastructure.

Marlborough is subject to a wide range of naturally occurring hazards. Earthquakes, tsunamis, land instability, severe rainfall, flooding, wind, drought, fire, hail and snowfall can occur in Marlborough. From experience, the two most potentially damaging natural hazards in Marlborough are major floods in the Wairau River catchment and high magnitude earthquakes from the rupture of a fault. However, the likelihood of any of these hazards occurring in any given year varies significantly. Similarly, the consequences of any natural hazard will depend on the nature, size and location of the hazard event and the land use in the area.

Flooding has been the most regular natural hazard experienced in Marlborough. Historically it has caused considerable damage to properties and infrastructure, especially to residential properties in both rural and urban environments, farm properties (including stock losses) and transportation links. Significant investment has been made to reduce the risk of flooding, including flood protection works along the Wairau River and its tributaries, and along the Waitohi and Waikawa Rivers in Picton. These works include changing the location of rivers through the construction of diversions and blocking off alternative outlet channels through the provision of

stopbanks. Due to the development that these works have enabled, it is not possible to reverse them and the Council has a responsibility to maintain the current “artificial” river pattern.

Eastern Marlborough contains the Wairau, Awatere and Clarence faults onshore and significant and proximate faults in Cook Strait, as well as a number of lesser but still active faults. These faults have the potential to cause significant damage to property and infrastructure and create considerable disruption. Seismic activity can also result in a number of different natural hazards, including liquefaction of soils, inundation by sea, salt water intrusion into freshwater aquifers and tsunamis.

Other potential hazards may have localised effects, such as flooding from streams and stormwater overflows, slope instability and fire. Slope instability involves the falling or sliding of material downslope caused by ground failure within bedrock or the overlying soil. This is of particular concern in some parts of Marlborough because of the potential for earth movements to affect residential sites, rivers and transportation routes.

Our actions in using and developing natural and physical resources can increase the risk and consequences of natural hazards. Building in areas prone to flooding, fault rupture and/or liquefaction and land instability will put peoples’ lives, property and infrastructure at risk. In some cases, the severity of the hazard may be able to be mitigated through good location, design and construction to the extent that the consequences are minimal.

Climate change has the potential to worsen the effects of some natural hazards and itself creates a new hazard of a rise in sea level. These issues are dealt with in Chapter 19 - Climate Change (Volume 1 of the Marlborough Environment Plan (MEP)).

[RPS, R, D]

Objective 11.1 – Reduce the risks to life, property and regionally significant infrastructure from natural hazards.

Natural hazards can have significant adverse effects on individuals and the community, including loss of life, personal injury, damage to property and disruption of day-to-day life, business and the provision of community infrastructure. For this reason, the objective seeks to reduce the risks and consequences of natural hazards. This objective also implements direction from the CDEMP, which signals that resource management provisions have an important role to play in risk reduction.

General

[R, D]

Policy 11.1.1 – Establish the extent of land subject to flooding, liquefaction and tunnel gully erosion and identify this land within the Marlborough Environment Plan as a hazard overlay.

In order to reduce the risk of natural hazards it is first important to establish the land likely to be subject to these hazards. This will allow new land uses in these areas to be managed in a way that recognises the inherent risks of the development proceeding. The natural hazards identified in the policy are those to which management can be applied to reduce risk using the provisions of the RMA. The result of implementing this policy will be the production of natural hazard overlays. These will be mapped (or otherwise identified) and included in the MEP. Where there is uncertainty over the spatial extent of a natural hazard, a precautionary approach has been taken. This means that the overlay may be a conservative estimation. However, this approach is considered appropriate given the potentially significant consequences of natural hazards, especially the loss of life.

[RPS, R, D]

Policy 11.1.2 – In conjunction with Civil Defence, provide an emergency response to natural hazard events.

The provision of an emergency response to a natural hazard event is important in managing the adverse effects of the hazard. The Council is actively involved in the provision of a response to natural hazard events for which they are the lead agency, including floods, urban stormwater, sewer or water supply failure. The Council may also provide support or ancillary services to agencies leading the response to other emergency events such as earthquake or major fire. Once a state of local or national civil defence emergency has been declared, the Council will continue to provide services under the direction of the Civil Defence Controller. Details of the roles and responsibilities of emergency agencies and a commitment to a coordinated and collaborative approach to hazards events are included in the CDEMP. This policy also records the intent to continue to be involved in emergency responses on an ongoing basis and recognises that the role of the Council is complimentary to that of Civil Defence.

Flooding – Flood management

[R]

Policy 11.1.3 – To actively manage any flood hazard through the provision and maintenance of flood defences and other flood mitigation works, where there is significant community benefit.

One of the means of reducing the risk of flooding is to provide flood defences to protect the existing population, properties and community infrastructure. On the Lower Wairau Plain, a significant investment has been made over a considerable period of time to protect Blenheim, other towns and the surrounding rural land through the construction and maintenance of stopbanks and the training and diversion of rivers. The Waitohi and Waikawa Rivers in Picton are the only other rivers to which the Council has administered flood defences.

The costs of managing flood hazards are significant. This policy identifies a threshold for justifying such intervention. The initial expenditure to establish flood defences and the ongoing maintenance expenditure must be warranted by significant community benefit. Those benefits will have to be identified and evaluated on a case-by-case basis.

This policy is also moderated by the remaining provisions of this chapter, which seek to avoid or mitigate the adverse effects of flooding by management of new land uses in flood prone areas. This should reduce the demand for additional flood defences.

[R]

Policy 11.1.4 – Establish and maintain floodway capacities for Marlborough’s rivers to the following standards:

- (a) to an annual recurrence interval of 1 in 100 years for major rivers on the Wairau River floodplain (below the confluence with the Waihopai River);
- (b) to an annual recurrence interval of 1 in 50 years for the Waitohi and Waikawa Rivers; and
- (c) to an annual recurrence interval of 1 in 50 years for rivers and drainage channels that provide for urban stormwater disposal.

This policy establishes standards for the rivers for which the Council provides flood defences. It also applies to rivers and drainage channels that receive urban stormwater discharges. An annual recurrence interval is the expected period between river flows of a particular magnitude (in other words, a flood of that magnitude has a certain probability of being exceeded in any year). Historical records of flood flows are used to determine the annual recurrence intervals specified in the policy. The standards in (a) to (c) reflect those adopted by the Council in the Rivers and Land Drainage Asset Management Plan. They provide a measure of the level of protection provided by

stopbanks, river diversions, detention dams, stopbank erosion protection measures, river channel clearing, channel excavation channel training, flow control gates and other flood mitigation measures.

[R, D]

Policy 11.1.5 – Enable the maintenance of existing Marlborough District Council administered flood defences and other Council initiated flood mitigation works.

Given the population and community infrastructure that relies on the protection provided by existing Council administered flood defences, it is important that flood defences be maintained to the standards specified in Policy 11.1.4. This policy signals that the maintenance of the flood defences and other flood mitigation works will be enabled. Maintenance could involve works in the river bed or floodway, or on the landward side of flood banks. Regional and district rules will therefore both be required to implement the policy. These rules will assist to provide for the social and economic wellbeing and safety of the communities protected by the Council administered flood defences. The designation of Council administered floodways also enables any maintenance works that would otherwise be covered by Section 9(3) of the RMA to occur (see Policy 11.2.1).

[R]

Policy 11.1.6 – Recognise and provide for gravel extraction as a means of mitigating the adverse effects of gravel deposition in river beds.

Gravel that naturally accumulates in river beds can act to impede flood flows and encourage bank erosion. There is a history of strategic removal of accumulated gravel in Marlborough's rivers (especially the Wairau River) to maintain the floodway capacities specified in the standards of Policy 11.1.4 and reduce the potential for bank undercutting and erosion. This extracted gravel also provides a significant resource that is used in road construction and maintenance and the construction industry.

Provided the adverse environmental effects of gravel extraction are avoided, remedied or sufficiently mitigated, the removal of gravel from the river bed in these circumstances has positive outcomes. The rate and permanence of gravel accumulation is variable and depends on the occurrence of floods and other characteristics specific to each river. A single large flood can significantly change the amount of gravel available and the location of extraction. Regular riverbed monitoring and observations are undertaken to determine the acceptability of gravel extraction at any location and any extraction operation will need to be limited in duration so that its impact can be monitored.

[R]

Policy 11.1.7 – Mitigate the adverse effects of gravel extraction on ecological and recreational values, water clarity and bank stability by:

- (a) avoiding, where practicable, extraction from the wet bed of any river;
- (b) placing limits on:
 - (i) the timing of operations (especially to avoid bird nesting);
 - (ii) the method of extraction;
 - (iii) the location of the extraction and access to the location;
 - (iv) the amount of gravel that can be extracted; and
 - (v) the length of time over which the extraction can occur.

The main adverse effects caused by the extraction of gravel from river beds are disturbance of bird nesting, impacts on fish habitat, disturbance of recreational activity, sedimentation causing reduced clarity of water, river bank erosion and its potential impact on existing structures located in the riverbed. These effects can be minimised by controlling the method, location, timing, amount and duration of the gravel extraction operation as set out in (a) and (b).

Flooding – management of activities in flood prone areas

[D]

Policy 11.1.8 – Unless provided for by Policy 11.1.10(a), avoid locating houses and other habitable structures, including associated on-site wastewater management systems, where they could be inundated or otherwise damaged by flood events.

The policy directs that to avoid or mitigate the adverse effects of flooding, any house or other habitable structure should be free from inundation. It also recognises that the servicing of the house in terms of domestic wastewater is important in terms of avoiding material damage to properties. The exception recognises that Policy 11.1.10(a) provides a means of mitigating the adverse effects of flooding by establishing minimum floor levels.

[R, D]

Policy 11.1.9 – Establish a hierarchy of flood risk as follows:

- (a) **Level 1: Land that suffers flooding of shallow, low velocity water in a flood event with an annual recurrence interval of 1 in 50 years;**
- (b) **Level 2: Land that suffers flooding but the depth/velocity of the flooding is not well understood, or cannot easily be expressed relative to natural ground level, in a flood event with an annual recurrence interval of 1 in 50 years, or land within 8 metres of any lake, river or wetland;**
- (c) **Level 3: Land that suffers flooding of deep, fast flowing water in a flood event with an annual recurrence interval of 1 in 50 years, or land in the bed of any lake or river or in any wetland; and**
- (d) **Level 4: Land that has the potential to suffer flooding of deep, fast flowing water in an extreme flood event that overwhelms stopbanks and other constructed flood defences.**

Through a combination of historical records and modelling, the Council has been able to characterise the nature of likely flood events. The different flood hazard levels in the policy (in terms of depth and velocity) reflect the potential severity of flooding. Flood risk increases from Level 1 to Level 4, creating a hierarchy of flood risk. The hierarchy allows the management of flooding to be specifically tailored to reflect the risk. In other words, avoiding or mitigating a Level 1 flood risk requires a different response to avoiding or mitigating a Level 4 flood risk. This is reflected in subsequent policies. The four levels of flood risk will each be represented by separate flood hazard overlays.

An annual recurrence interval of 50 years has been used as the relevant measure of flood risk as it reflects the standard specified in the New Zealand Building Code for managing flood risk to buildings. Level 2 and Level 3 also include land within or in close proximity to lakes, rivers and wetlands. This is because this land has a greater potential to be flooded. It also ensures that the risk of flooding is managed where no historical records exist or where no modelling has been undertaken. Level 4 is an extreme flood event and is rarer than a flood with an annual recurrence interval of 1 in 100 years.

[D]

Policy 11.1.10 – Control the erection and placement of houses and other habitable structures within areas subject to a flood hazard overlay, and reduce the risks to life and property by:

- (a) **establishing minimum floor levels for houses and other habitable structures subject to a Level 1 flood risk, set at least 450 mm above the natural ground level as measured at any point of the building footprint. The building footprint includes any associated on-site wastewater management system;**
- (b) **requiring houses and other habitable structures subject to a Level 2 flood risk to be subject to evaluation of the flooding hazard and effective mitigation actions; and**

(c) avoiding houses and other habitable structures in locations where they will be subject to a Level 3 flood risk.

Given the potential consequences of a person choosing to reside in a flood prone area, it is considered appropriate to exercise control over any such proposal. This will enable the Council to reduce the risk to life and property from flooding. The matters in (a) to (c) identify how that risk reduction will occur given the likely severity of any flooding event.

Minimum floor levels will be sufficient where land is subject to Level 1 flood risk, as this will mitigate any adverse effects by ensuring any house or other habitable structure is above flood waters and that people can still safely reside in the house/structure during and immediately after a flood event. The appropriate minimum floor level will be determined through the building consent process and in many cases a floor level of 450 mm above the natural ground level will be sufficient.

Where the flood hazard is not well understood (i.e. Level 2 flood risk), it is appropriate that a precautionary approach is taken and that the flood hazard is evaluated. The results of this evaluation may trigger other policies in this chapter. It is not appropriate to allow people to reside on land subject to a Level 3 flood risk, as the deep and fast flowing water would present an unacceptable risk to life and property.

[D]

Policy 11.1.11 – Avoid locating intensive residential, commercial or industrial developments on land subject to a Level 4 flood risk.

It is possible that areas protected by flood defences will experience extraordinary flood events that exceed the annual recurrence intervals specified in Policy 11.1.4 and subsequently overwhelm stop banks or other flood defences. In some areas, this will result in a sudden occurrence of deep, fast flowing waters that could endanger life, property and regionally significant infrastructure. Although such an event has a very low probability of occurring in any given year, the adverse effects could be catastrophic if intensive development is allowed to occur in these areas.

The Council has considered this and has signalled through this policy that it would be inappropriate to allow any future commercial, industrial or multi-lot residential developments to occur in areas subject to a Level 4 flood risk. This policy applies to the rezoning of land that would facilitate these developments or to resource consent applications for subdivision or development. In the case of resource consent applications for residential subdivision and development, the threshold for the application of the policy is the creation or development of lots less than one hectare. The density of development where lots are in excess of one hectare is considered an acceptable risk given the probability of flood breakout occurring.

[D]

Policy 11.1.12 – Where an activity within an area subject to a flood hazard overlay is dependent upon the provision of flood defences to reduce the risk of flooding, there must be an ongoing commitment to the maintenance of the flood defences over time.

The provision of flood defences (either new or existing) may be sufficient to reduce the risk of flooding of any proposed development. The protection afforded by the flood defence (whether public or private) will only be provided if it is maintained on an ongoing basis. For example, stopbanks can erode and vegetation can compromise the efficiency of a floodway or the integrity of a stopbank. If resource consent is to be granted for a development within an area subject to a flood hazard overlay and that resource consent is dependent on a flood defence, then a requirement for the private flood defence to be maintained should be imposed.

The Council is only likely to undertake maintenance of privately constructed flood defences where they directly adjoin and integrate with existing Council administered defences. In other situations, the obligation for maintenance will be that of the consent holder.

[D]

Policy 11.1.13 – Recognise that the risk to life and property during flood events is greater in rural environments.

Isolation of properties affects the ability of the Council and Civil Defence to provide an emergency response in the event of flooding. The greater the distance of flooded properties from Blenheim (the location of the Emergency Operations Centre) and other towns, the longer it will take to respond to the flooding, especially in the event of large scale or District-wide events. Some communities are proactively preparing readiness plans in recognition of the additional risks created by isolation.

The potential increase in flood risk caused by locating development in rural areas needs to be taken into account by individuals when purchasing properties. The Council can also recognise this issue when planning for residential growth in Marlborough. Consolidation of growth in and around existing urban areas will facilitate effective responses to flood events. This needs to be taken into account when considering the rezoning of land in rural environments to provide for residential, commercial or industrial developments.

[D]

Policy 11.1.14 – Require applicants for subdivision consent for land not serviced by a Marlborough District Council administered reticulated stormwater system to demonstrate that the method of stormwater management will not adversely affect any third party.

The subdivision of land often acts a precursor for land use change, including the use of rurally zoned land for residential, commercial or industrial purposes. Buildings and hardstand areas (e.g. drives, car parking and yards) constructed following the subdivision of land intercept rainwater that would otherwise have soaked into the ground (or ponded) and quickly directs it to other parts of the property or offsite. If the property is not serviced by a Council administered reticulated stormwater system, this stormwater has the potential to adversely affect neighbouring properties or properties further afield. It is important that the potential for flooding is considered as part of the process of creating future allotments. This will require consideration of the likely volume, rate and direction of stormwater runoff. The policy excludes allotments to be serviced by Council administered reticulated stormwater systems, as connection to these systems allows stormwater to be removed from the property effectively.

[D]

Policy 11.1.15 – Any allotment of less than one hectare proposed to be created in the Rural Environment Zone or the Rural Living Zone must be shown to have a minimum area free of flooding during a flood event with an annual recurrence interval of 1 in 50 years of:

- (a) 1,000 square metres; or
- (b) 80 percent of the property,

whichever is the greater.

Section 106(1)(a) of the RMA provides the Council with options through the subdivision consent process for managing the material damage to land or any structure on that land as a result of flooding (and other hazards). Policy 11.1.10 sets standards for new dwellings and associated servicing to minimise material damage. However, property owners will also have a reasonable expectation that they can also use the remainder of their property on an ongoing basis. This policy establishes a standard to minimise the amount of material damage that can occur to land. The threshold of one hectare is used to differentiate between residential properties and properties used for rural purposes. The Council's experience is that people residing on properties smaller than one hectare have expectations similar to residentially zoned properties, which is that their property will not be affected by flood events. The standards set in (a) and (b) ensure that most of a property remains capable of use during a flood event. An annual recurrence interval of 1 in 50 years reflects the standard specified in the New Zealand Building Code as the relevant measure of flood risk.

[R, D]

Policy 11.1.16 – Refine the boundaries of flood hazard overlays in response to:

- (a) **changes to levels of protection provided by flood defences and other flood mitigation/management works; or**
- (b) **new observations of flood events or more detailed assessment of the flood hazard; or**
- (c) **changes in catchment hydrology due to land use change or climate change; or**
- (d) **changes in flood hydraulics due to channel aggradation or erosion, vegetation growth within the floodway or sea level rise.**

The mapped flood risk will change from time to time either because the flood risk physically changes or because the Council's knowledge of flood risk improves with more information and/or analysis. Where the extent of the flood hazard changes as a result of the matters set out in (a) to (d), it will be necessary to refine the boundaries of the flood hazard overlay in the MEP. This refinement is likely to occur on an ongoing basis. Any such changes will have to pass through the First Schedule process of the RMA.

Earthquake and liquefaction

[D]

Policy 11.1.17 – Avoid locating residential, commercial or industrial developments on Rural Environment or Rural Living zoned land on the Wairau Plain east of State Highway 1/Redwood Street, unless remediation methods are to be used to reduce the level of liquefaction risk to an acceptable level.

Liquefaction is the process by which earthquake shaking causes increased pore water pressure in soils that in turn reduces the strength of the soils. The potential for shaking intensities sufficient to trigger liquefaction is significant given the overall seismicity of the District. Land underlain by the "Dillons Point Formation" on the Wairau Plain has an elevated risk of liquefaction. The Dillons Point formation is marine sediment deposited on the eastern margin of the Plain by previous marine processes and consists of grains of small and relatively uniform particle size. These characteristics, combined with high groundwater levels, are conducive to liquefaction. The western extent of the Dillons Point formation (at a thickness that represents a significant liquefaction risk) is approximately State Highway 1 and Redwood Street.

This policy signals that it would be unwise to allow any future commercial, industrial or multi-lot residential developments to occur on rurally zoned land underlain by the Dillons Point formation due to the high risk of liquefaction. Such liquefaction has the potential to cause significant damage to buildings and infrastructure and would therefore cause significant disruption to residential, commercial or industrial activity. A policy of avoiding such development of land ensures that significant investments and community infrastructure is not subject to unnecessary risk.

In some situations, it may be possible to implement remediation methods to reduce the level of risk to an acceptable level. This will be assessed on a case-by-case basis.

This policy applies to the rezoning of land that would facilitate these developments or to resource consent applications for subdivision or development. In the case of resource consent applications for residential subdivision and development, the threshold for the application of the policy is the creation or development of lots smaller than one hectare. The density of development where lots are in excess of one hectare is considered an acceptable risk given the probability of an earthquake occurring.

[D]

Policy 11.1.18 – Where it is proposed to subdivide land zoned Urban Residential 2 – Greenfields and land identified in Appendix 23 for residential purposes, the subsoil of the site must be investigated to establish if specific foundation designs of buildings are required to mitigate the effects of liquefaction or lateral spread.

There are areas of land zoned for residential development that may have localised soils susceptible to liquefaction and/or lateral spread. The policy requires that, in the event of proposals to subdivide land within the Urban Residential 2 – Greenfields Zone and within the land identified in Appendix 23 for residential development, that the subsoil be specifically investigated to establish the risk of these hazards occurring in the event of an earthquake. For land zoned Urban Residential 2 – Greenfields, standards set out the nature of those investigations. The results of the investigation will determine whether specific foundation design will be required to mitigate the effects of liquefaction and/or lateral spread.

Land instability

[D]

Policy 11.1.19 – Control the erection and placement of structures within areas prone to tunnel gully erosion.

The extent of land potentially subject to tunnel gully erosion in Marlborough and the nature of the resulting hazard are well understood. The hazard is directly linked to loess soils that exist predominantly in the hill country along the southern boundary of the Wairau Plain. The Council (and its predecessor) has a long history of managing the risk of tunnel gully erosion. In areas prone to tunnel gully erosion, it is important that any new structure is not subject to an unreasonable risk of damage. The controls will be primarily applied through the Building Act 2004. The policy allows, in conjunction with Policy 11.1.20, the risks to life and property created by unstable ground to be reduced. Areas of loess soil are identified in the MEP.

[RPS, R, D]

Policy 11.1.20 – Continue to manage the Wither Hills Soil Conservation Reserve to maintain and enhance soil stability.

The Wither Hills Soil Conservation Reserve comprises 1,100 hectares of land the length of the southern boundary of the Blenheim urban area. The soils over the Reserve are loess and are particularly vulnerable to tunnel gully erosion. Eroded material has the potential to fill stream channels at the base of the Wither Hills and create a flood risk for the Blenheim urban area. This policy signals that soil conservation management will continue for the foreseeable future to manage this flood hazard. This will be achieved through an active programme aimed at maintaining and enhancing soil stability over the Reserve.

[D]

Policy 11.1.21 – Locate new structures and works to:

- (a) avoid them being damaged from the adverse effects of land instability; and**
- (b) avoid any increase in the adverse effects of slope instability that the structure or work may cause.**

Marlborough is characterised by steep terrain and in some locations, unstable geology. Combined with the potential for intense rainfall events, these factors create the potential for slope instability. Examples historically include rock/debris slumps, debris slides or flows, coastal erosion and tunnel gully erosion in various parts of the District. Establishing residential, commercial or industrial development or infrastructure supporting that development or linking our communities in locations prone to land instability will lead to unsustainable outcomes. This policy requires new structures and works to be located in environments that avoid adverse effects caused by land instability. It also addresses the situation of a structure or work exacerbating

those adverse effects. The policy will primarily be implemented through the zoning of land and the scale/intensity of activity that the zone rules enable. However, the policy can also be applied in a resource consent context when an assessment of environmental effects for the structure or work identifies a risk of land instability. This includes subdivision undertaken to enable more intensive use of the land. A safe and stable building platform will have to be established for the subdivision of land in certain environments.

Fire

[D]

Policy 11.1.22 – Require a buffer between dwellings, ancillary structures and land used for commercial forestry.

To reduce the risk of fire in rural environments, a setback distance will be imposed to restrict the proximity of:

- (a) houses and ancillary structures to existing plantations of commercial forestry; and
- (b) new plantations of commercial forestry to existing dwellings and other habitable structures.

The setback will create a buffer between the plantations and residential (and associated) activity, a potential source of ignition. The buffer will also reduce the risk of fires in plantations spreading to houses and other habitable structures.

Issue 11B – The use of natural and physical resources can make existing natural hazards worse.

Issue 11B recognises the undesirability of placing people and property in areas subject to natural hazards. People's actions can also increase the severity of existing hazards. Placing or constructing buildings, walls, fences and other impermeable structures, or depositing material in floodways will create a barrier to flood flows and potentially increase water levels or divert flood flows elsewhere. Planting of unsuitable trees and other vegetation within a floodway could also create similar effects, although trees also assist to maintain bank stability.

Excavation on or near a stopbank can compromise the integrity of the stopbank and any failure could result in the breakthrough of flood waters. The construction of structures on stopbanks can have similar effects, while structures constructed in close proximity to a stopbank can compromise the ability of the Council to access the flood defence for maintenance work or emergency response. In areas prone to land instability, the discharge of stormwater from buildings and impervious surfaces to land increases soil moisture saturation, making the soil more prone to ground failure.

Activities may be undertaken without any awareness that they may result in the adverse effects described above.

[R, D]

Objective 11.2 – Natural hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events.

Given the serious nature of the adverse effects caused by natural hazards, it is important that human activities do not increase the risk and consequences of natural hazard events. This objective seeks to ensure that this does not occur. The following policies identify activities of particular concern.

It is desirable that the potential for an increase in the risk and consequences of natural hazard events is considered prior to the activity occurring. This would avoid the need for remedial work to rectify the effects of inappropriate activities as well as the potential for significant adverse effects should a hazard event occur prior to the Council becoming aware of the activity or remedial work being carried out. This objective does not mean that the activities listed in the policies cannot occur, but it may mean that they have to be undertaken in a manner that sufficiently mitigates the potential for adverse effects.

[D]

Policy 11.2.1 – Designate Marlborough District Council administered floodways.

Land within Council administered floodways will be designated. This means that the floodways will be included, by way of a schedule and mapping, within the MEP. The land designated will be a combination of Council and privately owned land. The effect is that any person wanting to undertake work in a floodway (that may adversely affect the floodway) will require the written permission of the Council. This will allow the Council, as the requiring authority, to assess the proposal and its potential adverse effects on the floodway prior to the activity commencing.

[D]

Policy 11.2.2 – Control land uses on or in close proximity to existing Marlborough District Council administered flood defences and within floodways to ensure that they do not compromise the effectiveness of any defence or the efficiency of any floodway.

Land use activities undertaken on or in close proximity to existing flood defences and within floodways have the very real potential to compromise the effectiveness of the defence or the efficiency of the floodway. Of particular concern are activities that could affect the integrity of the flood defence (especially excavation on or close to stopbanks) and activities that physically obstruct flows within the floodway (e.g. planting of unsuitable vegetation, construction of structures and deposition of material). Activities that might impede access to the flood defence or floodway for maintenance purposes are also of concern.

Given the reliance of some communities on the performance of the flood defences and/or floodway, it is important that consideration is given to the potential for these adverse effects to occur and therefore the appropriateness of undertaking the activity. The most effective way to do this is to require resource consent to undertake the activities, as this will allow a thorough assessment of the proposal and its potential adverse effects prior to the activity occurring.

[R, D]

Policy 11.2.3 – Where appropriate, ensure that privately initiated and constructed flood defences integrate with Marlborough District Council administered flood defences.

In some situations, individuals may choose to privately construct flood defences to protect their own property. If these defences are not constructed to integrate with the protection already provided by existing Council administered flood defences in the vicinity, then the new flood defence may be counter-productive. Regard can be had to the need for integration of flood defences when considering resource consent applications to construct the new defence.

[D]

Policy 11.2.4 – Where appropriate, require the creation of esplanade reserves and esplanade strips (as part of the subdivision consent process) to enable the mitigation of flooding hazards and to provide access for maintenance purposes. Priority rivers for setting aside esplanade reserves and esplanade strips for this purpose are:

- (a) rivers on the Wairau River Floodplain; and
- (b) rivers flowing through or in the vicinity of residential development in the Marlborough Sounds.

Maintenance of floodways and river channels can help to mitigate and manage flood hazards. For some rivers, it is desirable for erosion resistant vegetation to be planted and maintained on the

river channel edge. For other rivers, it is necessary for vegetation to be removed to provide for the free flow of flood water. Access to carry out river control works in the channel, such as gravel extraction, rock placement, aquatic vegetation removal or stop bank maintenance, may also be required. Council control of vegetation and access to and along a river bed can therefore be important. Vegetation control and access can be achieved through the creation of esplanade reserves and esplanade strips as part of the subdivision consent process.

The waterbodies identified in (a) and (b) are those where multiple landowners or a community would benefit from the flood mitigation works identified above. In this way, the policy acts to provide greater certainty about when the Council will utilise the esplanade reserve provisions of the RMA for flood hazard mitigation purposes.

[D]

Policy 11.2.5 – The width of any esplanade reserve or esplanade strip set aside for flood hazard mitigation shall generally be 8 metres, except on land adjoining the Wairau River, Omaka River, Waihopai River, Pelorus River or Rai River, where the width shall be 20 metres.

Under the RMA (Section 230), esplanade reserves of 20 metres width are required where any allotment of less than 4 hectares is created when land is subdivided. The Council has the discretion to vary this requirement for esplanade reserves or strips. The policy identifies that in many circumstances a reduction in width is appropriate if the reserve or strip is being taken for flood hazard mitigation. In most circumstances, 8 metres is sufficient to undertake river control works and to access the river for this purpose. Exceptions are set out in the policy and include larger rivers which, because of their scale, require a wider reserve or strip to undertake river control works.

Regard should also be had to the special circumstances identified in policies in Chapter 15 - Resource Quality (Water, Air, Soil), Chapter 8 - Indigenous Biodiversity and Chapter 9 - Public Access and Open Space.

[R, D]

Policy 11.2.6 – When considering any application for resource consent or notice of requirement for hazard mitigation works, have regard to:

- (a) **the likely effectiveness of the mitigation works and the residual risks remaining after mitigation works are in place;**
- (b) **whether non-structural or soft engineering methods are a more appropriate option;**
- (c) **the cumulative effects of isolated structural mitigation works;**
- (d) **any adverse effect on existing hazard mitigation works;**
- (e) **responsibility for the ongoing maintenance of the mitigation works to the required standard; and**
- (f) **the method and effects of construction on the surrounding environment.**

Although hazard mitigation works act to protect the community, the construction and ongoing presence of these works can themselves have adverse effects on the environment. Where they involve substantial modification to the natural character of the waterbody, these effects can be significant. Recognising the potential for adverse effects, this policy provides direction to ensure that any proposed new works are effective in the first instance and that the method of hazard mitigation is the most appropriate. These principles can be applied when processing resource consent applications required to undertake the work or any notice of requirement application to provide for the work. This will ensure that any adverse effects, including those on existing hazard mitigation works, are avoided or mitigated, and that mitigation works are maintained in an effective state on an ongoing basis.

[D]

Policy 11.2.7 – Where stormwater is to be discharged into a surface waterbody or drainage channel, there must be sufficient capacity within the waterbody to accommodate the likely rate of discharge without overtopping the banks or causing any scour.

Where land disposal of stormwater is not a viable option, it is likely that the collected stormwater will be discharged into a surface waterbody/drainage channel. To ensure that this discharge does not cause a flooding hazard downstream, it is important that there is sufficient capacity within the waterbody/drainage channel to accommodate the discharge. If this is not the case, the discharge will cause overtopping of the banks. Breakout can also occur when the discharge velocity causes scour of the bed and/or banks of the waterbody/drainage channel.

Methods of implementation

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

[D]

11.M.1 Zoning

Zoning will be used as a means to ensure that the scale and/or intensity of residential, commercial or industrial development recognises the inherent risk of natural hazards. Environments more prone to natural hazards will not be zoned to explicitly provide for such land uses in recognition of the potential threat to life, property and infrastructure.

A Floodway Zone will be used to identify river channels and land on Council-managed berms to reduce the risk of flooding on adjoining land. The use of the zone will allow the application of regional and district rules, as set out below, to avoid people undertaking activities that might impair the hydraulic efficiency of the floodway or the effectiveness of any flood defences.

[R, D]

11.M.2 Overlay

Areas subject to flooding and tunnel gully erosion hazards will be identified on the MEP maps through overlays. This will allow the application of regional and district rules, and other methods, (as set out below) to avoid and mitigate these natural hazards.

[D]

11.M.3 Designations

Floodways and floodway land will continue to be designated for river control works. This will enable the Council to undertake necessary maintenance work (where that is covered by Section 9(3) of the RMA) and to control activities on land that it does not own that might impair the functioning of the floodway.

[R]

11.M.4 Regional rules

Resource consent will be required to erect or place houses and other structures on land covered by Level 2 and Level 3 flood hazard overlays. This will allow the policies of this chapter to be applied to determine whether it is appropriate to establish these structures within areas subject to natural hazards.

A permitted activity standard will be used to establish an appropriate setback for structures from rivers as an additional means of avoiding or mitigating flood hazards. This recognises that where there is no flood hazard overlay, there is still a risk of flooding when building in close proximity to rivers. In addition, a setback acts to maintain the integrity of the river channel and the stability of the river bank.

Rules will be used to set minimum standards for the investigation of subsoils of land zoned Urban Residential 2 – Greenfields. In the event of proposals for the subdivision of land for residential purposes, the investigations will establish the risk of liquefaction and lateral spread and the need for specific foundation design of buildings to mitigate this risk.

Resource consent will be required to undertake land uses within the Floodway Zone to ensure that the activity does not reduce the capacity of any floodway or otherwise impair flood flow. Land uses to be controlled include:

- *construction of structures;*
- *inappropriate planting or removal of vegetation; and*
- *deposition of cleanfill and other material.*

This will allow the policies of this chapter to be applied to determine whether it is appropriate to undertake activities that have the potential to inhibit the channel efficiency of floodways.

Permitted activity standards will be used to establish appropriate setbacks for activities from stopbanks or any other flood mitigation structure. Resource consent will be required to undertake specified activities within close proximity to these flood defences to ensure that they do not adversely affect the effectiveness of the defence.

Permitted activity rules will be used to enable the Council to undertake the maintenance and repair of existing flood defences and other flood mitigation works. The permitted activity rules will link to works required to achieve and maintain the design intentions established for the waterbody/drainage channel. Works include gravel extraction required to maintain floodway capacity.

Permitted activity standards will be used to establish appropriate setbacks for:

- *dwellings and other habitable buildings from existing commercial forestry plantations; and*
- *commercial forestry plantations from existing dwellings and other habitable structures.*

[D]

11.M.5 District rules

Applications for subdivision consent involving land likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation, will be required to demonstrate that a safe and stable building platform exists for each proposed allotment and the balance parcel. The building platform must be shown on the scheme plan and be supported by a report prepared by a chartered professional engineer with relevant skills and consistent with any relevant Council standards.

[R, D]

11.M.6 Building Act 2004

The Building Act 2004 requires a building consent to be refused for the construction of a building or major alterations to a building if land on which the building work is to be carried out is subject to, or is likely to be subject to, natural hazards. Consent is also to be refused if the building work will accelerate, worsen or result in a natural hazard on that land or any other property.

A minimum floor level will be established for new dwellings and other new habitable structures where those structures are proposed to be constructed on land subject to a Level 1 flood hazard. The floor level will be a minimum of 450 mm above natural ground conditions. Site specific factors, especially the elevation of the land at the site of the proposed building platform, will determine the minimum floor level.

[R, D]

11.M.7 Council activities

Maintain flood defences and other flood mitigation works to provide protection from flood events as set out in a Council Asset Management Plan. Policies 11.1.3 and 11.1.4 provide guidance as to when the Council will actively manage flood hazards through such intervention and the standards to which protection will be provided.

The Council will continue to maintain soil conservation works within the Wither Hills Soil Conservation Reserve in accordance with Rivers and Land Drainage Asset Management Plan.

[R]

11.M.8 Gravel permits

In addition to regional rules, the Council will utilise a system of gravel permits to authorise the extraction of gravel from river beds. These permits will be issued by a Council Rivers and Drainage Engineer and will specify the location of extraction and the amount of material to be extracted. Conditions can be imposed on the gravel permits to manage any site-specific adverse effects not addressed through regional rules. The permits provide the flexibility to respond to the accumulation of gravel in river beds in the short term. The duration of the permits will be limited to enable effective monitoring of the effect of the extraction on river bed levels and the surrounding environment.

[D]

11.M.9 Geotechnical reporting standards

The Council has established minimum requirements for the reporting of geotechnical investigations. These identify the expectations for geotechnical investigations and the reporting of those investigations. They also set out the reliance that the Council places on the information provided in geotechnical reports so that this is understood and appreciated.

[R, D]

11.M.10 Incentives

Where the Council owns or controls access to floodway land, differential pricing on gravel extracted under a gravel permit may be used to encourage gravel to be extracted from priority areas in terms of maintaining floodway capacity or other river control objectives.

[R, D]

11.M.11 Civil Defence Emergency Management Plan

The CDEMP provides strategic direction to assist the community to prepare for and respond to natural hazards in Marlborough. The CDEMP also details the responsibilities for readiness, response and recovery in the event of a hazard at an operational level.

Communities are supported to improve their readiness under the CDEMP, especially communities in remote locations.

[R, D]

11.M.12 Emergency response

Where information is available, the Council will help Civil Defence to provide an emergency warning of and response to natural hazards.

[R, D]

11.M.13 Information

Property specific hazard information, including whether the property is affected by a hazard overlay, will be available to the public through the MEP maps, the issue of LIMs or through general enquiry.

[R, D]

11.M.14 Monitoring

Monitor the performance of rivers and floodways against the operational standards established in Policy 11.1.4. This will involve regular surveys of river beds to establish the extent of sediment build-up or impeding vegetation growth, monitoring of relevant flood hydrology (including the effects of climate change) and hydraulic calculations to reassess flood carrying capacity. This work will establish whether further intervention is required to maintain floodway capacity.

[R]

11.M.15 Gravel Management Strategy

Using the information gathered through Method 11.M.14, the Council will determine the sustainable yield of gravel from Marlborough rivers on an ongoing basis. The allowable annual extraction is recorded in the Gravel Management Strategy. The Strategy is used to guide the processing of gravel permit applications. The Gravel Management Strategy is incorporated into the MEP by reference.

[D]

11.M.16 Reserve management plans

The Council will continue to manage farming and other activities on the Wither Hills Soil Conservation Reserve through a management plan prepared under the Reserves Act 1977. This plan clearly sets out soil conservation objectives, which then influence the nature of any lease to use the land for farming purposes through lease conditions.

Anticipated environmental results and monitoring effectiveness

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

Anticipated environmental result	Monitoring effectiveness
<p>11.AER.1</p> <p>Residential, commercial and industrial development does not locate in areas where natural hazards are most likely to occur.</p>	<p>The number of building consent and/or resource consent applications to erect or construct a structure or building refused for natural hazard reasons.</p>

Anticipated environmental result	Monitoring effectiveness
<p>11.AER.2</p> <p>Where development must occur in areas subject to natural hazard, the potential adverse effects of those natural hazards are sufficiently mitigated or otherwise managed by appropriate design and/or placement of structures and/or works.</p>	<p>Analysis of damage caused by specific hazard events demonstrates that there is no damage to development authorised under the provisions of the MEP.</p>
<p>11.AER.3</p> <p>The floodway capacity of Marlborough rivers (as specified in Policy 11.1.4) is maintained.</p>	<p>Results of monitoring undertaken in accordance with Method 11.M.14.</p> <p>The record of Council works to maintain floodway capacity.</p>

12. Urban Environments

Introduction

Towns and settlements are concentrations or nodes of human activity. In Marlborough they became established for particular reasons: as the service centre for an agricultural hinterland, a transport junction, a port or coastal retreat. Whatever their beginnings, Marlborough's towns and settlements are more than simply collections of buildings and activities; they are communities of people with increasingly diverse backgrounds, coming from both within and outside Marlborough. Each town or settlement is home to a variety of people who associate together in many different ways, including through work, business, sports, school, clubs, church parishes, street neighbourhoods, age or disability groups.

Marlborough's towns therefore comprise a complex fabric of relationships, interactions and transactions between people to which is added the physical fabric of buildings, spaces and infrastructure. The quality of the social and physical fabric of each town, as well as the opportunities available therein for business, determines the quality of life of the people who live there.

The towns and settlements of Marlborough reflect the different natural environments in which they occur as well as their varied heritage and function. These towns and small settlements can be characterised by size into one of four categories:

- larger urban towns (Blenheim, Picton/Waikawa, Havelock, Renwick, Seddon);
- smaller towns (e.g. Ward, Wairau Valley, Spring Creek, Grovetown, Rarangi, Rai Valley);
- coastal Marlborough Sounds settlements; and
- clusters of lifestyle living scattered throughout the District.

This chapter of the Marlborough Environment Plan (MEP) will focus on the first two groups of towns: Blenheim, Picton/Waikawa, Havelock, Renwick, Seddon, Ward, Wairau Valley, Rarangi and Rai Valley. Each of these towns is diverse in character and in the nature of activities occurring within them; there is no 'typical' Marlborough town. The basic distinctions in the climate and geography in the Marlborough Sounds, Wairau Valley, Wairau Plains and the Awatere Valley create underlying differences in their environments. The character of Marlborough's towns is also a direct reflection of the different land use activities that occur within and around them, as well as the location and form of the buildings where those activities occur. Larger towns have a combination of residential, commercial and industrial activities, providing a more diverse character than that of the smaller towns, which are predominantly residential in nature.

The prosperity of Marlborough's towns has always depended upon the value of production from their rural and marine hinterland. Diversification in new technologies and creative industries is expected to contribute positively to the economy in the future, with Marlborough's hinterland expected to continue supporting a robust economy. This is also reflected in Chapter 4 - Use of Natural and Physical Resources.

Residential environments

Issue 12A – Meeting the residential needs of Marlborough’s urban population whilst ensuring residential activity does not have adverse effects on the environment.

Marlborough’s residential environments are diverse in character and include a range of housing types, although there is a predominance of stand-alone residential dwellings. This diversity is a result of previous zoning regimes and will continue through the approaches proposed in the MEP.

Residential environments are an important resource for the District and contribute to the social, economic and cultural wellbeing of people. The types and condition of housing and the services available to communities are important considerations in determining the distribution of resources and providing attractive residential environments. Developing residential environments that meet the needs of Marlborough’s urban population while maintaining and improving people’s enjoyment of residential amenity is key. It is important that in achieving this, an urban form is developed that ensures Marlborough’s towns remain compact and resilient and that where provided for, urban expansion is sustainably managed. This is particularly the case for two relatively new areas of residentially-zoned land on the periphery of Blenheim and Renwick. Also, changing demographics, including an aging population and an increase in single person households, have led to a greater need for flexibility in the size and type of dwelling options available.

Inappropriate land use, subdivision and development in residential areas is a major concern as these factors can adversely affect the character and amenity of Marlborough’s residential environments. Furthermore, commercial activities that do not support the day-to-day living of residents and which detract from residential character and amenity must be avoided; for example, commercial activities located in residential environments have the potential to create effects on amenity, health and safety from noise, parking and traffic movements. Such activities also have the potential to undermine the viability of established business zones.

The resource management framework for residential environments encourages the development of attractive, safe and compact residential environments. This can be achieved by controlling matters such as the siting of appropriate activities in Urban Residential Zones, the design, location and scale of land use activities and buildings, the avoidance of certain activities in sensitive locations and impacts on the efficiency and affordability of infrastructure, services and the transport network.

[D]

Objective 12.1 – Residential zones are primarily utilised for residential activities and a range of opportunities for different forms and densities of residential activity are available in Marlborough’s urban environments.

The objective directs that residential environments are to be used primarily for residential activities. This seeks to ensure that the encroachment of non-compatible activities in Urban Residential Zones does not adversely affect the character, liveability or amenity of Marlborough’s residential environments. In particular, activities that do not support the day-to-day living of residents and that detract from residential character and amenity must be avoided.

Secondly, the objective seeks to provide for a range of options in Urban Residential Zones for residential activity that support the needs of residents. This is reflected in subsequent policy that identifies four zones within which residential activity can occur.

[D]

Policy 12.1.1 – Specific areas are identified for residential activities within Marlborough’s urban environments.

The use of zones enables activities to occur in specified and established areas of Marlborough’s urban environments. The areas zoned as Urban Residential are based in part on the nature of residential activities that have existed for some time with largely known effects. Some additional areas have been zoned for residential activities in recognition of a need to provide for growth. The varied nature of residential environments within Marlborough’s towns is reflected in the different zoning approaches. Subsequent policy describes the characteristics of each of these areas.

[D]

Policy 12.1.2 – Maintain the following characteristics within the residential environment of the Urban Residential 1 Zone:

- (a) strong connection to the central business area, recreational, social and health facilities;
- (b) central location within easy walking distance to the Business 1 Zone;
- (c) close proximity to open space;
- (d) catering for higher density living by multi-unit and/or multi-level developments;
- (e) enabling growth through infill development;
- (f) smaller lot size;
- (g) dwellings sited closer together;
- (h) access to infrastructure services and other services (stormwater, sewerage and kerbside rubbish and recycling);
- (i) higher volumes of road traffic; and
- (j) for the area of Lot 2 DP 350626 and Lot 1 DP 11019 on the corner of New Renwick Road and Aerodrome Road that is zoned Urban Residential 1:
 - (i) the entire Urban Residential 1 Zone will not necessarily be subdivided down to minimum lot sizes; and
 - (ii) higher density housing will be clustered generally towards the north eastern corner of the block and around reserves.

This policy describes the residential environment in close proximity to central Blenheim. Urban Residential 1 Zone sites are predominantly higher density areas, with people living in closer proximity to one another and apartment style and/or double storey buildings being more common than in the lower density zones. This character is unique to central Blenheim. There are connections with much of this area to open space areas, especially those associated with the Taylor River running through central Blenheim. Some of this Urban Residential 1 land is also sited close to Horton Park.

Another area of Urban Residential 1 Zone land not located within central Blenheim is the corner of New Renwick and Aerodrome Roads. This land has been rezoned from rural to residential zoning to accommodate future growth and provides an opportunity for different residential zonings to accommodate a variety of residential activity. The matters in the policy are included to assist in ensuring there are good amenity outcomes for this area.

[D]

Policy 12.1.3 – Maintain the following characteristics within the residential environment of the Urban Residential 2 Zone, including within the Urban Residential 2 Greenfields Zone:

- (a) some connection to the central business areas, recreational, social and health facilities;

- (b) often located in close proximity to suburban businesses in the Business 2 Zone;
- (c) catering for a lower population density;
- (d) intensification development rather than infill development;
- (e) located within reasonable proximity to schools, kindergartens and shopping;
- (f) located closer to open space areas;
- (g) larger lot sizes;
- (h) lower density living;
- (i) greater privacy between individual properties;
- (j) areas surrounded by lower building form, i.e. fewer multi-level storied buildings or apartments;
- (k) generally lower traffic volumes; and
- (l) access to infrastructure and other services (stormwater, sewerage and kerbside rubbish and recycling) may be limited in smaller settlements.

This policy sets out the characteristics of land zoned Urban Residential 2 and Urban Residential 2 Greenfields. Urban Residential 2 Zones are located within Blenheim and throughout Marlborough's other towns (Picton, Havelock, Renwick, Seddon, Ward, Wairau Valley, Marlborough Ridge, Spring Creek, Grovetown, Rarangi, Rai Valley). In Blenheim, Urban Residential 2 land is established around the central Urban Residential 1 Zone and extends to the outer boundary of the town. These areas are generally characterised as being of lower density, with single dwellings on individual sites and low building heights compared to the Urban Residential 1 Zone. This is particularly reflected in matters identified in Policy 12.1.3(g) to (j). One distinct difference is that in (k) a 'generally lower traffic' environment is identified. While this is true for much of Blenheim's Urban Residential 2 Zone, some arterial routes through this zone attract a higher level of traffic. These routes are identified in the roading hierarchy in Appendix 17.

Within the smaller towns, Urban Residential 2 zoned land is predominantly located between business activities and the surrounding Rural Environment Zone, except in Picton and Havelock where it is predominantly located between business activities and the Coastal Environment Zone. Urban Residential 2 Zones in the remaining Marlborough towns often have limited infrastructure available for water, sewerage, storm water and other services (compared to the larger towns of Picton and Blenheim). This is reflected in matter (l).

The Urban Residential 2 Greenfields Zone is specific to the north western area of Blenheim and at time of notification of the MEP had not been developed. While the characteristics of this area are ultimately intended to be the same as other Urban Residential 2 zoned land, its main characteristic at the time of notification is that of a rural environment (reflected in Policy 12.1.4).

[D]

Policy 12.1.4 – In addition to the characteristics listed in Policy 12.1.3, the following additional characteristics are to be maintained and apply to:

- (a) the Urban Residential 2 Greenfields Zone, where:
 - (i) there is a stronger connection with the Rural Environment Zone; and
 - (ii) farming is enabled prior to residential development;
- (b) allotments located in Brilyn Crescent, Glenhill Drive, Hospital Road, Wither Road and as scheduled in Appendix 16, where:
 - (i) there are larger allotment sizes with a minimum of 3,000m²;
 - (ii) a lower density living environment is evident;

- (iii) a lifestyle option within the urban environment of Blenheim with a high level of amenity (including privacy, large trees and extensive landscaping) is provided; and
- (iv) a transition between urban and rural environments is provided;
- (c) allotments located in Redwood Street and as scheduled in Appendix 16, where:
 - (i) there are larger allotment sizes with a minimum of 1,200m²;
 - (ii) there is a high level of rural amenity within this area; and
 - (iii) a high amenity, low density living environment on the periphery of the urban area is provided;
- (d) the subdivision of Lot 2 DP 350626 and Lot 1 DP 11019 on the corner of New Renwick Road and Aerodrome Road, where:
 - (i) lot sizes will be larger along and near the western and southern boundaries;
 - (ii) at least one but not more than two internal roads are to give direct access from the internal road network to New Renwick Road;
 - (iii) walking linkages are to be provided to give access to New Renwick Road;
 - (iv) a pedestrian-cycle link is to be provided to connect the internal road network to the Taylor River floodway reserve;
 - (v) at least two neighbourhood reserves, bounded by roads on at least two sides of its perimeter, are to be located within walking distance of all residential lots; and
 - (vi) optimised solar access to main living room windows or main private open spaces is sought throughout the development.

This policy provides greater distinction between the character of the Urban Residential 2 Zone in a number of locations within the Blenheim environs. This includes two areas of land that have been rezoned for residential activity to accommodate future growth: the Urban Residential 2 Greenfields area to the north and west of Blenheim and the Urban Residential 2 land on the corner of Aerodrome and New Renwick Roads. In rezoning these areas from rural to residential environments, additional characteristics have been identified to assist in their development to ensure good amenity outcomes.

In contrast, the areas identified in Appendix 16 have already been developed and have a high level of amenity due in large part to the allotment sizes, which are significantly greater than those normally expected in the Urban Residential 2 Zone. This is especially the case for properties where the minimum allotment size is 3,000m². Both groups of properties identified in Appendix 16 provide an option for larger lot living within the Blenheim urban environment and consequently are a resource to be sustained.

[D]

Policy 12.1.5 – Subdivision of allotments located in Grant Place and as scheduled in Appendix 16 is to be avoided, unless the effects of potential inundation and/or stability can be avoided, remedied or mitigated.

Three properties in Grant Place have minimum allotment sizes of 3,000m² and due to potential inundation have been prevented from further subdivision. The creation of the allotments was allowed on the basis of major land contouring and the creation of elevated building sites to avoid poor land drainage around the foundation of the houses. The site of the houses was specified at the time of subdivision. For these reasons, the density of these land parcels has been maintained at 3,000m². The subdivision of this land may remain an option for landowners, but they will be required to prove the suitability of the land for subdivision, having regard to the inundation and stability matters.

[D]

Policy 12.1.6 – Maintain the following characteristics within the residential environment of the Urban Residential 3 Zone:

- (a) located on the urban periphery of Blenheim;
- (b) closer proximity to open space and rural areas;
- (c) catering for a lower population density;
- (d) large lot sizes;
- (e) low density sites;
- (f) greater privacy expected as greater distance between properties;
- (g) more rural in nature;
- (h) access to infrastructure services and other services (stormwater, sewerage and kerbside rubbish and recycling), although this may be limited; and
- (i) low volumes of road traffic.

This policy describes the character of areas that will provide large residential sites to meet the demand for larger properties in closer proximity or on the boundary of Marlborough's towns. The character of this residential environment is predominantly one of low density, with large single dwellings on individual sites, more open space around dwellings, greater privacy between individual properties, ample sunlight to buildings, views to surrounding hills and an open streetscape.

[D]

Objective 12.2 – A high standard of amenity for residential development and attractive residential areas makes the urban environment a place where people want to live.

The quality, harmony and coherence of elements within the urban environment are important in the development of towns and small settlements as pleasant places in which to live, work, play or visit. These attributes are broadly referred to as "amenity values": the natural or physical qualities and characteristics of an area that contribute to people's appreciation of it. Enhanced residential amenity will in turn have a positive effect on a community's perception of wellbeing. Overall, the objective seeks to ensure there is a high standard of amenity throughout Marlborough's residential areas, encouraging people to live there.

[D]

Policy 12.2.1 – The character and amenity of residential areas within Marlborough's urban environments will be maintained and enhanced by:

- (a) providing for a range of areas with different residential densities and lot sizes, including for infill, greenfield and large lot developments;
- (b) ensuring there are residential areas within walkable distance to community, social and business facilities;
- (c) providing for sufficient and integrated open spaces and parks to meet people's recreational needs;
- (d) higher standards of visual interest and amenity;
- (e) ensuring people's health and wellbeing through good building design, including energy efficiency and the provision of natural light; and
- (f) effective and efficient use of existing and new infrastructure networks.

The identity of a town is reflected in its inherent character and amenity. These are aspects that influence where people choose to live and communities' perception of wellbeing is enhanced by a

coherent and pleasant living environment. Components of character and scale include open space, density of development, building height, proximity to services, style of built form and availability of infrastructure. Some of these factors lead to a general appreciation of an area, while others relate to the development of individual sites. The matters identified in this policy collectively reflect the nature of residential environments within Marlborough's towns that are to be maintained and enhanced.

[D]

Policy 12.2.2 – Protect and enhance the character and amenity values of residential environments for individual allotments by:

- (a) **controlling the height of buildings to avoid shading of adjoining properties and to maintain privacy;**
- (b) **ensuring that buildings located close to property boundaries do not unreasonably shade adjoining properties;**
- (c) **requiring functional, sunny and accessible outdoor living spaces within individual allotments; and**
- (d) **retaining adequate open space free of buildings and having adequate space available for service areas.**

This policy recognises that the way in which individual sites are developed is important, particularly in relation to adjoining sites. The principal elements in creating liveable residential environments include ensuring that residential properties have adequate access to sunlight, daylight and privacy and that they are not closed in or overlooked. In controlling these matters through permitted activity standards, the desirability of allowing reasonable individual flexibility in siting, layout and building design must also be acknowledged.

[D]

Policy 12.2.3 – Require development to maintain or enhance streetscape amenity by ensuring:

- (a) **garages, carports and car parking do not dominate the street;**
- (b) **there are adequate areas free from buildings;**
- (c) **building height, proximity to street boundaries and scale reflect the existing or intended future residential character;**
- (d) **shared service areas are not visible from ground level outside the site; and**
- (e) **outdoor storage is managed in a way that does not result in unreasonable visual amenity effects or the creation of nuisance effects.**

The degree to which different residential areas are dominated by open space and landscape plantings rather than by buildings (particularly on the street frontage) is a key factor in people's perception of the residential environment. Within the various residential zones there are differing expectations of development character and therefore different sensitivities to adverse effects of development. The policy encourages open and attractive street scenes not dominated by buildings, with some activities associated with the dwelling being screened to ensure amenity values are maintained. The policy will be implemented through permitted activity standards to ensure the fundamental character of the various residential environments is not adversely affected, whilst still enabling efficient land use.

[D]

Policy 12.2.4 – In relation to five areas zoned as Urban Residential 2 Greenfields Zone to the north and west of Blenheim, the following matters apply for subdivision and land use activities:

- (a) **farming activities are permitted to continue until residential development of the land occurs;**

- (b) subdivision yield should aim for between 10 and 12 dwellings per hectare. A greater yield will be encouraged where it is shown that this will result in quality urban design outcomes;
- (c) allotment sizes greater than 800m² are discouraged, other than at the boundary of the Urban Residential 2 Greenfields Zone and any non-residential zone, and then only for the purposes of managing reverse sensitivity effects from activities in adjoining zones;
- (d) subdivision design shall have regard to reverse sensitivity effects in respect of existing, lawfully-established rural and non-residential activities;
- (e) where indicative roading layouts are shown on the Marlborough Environment Plan maps for the Zone, the roading network proposed at the time of subdivision and development must be in general accordance with the indicative layout;
- (f) contaminated sites must be identified and contamination mitigated or remediated so that land is suitable for residential development;

Specific Matter Applicable to Area 2:

- (g) activities within Area 2 in proximity to the National Grid Blenheim Substation must not compromise the operation and function of the substation;

Specific Matter Applicable to Area 3:

- (h) the indicative roading layout in Area 3 will be dependent upon and enhanced by connections to existing public or private roads over land outside Area 3;

Specific Matter Applicable to Areas 3 and 5:

- (i) subdivision design within Areas 3 and 5 must have particular regard to activities within the adjoining Business 2 and 3 Zones and Industrial 1 Zone at Westwood to mitigate reverse sensitivity effects from noise, truck movements and light spill; and

Specific Matter Applicable to Areas 1, 2, 4 and 5:

- (j) subdivision design in Areas 1, 2, 4 and 5 must have particular regard to farming activities on the northern boundary of the areas and on the western boundary of Areas 4 and 5 in terms of the potential for spray drift, noise and traffic movements.

Following extensive growth strategy investigations, the Council identified five growth areas to the north and west of Blenheim in an Urban Residential 2 Greenfield Zone suitable for providing sufficient housing for approximately the next 20 years. These growth areas are numbered 1 to 5 in the Greenfield Zone. A number of general matters apply to all of the areas within the Zone while some are specific to different areas; for example, the Blenheim Substation in Area 2 is specifically identified to give effect to the National Policy Statement on Electricity Transmission.

In general, existing farming activities are able to continue in the Zone until the area is developed for residential use. An efficient pattern of subdivision for medium density housing is encouraged, although in order to mitigate the effects of reverse sensitivity at the rural/urban interface allowance is made in some circumstances for larger lots of 4,000m². Subdivision for residential purposes should have regard to such matters as reverse sensitivity, subsoil conditions, efficient roading layout (which is indicatively shown in Areas 1-5 on the planning maps) and the location and provision of open space and other community facilities. Rezoning does not imply the presence of Council infrastructure. Preference will be given to an orderly and sequential provision of services so that Council spending can be undertaken in a prudent manner.

[D]

Policy 12.2.5 – Where resource consent is required, ensure that subdivision and/or residential development within Urban Residential Zones is undertaken in a manner that:

- (a) provides for the maintenance of those attributes contributing to the residential character of the locality, as expressed in Policies 12.1.2 to 12.1.4, Policy 12.1.6 and Policies 12.2.1 to 12.2.3;
- (b) maintains and/or enhances the residential environment of the area for the wider community;
- (c) ensures that the site can be adequately serviced (stormwater, sewer and water), accessed and/or otherwise adequately managed; and
- (d) ensures that the effects of any natural hazards are able to be avoided, remedied or mitigated.

Where resource consent is required for subdivision or development within the Urban Residential Zones, the matters in this policy will help to determine whether the subdivision or development is appropriate. In particular, matters concerning the character of the locality and urban amenity values are important in regard to 7(c) and (f) of the RMA. Other matters concerning the discharge of domestic wastewater are equally important and regard is to be had to the policies of Chapter 16 - Waste to assist in giving effect to this policy.

[D]

Policy 12.2.6 – Establish minimum allotment standards for the subdivision of land for residential purposes to ensure the outcomes in Policy 12.2.5 are met.

The policy identifies that minimum allotment sizes will be established so that subdivision does not detract from the characteristics and amenity of the residential environment as identified in Policies 12.1.2 to 12.1.4, Policy 12.1.6 and Policies 12.2.1 to 12.2.3.

[D]

Policy 12.2.7 – To provide for the protection of community health and wellbeing, noise limits have been established that are consistent with the character and amenity of the residential areas.

The adverse effects of noise are an issue in urban environments where noise may impact on people's health and their enjoyment of the area in which they live. While background noise is unavoidable, lower density residential environments generally enjoy lower ambient noise levels and lack intrusive noise. Higher density residential environments can expect similar protection, but it is recognised that as they are in closer to main roads and business activities, residents can anticipate a higher level of noise to occur. To ensure that the character and amenity of the urban environment is maintained, limits on noise through permitted activity standards will be imposed.

[D]

Policy 12.2.8 – Require signs to be designed and located to maintain residential amenity by being of an appropriate size and limited in number to convey information about the name, location and nature of the on-site activity to passing pedestrians and vehicles.

Signs advertising non-residential activities and home occupations in residential areas have the potential to reduce the level of residential amenity. Depending upon their size, colour and location on a site or building, these signs can bring aspects of the business zone into residential areas. Limitations will therefore be imposed on the use of signs in Urban Residential Zones.

[D]

Objective 12.3: Activities that are non-residential in character are appropriately located and of a scale and nature that will not create adverse effects on the character of residential environments.

Non-residential activity generally creates a number of recognisable and often significant adverse effects. These effects can be considerable and without proper management can adversely impact upon the immediate and surrounding environment. The effects of non-residential activities could include visual impacts, noise, vibration, dust, odour, glare, high levels of traffic generation (including heavy vehicle movements), discharges of waste to air, land and water and the use and storage of hazardous substances. These activities could threaten the characteristics and values of Urban Residential Zones, where a higher level of amenity has been identified as important for social wellbeing. The objective aims to ensure that any non-residential activities to be located within Urban Residential Zones are appropriate.

[D]

Policy 12.3.1 – Enable appropriate home-based activities in keeping with the character and amenity values expected in residential environments.

Non-residential activities that have the same or similar effects as residential activities may be established through this policy as they will not detract from the existing character of the residential environment within which they are to be located. While these activities are non-residential in nature, they are nonetheless closely linked with the residential environment. This policy provides a flexible approach that enables scope for these activities to occur within the residential environment without causing adverse effects or nuisance to surrounding residential properties.

[D]

Policy 12.3.2 – Provide for appropriate community-based facilities to locate within residential environments where they meet a community need and are in keeping with the expected residential character and amenity values for Urban Residential Zones.

Community-based activities, including both community facilities (e.g. health, education and spiritual) and recreational activities (e.g. playgrounds) play an important role in providing for the day-to-day needs of residents. Where these activities are of compatible scale and character, they may be appropriately established within residential environments. A balance needs to be found between sufficient separation to avoid adverse effects and adequate proximity to the communities which the facilities serve.

[D]

Policy 12.3.3 – Avoid business activities other than those expressly provided for from locating in Urban Residential Zones, unless:

- (a) the activity will not detract from the vibrancy and function of the hierarchy for Business Zones set out in Policy 12.4.4;
- (b) the site is adjacent to a Business Zone and provides a logical extension to the Zone;
- (c) the development maximises opportunities for integration with a Business Zone;
or
- (d) the site is in the Urban Residential 2 Zone in Havelock, Rai Valley, Renwick, Ward or Seddon and:
 - (i) the commercial activity would have significant positive effects in terms of supporting the needs of the community and visitors to the area;
 - (ii) the activity is unable to be located in or adjacent to the nearest Business 2 Zone, or no Business 2 Zone exists within the towns identified;
 - (iii) the location is appropriate for the proposed activity; and

- (iv) **any adverse effects from noise, vehicle movements and on-street parking supply can be avoided or, if avoidance is not possible, adequately mitigated.**

The business zones within Marlborough's towns provide the main focus of economic and community activity in the urban context. Inappropriate location of business activities or the fragmentation of business areas can result in loss of vitality, convenience, accessibility and identity of such areas. While some provision has been made for business activities in Urban Residential Zones, this is limited to ensure that the fragmentation of Business Zones does not occur. The policy therefore describes the circumstances where it may be appropriate to locate business activities within Urban Residential Zones, while ensuring the potential effects of the proposed activity on both the residential environment and the viability of business zones are considered. Of significance here is the connection between this policy and the retail hierarchy described in Policy 12.4.4 that identifies an order of location preferences for business and retail activities. In recognition of the different nature of business activity in the smaller towns of the District, more flexibility is provided to enable such activities can occur, provided the circumstances described can be met.

[D]

Policy 12.3.4 – Avoid industrial and rural activities (other than those expressly provided for), sport and recreation activities that involve motor vehicles and any other activities not compatible with the character and amenity of Urban Residential Zones.

Similar to the previous policy regarding business activities being located within Urban Residential Zones, this policy directs that location of a range of other activities should also be avoided. This is because these activities (industrial, rural and motor sport activities) are likely to have significant adverse effects on the character and amenity of Marlborough's Urban Residential Zones. These effects may include increased traffic generation (including heavy traffic), noise, odour, dust and visual detractor from the characteristics normally expected in residential environments. In addition, specific zones have been set for these activities where they are may be more appropriately located.

[D]

Policy 12.3.5 – Where an activity is proposed that is non-residential in character and is not otherwise provided for, resource consent will be required and the following matters must be determined by decision makers in assessing the adverse effects on residential activities before any assessment of other effects is undertaken:

- (a) **the extent to which the activity is related to residential activities occurring at the site;**
- (b) **the functional need for the activity to be located within a residential zone and why it is not more appropriately located within another zone;**
- (c) **whether the proposed activity will result in a loss of land with residential potential and the extent of this loss when considered in combination with other non-residential based activities; and**
- (d) **the extent to which the proposed activity will have an adverse effect on the residential environment.**

Residential zones within Marlborough's towns have been specifically established to accommodate residential activity. This recognises that the majority of residents live in the urban environment. It is therefore important that these areas are predominantly used for the residential activity. Where non-residential activities (especially those carried out within an existing dwelling) will have limited impact on the characteristics of the four residential zones these have been provided for as a permitted activity. However, other non-residential uses not provided will be assessed through the resource consent process to determine their impact on the characteristics of the residential environment in which they are to be located.

Methods of implementation

The methods listed below to address Issue 12A are to be implemented by the Council unless otherwise specified.

[D]

12.M.1 Zoning

Four residential-based zones have been established for the MEP to sustainably manage use, development and subdivision activities within Marlborough's residential environments. These are the Urban Residential 1, Urban Residential 2, Urban Residential 2 Greenfields and Urban Residential 3 Zones.

The Urban Residential 1 Zone is located in two areas within Blenheim. The main Urban Residential 1 Zone is located in close proximity to the central business area of Blenheim, while a smaller area is located at the Colonial Vineyards site (corner of New Renwick and Aerodrome Roads). Because of its higher density characteristics, the Urban Residential 1 Zone is not provided for in any other town in the District.

The Urban Residential 2 Zone is located in the residential environments of all other towns within the District. In Blenheim, the Urban Residential 2 Zone extends outwards from the periphery of the Urban Residential 1 Zone to the urban limits. The Urban Residential 2 Greenfields Zone is located north and west of central Blenheim and was established through a plan change to the previous Wairau/Awatere Resource Management Plan. This area was rezoned for residential activity to accommodate predicted future growth.

The Urban Residential 3 Zone located to the west area of Blenheim provides for lower density living and a buffer between the Urban Residential 2 and the Rural Environment Zone. An area at Rai Valley has also been zoned as Urban Residential 3.

[D]

12.M.2 Regional and district rules

A range of regional and district rules will apply to subdivision, use and development activities in residential environments. In general, residential activities are provided for as permitted activities subject to meeting standards. A limited range of other non-residential activities will also be provided for as permitted activities where these have only minor adverse effects on the environment.

Residential activities with the potential to cause significant adverse effects, such as additional residential dwellings, education facilities, professional offices, health care centres, non-residential day care facilities, hospitals, retirement villages, rest homes and certain activities within the Sensitive Soil Areas and Ground Water Protection Areas are provided for as discretionary activities.

Rules will be used to establish minimum allotment sizes, maximum sun exposure, noise limits, maximum height requirements, building arrangement and building orientation for the Urban Residential Zones.

[D]

12.M.3 Specifically identified sites

There are a number of activities existing at the time the MEP was notified that were located within residential areas but are not residential activities. These activities have been scheduled in the MEP with specific permissions and standards and are set out in Appendix 16.

In addition, residential activities under previous resource management regimes have been established in some locations under larger allotment sizes and lower density provisions within the urban environment of Blenheim. This has resulted in a higher level of amenity, which is to be

maintained. The specific properties that have developed with the larger allotment size are scheduled in Appendix 16.

Business environments

Issue 12B – A loss in the vitality, viability and/or identity of Marlborough’s business environments may result either where inappropriate activities are located within these environments or when the fragmentation of business areas occurs.

The consolidation of business areas is important to ensure that people have access to well-maintained and functioning business areas with a wide range of business activities that maintain their vitality, pleasantness and convenience. The dispersal of some business activities to new locations can leave existing areas vacant, under-utilised, unattractive and unable to provide the services desired by the community. The consolidation of business areas makes efficient use of public investment in roads and other services, assists in retaining the vitality of business areas and the perception of Marlborough’s towns as prosperous and lively centres.

[RPS, D]

Objective 12.4 – Marlborough has a well-structured and economically and socially successful range of business environments where the vitality, viability and identity of these environments is retained and enhanced.

Buildings and infrastructure within business environments represent significant investment and are part of the physical resource of the District. Business and industrial activities provide employment and generate economic activity, enabling communities to provide for their economic and social wellbeing. The land and buildings within business areas provide the space and resources for these activities to take place and it is therefore necessary to recognise their significance for Marlborough’s economy and to ensure these business areas are well-maintained, functioning and provide for a wide range of activities.

[D]

Policy 12.4.1 – Provide for a wide range of commercial and industrial activities in a variety of zones to encourage vibrant and viable business centres.

The use of zones enables activities to occur in specified and established areas of Marlborough’s urban environments. Areas zoned as Business and Industrial are based in part on the nature of commercial and industrial activities that have existed for some time with largely known effects. Some areas have been zoned specifically for large retail format in recognition of the need to provide for retailing that requires large areas of associated car-parking or outdoor space. The variety of business environments within Marlborough’s towns is reflected in the differences in zoning approach.

[D]

Policy 12.4.2 – The central business areas of Blenheim and Picton provide a focus for retail, commercial business, employment, leisure, visitor accommodation and cultural activities.

The principal business and retail areas in Marlborough are those situated in central Blenheim and Picton, the largest settlements within the District. A wide range of important activities occur within these central business areas, including retail shops, professional and administrative offices, civic and community facilities, emergency service activities, personal and household services, entertainment facilities, restaurants and bars. These areas serve both their respective resident population as well as the needs of travellers and tourists. Blenheim’s central business area also serves an extensive rural area, while Picton is a focal point for residents and visitors to the Marlborough Sounds. These centres need to be cohesive and vibrant and therefore subsequent

policies promote a convenient and compact central focus for the Business 1 Zone. This enable these areas to retain and continue their function as the retail, commercial, cultural and social focusses for Picton, Blenheim and the wider District.

[D]

Policy 12.4.3 – The suburban business areas in Picton and Blenheim and those business areas in the smaller towns are vibrant and viable, providing hubs for social and economic activities to rural and suburban communities.

Suburban business areas (Business 2 Zone) have evolved to provide a decentralised commercial resource away from the centralised Business 1 Zone. Their effective management requires a different approach from the Business 1 Zone. They generally sit within residential areas and provide a concentrated satellite resource in a small, identifiable environment, with different effects being generated to those of the surrounding area. For example, suburban business areas generate more vehicle movements than those created by the surrounding residential activity.

These smaller business areas are valued by the community as they provide for the general day-to-day needs of local residents. In particular, the Business 2 Zones in the smaller towns make an important contribution to social and economic wellbeing of the local population. The mixed use activities that occur within these towns are located on major arterial routes, providing services and facilities not only to locals but also the wider rural population and visitors. The areas that feature the Business 2 zoning have and will continue to develop in a unique manner.

[D]

Policy 12.4.4 – Ensure a sequential approach is taken to manage the location of commercial activity within Blenheim and Picton using the following retail hierarchy:

Tier	Zone	Preference
1	Business 1 Zone	↓
2	Business 2 Zone	
3	Business 3 Zone	

In recognition of the evolving needs and patterns of business activities within Marlborough and the fundamental tenet of ensuring that the centres of Marlborough’s larger towns remain the District’s retail centres, a hierarchy of location preferences has been created for business and retail activities.

The first tier, the Business 1 Zone, is already well-established in terms of retail and business activity, where infill and redevelopment should allow suitable sites to be aggregated to meet the needs of operators. It is important for the identity of Blenheim, Renwick, Picton and Havelock that the Business 1 Zone remains the focal point for the District’s retail, commercial, cultural and social activity and that town centres continue to thrive as central shopping locations. It is acknowledged that the increasing demand for and choice of goods will result in pressure for retail developments to occur in other locations, but these should always remain in a secondary position to the primary function of the four town centres.

The second tier, the Business 2 Zone, provides a localised shopping and service function, typically meeting the day to day needs of the surrounding residential areas.

The third tier, Business 1 Zone, also provides the community with a localised shopping and service function, but at a much larger scale for the large format retail operations. These large-scale retailing activities are limited to single purpose stores to prevent the potential for dispersal of retail activities and therefore any detracton from the role and function of the finer-grained, more pedestrian-oriented business areas of the Business 1 Zone.

[D]

Objective 12.5 – A range of opportunities for different business and industrial activities are available.

To ensure business and industrial activities occur in a planned and coordinated manner and that the future needs of people and communities are met, it is necessary to recognise the various characteristics and attributes of Marlborough's towns within the urban environment. Consolidating the area within which these activities take place will reinforce the communities' perception of the character and form of their towns and identity. Importantly the objective provides a focus for establishing a wide range of opportunities for business and industrial activity that will result in wide social and economic benefits for the District, therefore helping to achieve the purpose of the RMA.

[D]

Policy 12.5.1 – Maintain the following characteristics within the central business areas of Blenheim, Renwick, Picton and Havelock:

- (a) the core of the urban town, usually anchored around a 'main street' of retail and premier business;
- (b) a wide variety of activities, including retail shops, professional and administrative offices, civic and community facilities, emergency service activities, personal and household services, entertainment, restaurants, bars and public open space;
- (c) the function of the town in serving the needs of residents and visitors;
- (d) higher density living within or in close proximity to town centres;
- (e) flexibility in allotment sizes to cater for a wide range of business activities;
- (f) provision of public parking;
- (g) apartments above businesses;
- (h) car-orientated areas, with roads allowing traffic to flow through and around the town centre; and
- (i) considerable public and private investment in the form of roading, car parking, street lighting, street furniture, open space and other infrastructure.

The Business 1 Zone has been applied to four of the larger towns in Marlborough. The characteristics applied in this policy reflect the essential nature of the business centres of these towns, although not all of the characteristics are evident in every town. For example, in Blenheim and Picton (the two larger centres) a wider range of business activities occurs. Within these towns there are likely to be apartments over business and considerable public investment in infrastructure, whereas in the smaller towns some of these characteristics may not be so evident. Notwithstanding this, the Business 1 Zone has been applied to these towns through this policy, so these business centres remain as a focal point for retail, commercial, cultural and/or social activity.

[D]

Policy 12.5.2 – Maintain the following characteristics within the suburban areas of Blenheim and Picton:

- (a) localised shopping and service functions, typically meeting the day-to-day needs of the surrounding residential areas;
- (b) a decentralised commercial resource distinct from the Business 1 Zone; and
- (c) good exposure to passing motorists.

This policy describes the smaller business areas that service the local community but are located away from the Business 1 Zone in Picton and Blenheim. These business areas are valued as

resources by the community in that shops and services provide for the general day-to-day needs of local residents in surrounding residential areas.

[D]

Policy 12.5.3 – Maintain the following characteristics of business areas within the rural towns of Ward, Seddon, Wairau Valley, Spring Creek and Rai Valley:

- (a) location on major arterial routes;
- (b) services and facilities serving both the local and wider rural population and visitors;
- (c) low intensity development; and
- (d) an informal appearance.

This policy makes the distinction between the suburban businesses located in Blenheim and Picton and those in Marlborough's smaller towns (Ward, Seddon, Wairau Valley, Spring Creek and Rai Valley). These smaller towns have both 'rural' and 'urban' elements within their business centres, which is typical of the amenity of a small rural town.

[D]

Policy 12.5.4 – Maintain the following characteristics for large format retail business areas within Blenheim's urban environment:

- (a) generation of high levels of repeat visitation;
- (b) located away from the Business 1 Zone;
- (c) located on or in close proximity to arterial roads and catering to car-oriented shoppers;
- (d) free-standing, large, single-floor, rectangular box structures built on a concrete slab, surrounded by a large concrete parking lot;
- (e) floor space of the store accommodating significantly more merchandise than a traditional 'main street' retailer; and
- (f) high ceilings and a warehouse-like appearance with standardised façades.

This policy describes the character of the large format retail developments sited at the Westwood Development on the western entrance to Blenheim and the Mitre 10 site on Alabama Road. A distinction is made between the commercial development specific to large format retail operations, which have a different focus than those businesses located either within the Business 1 or 2 Zones.

[D]

Policy 12.5.5 – Maintain the following characteristics within areas zoned for light industrial activities in Blenheim, Picton and Seddon:

- (a) a range of light service industries and ancillary activities (light manufacturing, logistics, storage, warehousing, transport and distribution are anticipated);
- (b) commercial activities peripheral to and complementing those of the Business 1 Zone;
- (c) activities that do not place substantial demands on the natural and physical resources of Marlborough;
- (d) activities that do not require the disposal of large quantities of liquid trade wastes;
- (e) smaller, localised activities in which standards protect the environment, e.g. building height; and
- (f) high volumes of traffic.

This policy describes the characteristics of Industrial 1 Zone, which provides for 'lighter' industrial activities that do not result in significant adverse effects on the environment. These areas are located within Blenheim, Picton and Seddon. In Picton and Seddon, areas zoned Industrial 1 are relatively small, servicing local community needs. In Blenheim, the Industrial 1 Zone is more extensive and distributed at a number of locations around the town, including Grove Road and Main Street (at the northern and eastern entrances to the town, respectively), Taylor Pass Road and south of Main Street.

When compared with activities in the Industrial 2 Zone, activities within the Industrial 1 Zone generally have no significant need for infrastructure services such as trade waste disposal. However, some lighter industrial activities do occur that have the potential to generate adverse effects on the environment such as noise, dust, odour and traffic congestion. Standards are included for permitted activities in the Zone to manage these effects.

[D]

Policy 12.5.6 – Maintain the following characteristics within areas zoned for heavier industrial activities located near Blenheim:

- (a) location outside the urban area of Blenheim;**
- (b) often surrounded by larger lot residential or rural areas;**
- (c) a range of heavy industrial activities;**
- (d) non-industrial activities ancillary to industrial activities;**
- (e) mostly well-separated from adjacent Business 1 and Industrial 1 Zones;**
- (f) activities placing substantial demands on the natural and physical resources of the District (land, water, air, infrastructure and services);**
- (g) activities requiring disposal of large quantities of liquid trade wastes; and**
- (h) higher volumes of large vehicle traffic.**

This policy distinguishes between the "heavier" industrial activities located in the Industrial 2 Zone and the "lighter" industrial activities located in the Industrial 1 Zone. The larger industrial estates at Burleigh, CMP Marlborough, Riverlands and Cloudy Bay Industrial Estate differ from Industrial 1 Zone activities in that they are located further away from the built-up urban environment. The characteristics of the larger scale manufacturing and processing-type activities associated with the Industrial 2 Zone are expected to have greater environmental effects than those undertaken in the Industrial 1 Zone.

Industrial 2 Zones are less involved with direct selling to the public or providing public facilities or entertainment so that generally only those people who work on-site or need to conduct business will travel to these areas. These factors, combined with the nature of the activities occurring within this zone, mean that people may be less concerned with amenities in industrial areas and accept that they will be noisier, dustier and less visually pleasing than other areas. Such industries therefore require specific sites or separation from areas that demand a higher level of amenity.

Additionally, because a number of industries generate trade waste as a result of industrial processes there is a need for specific treatment to reduce risks to the receiving environment. Therefore, grouping these activities in the Industrial 2 Zone means that effective and efficient treatment services can be provided, including making the provision of treatment services more affordable for the community.

[D]

Objective 12.6 – The maintenance and enhancement of the character and amenities of business and industrial areas make these environments places where people want to work, visit and invest.

The establishment and operation of business and industrial activities can result in adverse effects on business areas and their surroundings due to noise, emissions, loss of visual amenity, lighting and traffic congestion. In addition to making business areas physically accessible to the public, it is also necessary to enhance their amenities to make them pleasant and enjoyable to visit and work in. The level of amenity will vary between different business and industrial areas.

Areas providing for business and industrial activities are likely to have lower standards of amenity than may be found in a residential environment and this is accepted by most people. For example, people expect there to be more trucks and cars in business areas and subsequently traffic noise and fumes are tolerated more than they would be within their own residential environment. However, the Council wishes to ensure that the environment of business areas is not degraded but that they remain visually attractive to new businesses and are acceptable environments within which to work.

[D]

Policy 12.6.1 – Require development to maintain or enhance streetscape amenity in business zones by ensuring:

- (a) an attractive street interface is maintained through landscaping where buildings are not built to the street frontage;
- (b) service and outdoor storage areas are not visible from ground level of a public place;
- (c) architecturally-interesting façades are presented through variation in building design, scale and the use of glazing;
- (d) a continual frontage of buildings is provided along the street, apart from pedestrian alleyways;
- (e) clear and direct visual connection is provided between the street and the building interior;
- (f) direct physical connection is provided to the building interior through clearly identified pedestrian entrances;
- (g) shelter is provided for pedestrians on footpaths in the form of a veranda; and
- (h) buildings are designed to have commercial activities at the ground floor, with an adequate ground floor to ceiling height to accommodate these activities.

This policy recognises the importance of streetscape amenity and quality pedestrian environments and seeks to ensure that land use and development occurs in a way that maintains or enhances such amenity. It is well accepted that quality urban environments make a significant contribution to the health, safety, social, cultural, economic and environmental wellbeing of urban communities. The matters included in the policy seek to maintain a visual environment that is attractive to shoppers and maintains the existing form and identity of business areas. This includes for example ensuring that any new building has a veranda, a traditional feature of New Zealand towns that provides continuity to street appearance as well as providing shelter from the weather.

[D]

Policy 12.6.2 – Development of activities in business or industrial zones will provide good amenity outcomes through the following:

- (a) ensuring people's health and wellbeing are maintained and enhanced through good building design;

- (b) requiring a high standard of visual interest and amenity qualities (noise levels, minimal dust and odour, privacy, overall volumes of traffic movements, building bulk and density and access to daylight);
- (c) providing planting on road reserve; and
- (d) requiring integration of landscaping on individual allotments to soften the appearance of buildings fronting the road in areas outside of the streets identified in Appendix 18.

Business and industrial areas are important within the District as many people work within and visit these areas. The establishment and operation of such areas can result in adverse effects such as noise, fumes, loss of visual amenity, lighting and traffic congestion. To make these areas pleasant and enjoyable to visit and work within, it is necessary to ensure that these adverse effects are avoided, remedied or mitigated. However, the appropriate level of amenity values will vary between areas, depending upon the role of the area, its location and its proximity to other activities. For example, some streets within the Business and Industrial Zones require landscaping for permitted activities on individual allotments to help mitigate the effects of buildings. However, these requirements do not apply to every allotment within the Business 1 Zone (as identified in Appendix 18). On these streets, the Council has taken on the role of providing enhanced areas for street furniture and plantings.

[D]

Policy 12.6.3 – Ensure buildings are located within individual allotments to provide good amenity outcomes by:

- (a) controlling the height of buildings to avoid, remedy or mitigate shading of adjoining properties and to maximise opportunities for views to important landscape features;
- (b) ensuring that buildings located close to property boundaries do not shade adjoining properties, have intrusive height in relation to the property boundary or have cross-boundary nuisance effects in terms of dust, odour and noise; and
- (c) controlling noise levels.

This policy describes the qualities of the business and industrial environments to be met for the social wellbeing of the people working within the area and the community as a whole. The overall character, density and quality of business or industrial environments are important to maintain. These qualities are the principal reason for the attractiveness and appeal of the business and industrial areas.

This policy sets up permitted activity standards necessary to control the expected adverse effects of business or industrial activities. The standards are set at appropriate levels to enable business or industrial activities to operate effectively within their respective zones and seek to minimise nuisance and hazard for neighbouring residents and activities. Standards for some effects may therefore be higher at the zone boundary.

[D]

Policy 12.6.4 – Promote visual and physical connections through landscape design and enhancement measures compatible with visual character between:

- (a) the Blenheim Business 1 Zone and the Taylor River and reserve; and
- (b) the Picton Business 1 Zone and the waterfront.

The Taylor River in Blenheim is an important recreational asset for the town, moving through residential areas as well as the central business area. Similarly, there is a strong link between the waterfront in Picton and the town's central business area. In both cases the relationship between the important visual and physical links needs to be carefully managed. Promoting the physical links in both these environments helps to enhance public access to the coastal marine area and rivers as required by Section 6(d) of the RMA. Promoting visual connections helps to enhance

amenity values as set out in Section 7(c) of the RMA. For the relationship between the Picton Business 1 Zone, this policy sits alongside Policy 13.18.9, which promotes visual and physical connections between the port area and the town centre.

[D]

Policy 12.6.5 – Noise limits have been established to provide for the protection of community health and welfare. These limits are consistent with the character and amenity of the business and industrial zones.

The adverse effects of noise are an issue in urban environments where noise may impact on the health of people and their enjoyment of the surrounding environment. While there is always background noise, some noise can give be a nuisance and even create health problems through its character, duration or time of occurrence. Urban environments contain a range of activities that result in varying levels of noise effects, depending on their location or siting. Business and industrial areas are noisier than residential areas but limitations are still required on unreasonable noise, though the noise from some processes in industrial areas cannot be avoided. To ensure that the character and amenity of business and industrial environments are maintained, limits through permitted activity standards will be imposed.

[D]

Policy 12.6.6 – Limit the size and number of signs so that they convey information about the name, location and nature of a business to passing pedestrians and vehicles without being oversized or too numerous.

Signs are both important and necessary to convey information to pedestrians and motorists about the nature of businesses and services contributing to the Marlborough community as well as businesses' own social and economic wellbeing. For business and industrial activities there is an expectation that goods and services can be advertised in a way that informs the public and attracts potential customers. However, where signs are large or numerous, they have the potential to adversely affect streetscape amenity and the amenity and character of different zones. Permitted activity standards will control the effects of signs within the respective business and industrial zones to maintain amenity and traffic safety.

[D]

Policy 12.6.7 – Where resource consent is required, ensure that development within the business or industrial zones is undertaken in a manner that:

- (a) provides for the maintenance of those attributes contributing to the business character of the locality, as expressed in Policies 12.5.1 to 12.5.4;
- (b) provides for the maintenance of those attributes contributing to the industrial character of the locality, as expressed in Policies 12.5.5 and 12.5.6;
- (c) maintains and/or enhances the business and industrial environments of the area for the wider community;
- (d) ensures the site can be adequately serviced (stormwater, sewer and water); and
- (e) ensures that the effects of any natural hazards can be avoided, remedied or mitigated.

Where resource consent is required for subdivision or development within the business or industrial zones, the matters in this policy will help to determine whether the development is appropriate. In particular, the matters concerning the character of the locality and urban amenity values are important in having regard to Sections 7(c) and (f) of the RMA. Other matters concerning the discharge of domestic wastewater are equally important and regard is to be had to the policies of Chapter 16 - Waste to assist in giving effect to this policy.

[D]

Objective 12.7 – Reverse sensitivity effects on adjoining residential zones from activities within business and industrial zones are avoided.

In addition to basic environmental quality within zones, the Council is concerned with the protection of amenity along the interface of business and industrial areas with adjoining residential areas. The objective seeks to establish a variety of business and industrial activities in their respective zones without detracting from an acceptable standard of amenity values for adjoining zones.

[D]

Policy 12.7.1 – Business and industrial activities are appropriately separated from the boundary of adjoining residential zones so that any adverse effects on residential activities are avoided, remedied or mitigated through:

- (a) establishing setbacks for industrial activities from a residential boundary;
- (b) screening of business or industrial outdoor storage areas from a residential boundary;
- (c) restrictions on light spill;
- (d) setting more sensitive noise limits at the boundaries between the Industrial 1 Zone and the Urban Residential 1 Zone; and
- (e) standards for dust and odour.

This policy recognises that some activities may result in reverse sensitivity conflicts at the boundary of some zones. The inherent nature of industrial activities means that, for example, higher noise levels will be produced intermittently through the use of machinery related to light manufacturing and production, or that there may be increases in traffic generation. This policy describes a range of matters for which standards will be applied to business or industrial activities located immediately adjacent to another zones, such as Open Space Zones or Urban Residential Zones. These standards will be more stringent to ensure that reverse sensitivity effects do not occur and that the quality of residential environments is not lowered.

[D]

Objective 12.8: A range of appropriate non-business or non-industrial activities are able to be undertaken.

There is a limit to the availability of land zoned for business and industrial activities. It is therefore important that any activities not specifically related to the business and industrial zones and which can be provided for elsewhere are restricted within business and industrial zones. Existing business and industrial areas represent community investment in terms of infrastructure, such as road networks and provision of services and it is in the interest of sustainability of these resources that any non-business or industrial activity is appropriate to be located there.

[D]

Policy 12.8.1 – Enable non-business activities in the business areas where the adverse effects on the environment do not detract from the character or quality of the business environment.

This policy aims to enable the establishment of non-business related activities that have the same or similar/compatible effects as business activities and therefore do not detract from the existing character of the business environment within which they are to be located. While these activities are non-business in nature, they are nonetheless closely linked with the business environment. This policy provides a flexible approach to enable a range of activities that may be appropriate within business zones.

[D]

Policy 12.8.2 – Enable non-industrial related activities to occur in industrial areas where the adverse effects on the environment do not detract from the character or quality of the industrial environment.

Policy 12.8.2 provides for the establishment of non-industrial related activities that have the same or similar/compatible effects as light industrial activities and therefore do not detract from the existing character of the industrial environment within which they are to be located. While these activities are non-industrial in nature, they are nonetheless closely linked with the industrial environments. This policy provides a flexible approach that enables a wider range of industrial development.

[D]

Policy 12.8.3 – Where a non-business or non-industrial activity is proposed that is not otherwise provided for as a permitted activity, resource consent will be required and the following matters must be determined by decision makers in assessing the adverse effects on business or industrial activities before any assessment of other effects is undertaken:

- (a) the extent to which the activity is related to business or industrial activities occurring at the site;
- (b) the functional need for the activity to be located within a business or industrial zone and why it is not more appropriately located within another zone;
- (c) whether the proposed activity will result in a loss of land with business or industrial potential and the extent of this loss when considered in combination with other non-business or non-industrial based activities; and
- (d) the extent to which the proposed activity will have an adverse effect on the business or industrial environments.

Where resource consent is required for business or industrial activities, the matters in this policy will help to determine whether the development is appropriate. In particular, matters concerning character and amenity values of the locality and the appropriateness of the activity within the location are important in having regard to Sections 7(c) and (f) of the RMA. It is also important to consider the functional need for the activity to be located effectively 'out of zone'.

[D]

Policy 12.8.4 – Allow for high-density residential activity on industrially-zoned land north of Park Terrace, as identified in Appendix 20.

The land north of Park Terrace has historically been zoned and used for industrial activities. The land adjoins the Taylor River and associated reserve, although there are poor physical and visual connections to either. Residential activity would be a more compatible use of the land in the long term to take advantage of the proximity to the Taylor River and integrate with the reserve land. Industrial zoning currently remains over the land to which this policy applies and industrial activity can and is expected to continue here. However, the policy creates an opportunity for an alternative land use to make better use of the strategic location. Any decision to do this would rest with the landowners. Due to the existing stop bank and the ongoing need for flood protection, residential activity would have to be multi-level (and most likely multi-unit) to achieve visual connection. This type of development would transform the area into a high quality residential environment with strong connections to the Taylor River. Any residential development would have to be carefully planned and developed to sufficiently mitigate reverse sensitivity effects given the existing industrial activities

[D]

Policy 12.8.5 – Allow for commercial and residential activity on industrially-zoned land adjoining Boyce Street, Nelson Street and Middle Renwick Road in Springlands, as identified in Appendix 20.

The land to which this policy applies has historically been zoned and used for industrial activities. However, recently the land has been increasingly utilised for commercial and other purposes. While industrial activity can and is expected to continue here, the policy creates an opportunity for commercial and residential activities to be located on this industrially zoned land. This will result in improved integration of land use with the Business 2 Zone in Springlands and the existing commercial and residential activities on Boyce Street, Nelson Street and Middle Renwick Road. A move toward mixed use of the land is expected to improve the amenity of the area over time, an important outcome given that these roads are also a significant entry point for Blenheim and its town centre.

Methods of implementation

The methods listed below, which address Issues 12B, are to be implemented by the Council unless otherwise specified.

[D]

12.M.5 Zoning

A range of zones for business and industrial activities are provided, within which a variety of activities may occur. The Business 1 Zone is located in the centre of Marlborough's main towns (Blenheim, Renwick, Picton and Havelock). Blenheim's Business 1 Zone incorporates the inner shopping areas of Market and Queen Streets and extends to include the immediately surrounding business areas. Picton's Business 1 Zone includes a small area closely related to the main foreshore and marina areas nearby. Renwick and Havelock's town centres are located on either side of High Street and State Highway 6 respectively and provide commercial goods and services for the local community as well as the surrounding communities and travellers on the highway.

The Business 2 Zone encompasses suburban areas outside the Business 1 Zone in the surrounding residential areas. In Blenheim, these include business areas such as large supermarket-based centres at Redwoodtown and Springlands, as well as smaller areas of business activity such as those at Moran Street, Alana Place and Budge Street. In Picton the Business 2 Zone includes smaller pockets of business activity located within residential environments as well as core business areas located in the towns of Ward, Seddon, Wairau Valley and Rai Valley.

The Business 3 Zone has been applied to two sites within Blenheim to accommodate large format retail operations: the Westwood Development site at the western entrance to Blenheim and the Mitre 10 site on Alabama Road.

The Industrial 1 Zone has been applied to areas in Blenheim, Picton and Seddon and provides for a range of light service industries. This zone is often located between the central business area and the more sensitive residential zones. This proximity requires careful management to secure the proper future functioning of industrial land while protecting the environmental quality of residential areas.

The Industrial 2 Zone is only located in close proximity to Blenheim. The zone has been applied to existing activities at Burleigh and Redwood Streets and the Alabama Road corner within the town boundary and, outside of Blenheim, at the CMP Marlborough site, Riverlands and the Cloudy Bay Industrial Park boundaries. Provision is made in appropriate locations within this Zone for the co-location of industrial activity that generates large volumes of trade waste.

[D]

12.M.6 Regional and district rules

A range of regional and district rules will apply to subdivision, use and development activities in business and industrial environments. District rules will set standards for a wide range of permitted business and industrial activities. More stringent standards will apply at the boundary of zones, especially where industrial zoned land adjoins non-industrial land and there is a need to protect the amenity of these adjoining zones to avoid reverse sensitivity issues. Where permitted activity standards cannot be met, a Discretionary Activity resource consent will be required. Consent will also be required for activities not related to industrial or business activities.

Issue 12C – Subdivision and development within urban environments can lead to increased demand for essential infrastructure services.

In urban environments, most properties are serviced with infrastructure including water, sewerage, stormwater management, roading and access to that roading, power and telecommunications. The urban environment could not function efficiently or effectively, and community health standards would deteriorate, without these essential services. This is because:

- Marlborough's urban communities create a demand for water for human consumption and production purposes;
- the density of development generates a concentrated discharge of contaminants, both sewage and trade waste;
- the density of development generates a concentrated discharge of stormwater from structures and hard standing areas;
- there is a need for vehicular, cycling and pedestrian routes within and to each community and the density of development generates high traffic volumes; and
- people require energy and telecommunications to function in the home and maintain contact with others.

Subdivision and development of land may result in adverse effects on existing essential infrastructure. The demand for services may exceed the capacity of the existing infrastructure, impairing the ability to continue to effectively service the remainder of the community. Subdivision or development may be proposed to occur in locations that are not efficient relative to the planned provision of future extensions to the infrastructure. The provision of infrastructure can also potentially have financial implications for the community as subdivision and development may give rise to a demand for new, or upgraded, infrastructure that is not within the financial ability of the community to fund. Any of these situations, or a combination, can lead to unsustainable outcomes in the urban environment.

[RPS, D]

Objective 12.9 – The condition, capacity, efficiency and affordability of essential infrastructure services reflects the needs of Marlborough's urban environments.

Most of Marlborough's urban communities rely upon the provision of water, sewerage, stormwater management, roading, power and telecommunications infrastructure services. It is therefore important that these essential infrastructure services are provided for and managed in a way that ensures the needs of Marlborough's urban environments are met. This objective is very relevant to the subdivision and development of land in urban environments as it will inevitably give rise to a demand for an extension and/or increase in the capacity of existing services, or the need to provide new services where they do not currently exist. While wanting to ensure that any future development is adequately and appropriately serviced, it is also important that the condition,

capacity, efficiency and affordability of essential infrastructure services is not exceeded or compromised.

[D]

Policy 12.9.1 – Encourage connections to public or community reticulated water supply systems, sewerage and stormwater management systems wherever they are available.

The Council will encourage the subdivider/developer to connect properties created through the subdivision of land to essential infrastructure services if they are available. This will act to maintain community wellbeing and public health. In some circumstances a connection may be able to be achieved with the minimal provision of additional infrastructure within the subdivision. In other circumstances, particularly for subdivision creating a large number of allotments, additional infrastructure may be required as part of the subdivision or an upgrade to existing infrastructure may be required.

In some locations, such as the small towns of Ward and Rai Valley, not all infrastructure services are provided. If there is a future need to service these towns due to adverse effects on the environment, the Policy 12.9.3 will apply.

[D]

Policy 12.9.2 – Ensure that in an area with public water supply and/or sewerage infrastructure, subdivision and development activities only occur where they will not exceed the current or planned capacity of that public infrastructure or compromise its ability to service any activities permitted by rules within a relevant urban environment zone.

This policy signals the need for an infrastructure network that is capable of servicing Marlborough's towns. Subdivision, use and development within the urban environments require essential infrastructure services to be provided. Some areas are serviced more easily than others, which will minimise costs to the community and the use of natural and physical resources, and is likely to be the most efficient form of servicing for the community as a whole.

[D]

Policy 12.9.3 – Responding to a need for infrastructure services to currently unserved towns will be undertaken through the provisions of the Local Government Act 2002.

Unserved communities have the potential to give rise to adverse effects on the surrounding environment. These adverse effects include:

- high demand on surface water or groundwater resources;
- the discharge of sewage, trade waste and stormwater degrading soil quality or water quality in the receiving environment;
- the discharge or runoff of stormwater inundating other properties or causing erosion; and
- constraints on the movement of people and goods within the community.

In circumstances where there is a need to respond to these adverse effects, the Council will use the special consultative procedure of the Local Government Act 2002 to determine the appropriateness of establishing new infrastructural services.

[D]

Policy 12.9.4 – Where as a result of a subdivision or development there is a requirement for connections to Council/community owned infrastructure services, the local electricity supply network and telecommunication facilities, a subdivider/developer should provide confirmation that the site is capable of being serviced and that the arrangements proposed by the applicant are suitable.

Where land proposed to be subdivided is to be serviced through connection with existing essential infrastructure, it is important to establish whether there is the capability to make this connection

and that the proposed arrangements for connection are suitable to the provider of the infrastructure. This will be achieved by requiring the provider of the infrastructure to confirm the capability and suitability as part of the process of applying for subdivision consent.

[D]

Policy 12.9.5 – Where in relation to Policy 12.9.4 confirmation of connections is not provided by the subdivider/developer, a Discretionary Activity resource consent will be required.

If the infrastructure provider is not prepared to confirm the adequate and appropriate provision of a particular service, the resulting subdivision will be assessed as a discretionary activity. This policy provides an opportunity for alternative methods of provision to be considered through the resource consent process. The provisions of this chapter and the objectives of other chapters will be used to determine whether the proposed subdivision will adequately and appropriately serviced, while having regard to any adverse effects on natural and physical resources.

[D]

Policy 12.9.6 – Before residential subdivision and development of the following land proceeds, reticulated services owned by or to be vested in the Council shall be available for connection and utilised and/or financial provision made for them:

- (a) the five areas zoned as Urban Residential 2 Greenfields Zone to the north and west of Blenheim; or
- (b) the land zoned Urban Residential 2 and 3 identified in Appendix 23.

Those areas able to be serviced by a sequential and orderly extension of existing infrastructure services are to be given priority by the Council.

The Urban Residential 2 Greenfields Zone provides for Blenheim's residential growth on the periphery of the current urban environment. Although capable of being serviced, water, sewerage and stormwater infrastructure necessary for servicing the land did not exist at the date of notification of the MEP. Any residential subdivision and development of the land prior to the provision of the infrastructure would lead to unsustainable outcomes. For this reason, the policy requires reticulated services owned by, or to be vested in, the Council to be available for connection and utilised and/or financial provision made for them prior to development of the land proceeding.

The land identified in Appendix 23 is zoned Urban Residential 2 or 3. In many cases, the zoning reflects the pattern of land subdivision and development that occurred while the land was zoned Rural 3 under the previous Wairau/Awatere Resource Management Plan. For this reason, many existing properties will not be able to be further subdivided in accordance with the controlled activity subdivision rules. However, some properties have the potential for further subdivision. As for the Urban Residential 2 Greenfields Zone, the subdivision and development of the land prior to the provision of the infrastructure would lead to unsustainable outcomes. Of particular concern for this land is the management and disposal of stormwater given the high level of groundwater and the low gradient of the land. The subdivision and development of the land without appropriate stormwater management and disposal would likely result in the flooding of the properties.

Given the large area of land identified in (a) and (b) available for subdivision and development, spatially disparate subdivision will not provide for the efficient or effective servicing of the land. For this reason, the policy also prioritises the servicing of land that provides for a progressive development of the infrastructure.

[D]

Policy 12.9.7 – Require that subdividers and/or developers provide all on-site services to avoid, remedy or mitigate any adverse effects arising from the subdivision/development of the land resource.

The policy requires the subdivider/developer to provide all necessary reticulated services to the allotments created through the subdivision of land. The subsequent development of land may occur over a period of time as the land is sold and then developed at a time that suits the future owner. Given the time period that can elapse before land is developed, it is efficient and effective to require the subdivider and/or developer to construct, install or provide the necessary infrastructure as part of the process of constructing the subdivision. This also assists to integrate the provision of some of the services and to mitigate any adverse effects created by the construction, installation or provision. The services are then available to all owners upon assuming ownership of the subdivided property, although they will be responsible to connecting the future development to the infrastructure available at the property boundary.

[D]

Policy 12.9.8 – Manage stormwater from urban subdivision and development by:

- (a) requiring stormwater disposal in a manner that maintains the quality of surface and groundwater;
- (b) requiring stormwater disposal in a manner that avoids inundation of land, both within and beyond the boundaries of the site; and
- (c) encouraging the retention of natural open waterway systems for stormwater disposal as an alternative to piping.

Stormwater is an inevitable result of urban subdivision as subsequent development of the allotments will result in buildings with roofs, roading and some form of hardstanding on the property. The policy sets out the means by which the potential adverse effects of stormwater discharges are to be managed from new subdivisions. Given the potential for stormwater to pick up contaminants from the properties, and taking into account the potentially high rate of discharge, standards are specified in the MEP to address the potential for contamination of receiving waters and flooding. Although stormwater is traditionally managed through the use of underground pipes, the policy also encourages the use of alternative above ground methods. These methods assist to achieve water quality outcomes, can be more cost effective and potentially assist to create open space. However, there can also be physical constraints, such as high groundwater tables, that constrain the ability to utilise these methods. For this reason, the use of open waterway systems is encouraged rather than required.

[D]

Policy 12.9.9 – Encourage integrated establishment of underground utility services during subdivision/development and electrical/telecommunication reticulation appropriate to the amenities of the area.

The provision of services underground assists to maintain or enhance amenity values of urban environments by removing those services from view. There are five potential services that can be installed underground. To minimise the disruption to landowners and reduce the potential for the installation of one service to adversely affect another service that is already installed, the policy encourages the establishment of the infrastructure to be integrated.

Methods of implementation

The methods listed below, which are to address Issue 12C are to be implemented by the Council unless otherwise specified.

[D]

12.M.7 Regional rules

Standards have been established with respect to the discharge of stormwater to water. These include water quality standards to be met in the receiving waters beyond a zone of reasonable mixing. A standard also requires that the discharge does not cause flooding of property.

[D]

12.M.8 District rules

Rules are used to require the provision of essential infrastructure services in urban environments as part of the process of subdividing land and to also provide those services to the boundary of each of the properties being created. This provides for efficient provision of the essential infrastructure and enables subsequent owners of the subdivided property to make future connections at the time of development.

[D]

12.M.9 Confirmation of services

Rules of the MEP require the providers of water, sewerage, stormwater, roading, electricity and telecommunication services to confirm the proposed arrangements for providing the infrastructure to new urban subdivisions. This would result in servicing arrangements for any new subdivision directly negotiated between the person subdividing and the provider, including the Assets and Services Department of the Council.

[D]

12.M.10 Code of practice

The Council maintains a Code of Practice for Subdivision and Development. This is based heavily on NZS 4404:2010 but also contains additional Marlborough specific material. The Assets and Services Department of the Council and the roading authority utilise the Code to assess proposals for the provision of water, sewerage, stormwater management and roading infrastructure as part of the process of subdivision of land. This assessment forms part of the process of confirming adequate provision has been made for essential services as required by rules in the MEP.

[D]

12.M.11 Development contributions policy

The cost to the community of providing additional essential infrastructure services (with the exception of electricity and telecommunications) is addressed by the Council's Developments Contribution Policy. Under the policy, development contributions are utilised to recover a fair, equitable and proportionate portion of the costs of infrastructure extensions and upgrades created as a result of the subdivision of land. The method of calculating development contributions is set out in the policy.

[D]

12.M.12 Local Government Act 2002

Where there is a need to respond to adverse effects occurring in unserviced areas within Marlborough's urban environments such as in relation to water availability, discharges of sewage, trade waste and stormwater or stormwater run-off, the Council will use the special consultative procedure of the Local Government Act 2002 to respond. There may be a need for subsequent change to the MEP and that will occur through the First Schedule process of the RMA.

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>12.AER.1</p> <p>Residential, business and industrial subdivision, use and development occurs in appropriate locations.</p>	<p>Development occurs within residential, business and industrial zones, as indicated by the issue of building consents.</p>
<p>12.AER.2</p> <p>The character and amenity values of the urban environments are maintained or enhanced.</p>	<p>Development in the urban environments is consistent with the character of the area, as measured by public perception survey.</p> <p>Landscaping requirement in Blenheim's Business 1 Zone is undertaken to enhance the character and amenity of the town centre.</p> <p>Landscaping guidelines for Blenheim's Business 1 Zone are developed through Council's Reserves and Amenities Group.</p> <p>Awareness of the character, amenity and quality of the urban environments increases, as measured by public perception survey.</p> <p>The number and nature of complaints relating to amenity values in the urban environment.</p> <p>The record of resource consents granted authorising non-compliance with standards to maintain or enhance the character and amenity of urban environments.</p>
<p>12.AER.3</p> <p>Non-residential activities are consistent with the character and amenity values of the residential environment.</p>	<p>The number of resource consents authorising non-residential activities occurring in the residential environment.</p> <p>The number and nature of complaints relating to inappropriate non-residential activities detracting from the residential character.</p>

Anticipated environmental result	Monitoring effectiveness
<p>12.AER.4</p> <p>Prosperous business and industrial areas contribute to the character of the urban environment.</p>	<p>Feedback to the Council from business groups aligned with the Business 1 zone.</p> <p>The results of regular health checks undertaken for the Business 1 zone, including but not limited to, vacancies, footfall, streetscape quality, rental and property value, and public perception surveys.</p>
<p>12.AER.5</p> <p>Non-business and non-industrial activities are consistent with the character and amenity values of the business and industrial activities environments.</p>	<p>The number of resource consents for non-business and non-industrial activities occurring in the urban environment.</p> <p>The number and nature of complaints relating to inappropriate non-business and non-industrial activities detracting from the business and industrial character.</p> <p>Provision of infrastructure for new developments is planned and coordinated.</p>
<p>12.AER.6</p> <p>Conflict between incompatible activities at the boundaries of urban residential and business or industrial zones in regard to amenity values is minimised.</p>	<p>The number and nature of complaints relating to reverse sensitivity effects (noise, odour, dust, light spill, glare, traffic, and reduced privacy).</p>
<p>12.AER.7</p> <p>Growth in residential, commercial and industrial activity is adequately and appropriately serviced by essential infrastructure.</p>	<p>The record of confirmation by the infrastructure service providers that all necessary connections from the subdivided land to essential infrastructure have been established.</p>

13. Use of the Coastal Environment

This chapter does not contain provisions managing marine farming.

Introduction

Marlborough's coastal environment consists of two quite distinct geographic areas: the Marlborough Sounds and the south Marlborough coast. The Sounds are essentially large drowned river valleys lying between mountain ranges, extending from Cape Soucis in the west to Port Underwood in the east. In complete contrast, the south Marlborough coast is an open sea coast, extending from Robin Hood Bay (Port Underwood) in the north to Willawa Point in the south. Together these areas contain approximately 1,800 kilometres of coastline, around 11 percent of New Zealand's total coastline.

The New Zealand Coastal Policy Statement 2010 (NZCPS) recognises that the extent and characteristics of the coastal environment varies from region to region and locality to locality. The NZCPS also lists a range of factors that help inform what the coastal environment includes. In a Marlborough context, the extent of the coastal environment has been identified in Chapter 6 - Natural Character of the Marlborough Environment Plan (MEP) and 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 land up to the first coastal ridge. Given that a coastal influence is evident throughout the Marlborough Sounds, all of this area is considered to be coastal environment. The southern coast of Marlborough is more complex due to variation in landform; therefore the extent of coastal environment differs from location to location. The landward extent of the coastal environment is mapped in the MEP and the provisions of this chapter apply seaward of the mapped line.

In addition to the distinct geographical differences in Marlborough's coastal environment, there is also diversity in land use, from the highly modified areas of Picton and Havelock, the less modified pockets of holiday home development throughout the Marlborough Sounds, areas of productive rural land bordering the coast, the salt works at Lake Grassmere in south Marlborough and the almost pristine or unmodified tracts of indigenous vegetation in Tennyson Inlet in the Marlborough Sounds. The waters of Marlborough's coastal environment also reflect diversity in use and values, including recreation, as a means of transport and travel, commercial and recreational fishing, as a source of kaimoana and cultural significance for all (particularly Marlborough's tangata whenua iwi), tourism, marine farming, boating, swimming, diving, jetties, moorings, boatsheds and appreciation of landscape and wilderness values.

The structure for this chapter differs somewhat from other chapters as it includes management frameworks for specific activities. However, all subdivision, use and development activities within the coastal environment are firstly subject to the objectives and policies under Issue 13A. Subsequent to consideration of these objectives and policies in any resource consent application are the specific management frameworks applying to a range of activities.

Subdivision, use and development activities in the coastal environment

There is an expectation held by many that the natural and physical resources of Marlborough's coastal environment are available for use and/or development to provide for the social, economic and cultural wellbeing of the community. (This issue has been addressed in Chapter 4 - Use of Natural and Physical Resources.) However, it is important that subdivision, use and development activities are appropriately located and carried out within prescribed limits to protect the values of Marlborough's coastal environment, as directed by the Resource Management Act 1991 (RMA) and the NZCPS. The role of this chapter is to establish a management framework for all activities

in the coastal environment, having regard to the purpose and principles of the RMA and to the provisions of the NZCPS. The NZCPS has been important in forming the basis for the management framework as the Council must give effect to the provisions of the NZCPS in the MEP.

The issues in this chapter include use of both land and the coastal marine area. Interconnections between the two reflect the need for integrated management, which is effectively the role of a regional policy statement. In many cases, use or development extends across the high tide mark; for example in the operation of ports and marinas. In other situations, a use may be solely within the coastal marine area but will still have a connection with land; for example, via a mooring or jetty to allow access to an adjacent dwelling. Conversely, in addition to requiring a jetty or mooring for access, a dwelling on land may also have implications for water quality in terms of the discharge of domestic wastewater to land. Therefore, the importance of recognising and providing for the interconnections between activities on land and water cannot be understated.

Due to the interconnections described above, the management framework in this chapter is also supported by policy in other chapters, including landscape, biodiversity, natural character, public access and resource quality. Collectively, these policies help to define:

- where subdivision, use or development may be appropriate;
- the form that any subdivision, use or development should take;
- whether limits should be applied; and
- where activities should be avoided.

Issue 13A – Trying to identify appropriate subdivision, use and development activities in Marlborough’s coastal environment while protecting the values of the environment.

The preamble to the NZCPS recognises a range of challenges in promoting the sustainable management of the coastal environment, including:

- *“the natural and recreational attributes of the coast and its attraction as a place to live and visit combine with an increasingly affluent and mobile society to place growing pressure on coastal space and other resources;*
- and
- *there is continuing and growing demand for coastal space and resources for commercial activities...”*

At times it can be difficult to determine ‘appropriate activities’ in the face of these challenges (and others identified in the NZCPS) as users have competing demands and place different values on the resources of the coastal environment. This can also be compounded by the dynamic (or changing) nature of that environment.

While the NZCPS gives clear direction through its policies about the adverse effects that are to be avoided, this must be determined in the context of the particular qualities and characteristics of Marlborough’s coastal environment and the uses and activities that already occur there. Therefore, the management framework established through Objectives 13.1 and 13.2 (and their subsequent policies and methods) describes the qualities and characteristics that are important in determining whether a particular subdivision, use or development activity is appropriate. These matters must be considered in all applications for resource consent and are important in terms of giving effect to the NZCPS and to the principles of the RMA.

[RPS]

Objective 13.1 – Areas of the coastal environment where the adverse effects from particular activities and/or forms of subdivision, use or development are to be avoided are clearly identified.

The Council is directly responsible in determining what is inappropriate subdivision, use and development in the coastal environment in terms of the preservation of natural character (Section 6(a)), as well as in the protection of outstanding natural features and landscapes (Section 6(b)) and historic heritage (Section 6(f)). This is further reinforced through the provisions of the NZCPS, particularly Policy 7: Strategic Planning. If clear direction is provided through the MEP of the significant values and locations in Marlborough's coastal environment, resource users will have a better appreciation of what may be appropriate subdivision, use or development in particular locations.

[RPS]

Policy 13.1.1 – Avoid adverse effects from subdivision, use and development activities on areas identified as having:

- (a) outstanding natural character;
- (b) outstanding natural features and/or outstanding natural landscapes;
- (c) significant marine biodiversity value and/or are a significant wetland; or
- (d) significant historic heritage value.

Policy 13.1.1 identifies four significant matters upon which the adverse effects of activities are to be avoided. These matters are given particular direction through the principles of the RMA (Sections 6(a), (b), (c) and (f)) and through direction provided by Policies 11, 13, 15 and 17 of the NZCPS. However, it is important to acknowledge that implementing the policy does not mean that all activities are prohibited from occurring in the areas with the identified values; it simply makes clear that any adverse effects of activities must be avoided in those areas, rather than being mitigated or remedied.

[RPS, R, C, D]

Policy 13.1.2 – Areas identified in Policy 13.1.1 as having significant values will be mapped to provide certainty for resource users, Marlborough's tangata whenua iwi, the wider community and decision makers.

Mapping areas identified in Policy 13.1.1 as having significant values will provide decision makers and the community with a greater level of certainty regarding where the adverse effects of subdivision, use and development activities are to be avoided. Mapping also assists applicants in considering either different locations for their activity or ways in which adverse effects of their activity can be avoided. In addition to mapping the significant areas, Appendices 1 and 2 describe the specific values for landscape and natural character (respectively) that contribute to making the mapped areas significant.

While the Council has undertaken various assessments and studies to inform which areas have been mapped in Policy 13.1.1, not all areas within the coastal environment have been assessed. This is because for certain values, such as significant marine biodiversity, the only information available is on known sites recorded through processes such as resource consent applications. Given the resources required for more extensive assessment, it is not possible for all areas of the coastal marine area to be surveyed. As more information becomes available new areas can be added through a notified plan change under the First Schedule process of the RMA.

[RPS]

Objective 13.2 – Subdivision, use or development activities take place in appropriate locations and forms and within appropriate limits.

As important as it is to identify areas where adverse effects of activities are to be avoided, it is also important that regard is given to identifying appropriate areas, limits and forms in which subdivision, use and development activities can take place. This must be done within a context of recognising and providing for particular values in terms of the principles of the RMA, as well as within the enabling direction provided through Policy 6 of the NZCPS.

[RPS, R, C, D]

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:

- (a) the characteristics and qualities that contribute to natural character, natural features and landscape of an area;
- (b) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;
- (c) the extensive area of open space within the coastal marine area available for the public to use and enjoy, including for recreational activities;
- (d) the importance of public access to and along the coastal marine area, including opportunities for enhancing public access;
- (e) the dynamic, complex and interdependent nature of coastal ecosystems;
- (f) the high level of water quality generally experienced in Marlborough’s coastal waters; and
- (g) those attributes that collectively contribute to individual and community expectations about coastal amenity values.

While the values identified in the policy may not have the same level of significance as those set out in Policy 13.1.1, they are nonetheless important considerations in determining whether an activity is appropriate at a particular location or of an appropriate form or scale. Some of these matters have direction through the principles of the RMA; for example, those related to public access and amenity values. Others have come about in response to a community expression of what is important to recognise and provide for in the coastal environment. An example of this is subclause (f) in relation to the generally high levels of water quality found in Marlborough’s coastal waters. Collectively, these values also give effect to a number of policies within the NZCPS.

These values are to be considered in any application for resource consent or plan change, in addition to the management framework that may apply to specific activities as set out in the remainder of this chapter.

[RPS, R, C, D]

Policy 13.2.2 – In addition to the values in Policy 13.2.1, the following matters shall be considered by decision makers in determining whether subdivision, use and development activities in Marlborough’s coastal environment are appropriate at the location proposed and of an appropriate scale, form and design:

- (a) the contribution the proposed subdivision, use or development activity makes to the social and economic wellbeing of people and communities;
- (b) the efficient use of the natural and physical resources of the coastal environment;

- (c) whether the efficient operation of established activities that depend on the use of the coastal marine area is adversely affected by the proposed subdivision, use or development activity;
- (d) whether there will be an increase in the risk of social, environmental or economic harm from coastal hazards as a consequence of the subdivision, use or development activity;
- (e) whether there will be a contribution to the restoration of the values of the coastal environment at the site, where these may have been adversely affected in the past;
- (f) whether the activity results, either individually or cumulatively, in sprawling or sporadic patterns of subdivision, use or development that would compromise the values and matters of Policies 13.2.1 and 13.2.2;
- (g) whether the proposed subdivision, use or development activity contributes to the network of regionally significant infrastructure identified in Policy 4.2.1;
- (h) whether the subdivision, use or development activity creates a demand for services or infrastructure that may result in a financial cost to the wider community and/or whether the safety and efficiency of the road network is affected; and
- (i) functionally, whether some uses and developments can only be located on land adjacent to the coast or in the coastal marine area.

This policy describes the matters important in determining the appropriateness of subdivision, use and development activities in the coastal environment. Though the matters listed are not considered 'values' (as set out in Policies 13.1.1 and 13.2.1), some have direction through NZCPS policies, particularly Policies 4, 6, 7, 8, 9 and 25. These matters are to be considered in any application for resource consent or plan change, in addition to the management framework that may apply to specific activities as set out in the remainder of this chapter.

[RPS, C]

Policy 13.2.3 – To enable periodic reassessment of whether activities and developments are affecting the values of the coastal marine area, to encourage efficient use of a finite resource and in consideration of the dynamic nature of the coastal environment:

- (a) lapse periods for coastal permits will be no more than five years; and
- (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 20 years.

The RMA allows consents within the coastal marine area to be granted for a maximum of 35 years. A 20 year period has historically been used for most coastal occupations in Marlborough, as the Council has considered this duration appropriate.

Shorter durations are considered appropriate when:

- the coastal marine area is public open space that is used or valued for a range of different reasons;
- there are growing pressures and increasing demand for coastal space;
- there are changing and challenging issues facing use of coastal resources;
- the coastal environment is of a dynamic nature, constantly changing; and
- matters of national importance in the RMA need to be recognised and provided for on an ongoing basis.

Limiting coastal permits to a 20 year duration enables the impacts of resource use on the values of the coastal environment to be reassessed. At times a shorter duration may be appropriate, where the adverse effects of a proposed activity are not well understood or are uncertain. It may not be appropriate to manage the adverse effects through consent conditions, so where this is the case a shorter duration consent may be necessary. For similar reasons, it is appropriate that the lapse period for resource consents to be implemented in the coastal environment will be no more than five years.

[RPS, R, C, D]

Policy 13.2.4 – Attributes that may be considered when assessing any effects on coastal amenity value in a particular location include natural character, biodiversity, public access, visual quality, high water quality, recreational opportunities, structures and activities, open space, tranquillity and peacefulness.

Section 7(c) of the RMA requires that in managing the use, development and protection of natural and physical resources, particular regard shall be had to the maintenance and enhancement of amenity values. The RMA defines amenity values as “*those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.*” It is therefore important to identify what attributes contribute to coastal amenity values. Not all of the attributes identified will be relevant in all locations; amenity values will be different for different locations within Marlborough’s coastal environment. This is the reason why ‘may’ is used within the policy.

[RPS, R, C, D]

Policy 13.2.5 – Amenity values of the coastal environment can be maintained and enhanced by:

- (a) recognising the contribution that open space and natural character make to amenity values and providing appropriate protection to areas of open space;
- (b) maintaining and enhancing coastal and freshwater quality where necessary;
- (c) maintaining or enhancing areas with indigenous biodiversity value;
- (d) maintaining or enhancing sites or areas of particular value for outdoor recreation;
- (e) making use of suitable development setbacks to avoid a sense of encroachment or domination of built form, particularly in areas of public open space and along the coastal edge;
- (f) avoiding forms and location of development that effectively privatise the coastal edge and discourage or prevent access to and use of the coast;
- (g) recognising that some areas derive their particular character and amenity value from a predominance of structures, modifications or activities, and providing for their appropriate management;
- (h) establishing standards for activities within the coastal environment;
- (i) clustering together of structures and activities;
- (j) avoiding the establishment of activities resulting in high traffic generation;
- (k) ensuring the operation and speed of boats does not detract from people’s enjoyment of the coastal marine area or cause navigational safety issues;
- (l) requiring the removal of derelict or redundant structures within the coastal marine area; or
- (m) encouraging appropriate design of new structures and other development in form, colour and positioning that complement, rather than detract from, the visual quality of the location.

The quality and characteristics of the environment within which people live, work and play is a fundamental part of our quality of life. In this context, the amenity of the coastal environment contributes to how people and communities provide for their social, economic and cultural wellbeing. In order for community wellbeing to be sustained, it is important to maintain the attributes that contribute to amenity values in any particular area. Policy 13.2.5 will help to protect people and communities' sense of place, appreciation and enjoyment of the coastal environment. Consideration of these values will be important in assessments of resource consents, as well as in the establishment of permitted activity rules and standards.

[RPS, R, C, D]

Policy 13.2.6 – In determining the extent to which coastal amenity values will be affected by any particular subdivision, use and/or development, the following shall be considered:

- (a) individual and communities values about the area subject to application;
- (b) the amenity related attributes of the area; and
- (c) in regard to the changing nature of the coastal environment, the extent to which amenity values would be so affected by the proposed subdivision, use or development that those values could no longer be maintained or enhanced.

To determine whether coastal amenity values will be adversely affected by any proposed subdivision, use or development, it is important that regard is had to the views of individuals and communities about the area concerned. These can then be considered alongside an evaluation of the amenity related attributes of the area. An assessment then needs to be made about the extent to which those values and attributes will be affected by the proposed subdivision, use or development. In this assessment it is important that the dynamic nature of the coastal environment is considered, as community views change over time.

Methods of implementation

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

[C, D]

13.M.1 Zoning

The use of specific coastal based zones to provide a management framework for Marlborough's coastal environment include a Coastal Living Zone, Coastal Marine Zone (coastal marine area), Port Zone, Port Landing Area Zone, Marina Zone, Lake Grassmere Zone and a Coastal Environment Zone (rural land areas). Additionally, there will be Open Space zones for recreational and conservation areas and a Floodway Zone alongside rivers in some locations. For land not otherwise zoned as Coastal Living within the coastal environment of the south Marlborough coast, a Rural Environment Zone will apply.

[RPS, R, C, D]

13.M.2 Mapping of significant values

A range of values have been mapped in the MEP to assist in identifying areas with significance for landscape, natural character, marine biodiversity value (including coastal wetlands) and historic heritage within Marlborough's coastal environment. Policies provide management direction on how effects on the mapped values are to be assessed.

[RPS, R, C, D]

13.M.3 Information

Appendix 2 describes the values of areas that have been mapped with high, very high or outstanding natural character. Appendix 1 describes the values of areas that have been mapped with landscape significance. Identifying the values that make the mapped areas significant will

help resource users determine whether these values will be adversely affected by the proposed activity.

While the Council has undertaken various assessments and studies to inform the areas that have been mapped in Policy 13.1.1, not all areas within the coastal environment have been assessed. This is because for certain values, such as significant marine biodiversity, the information is incomplete. Where information becomes available this can be reflected through plan changes under the First Schedule process of the RMA.

[R, C, D]

13.M.4 Regional and district rules

A range of regional and district rules enable the use of the various coastal management zones as permitted activities, especially where there are minimal adverse effects on the environment. These activities will be subject to standards, including amenity based standards. Rules will also require coastal permits for activities in the Coastal Marine, Port and Port Landing Area and Marina Zones, where these activities need a greater level of control. These rules are described further under the subsequent sections of this chapter. Additionally, other chapters of the MEP also have regional rules for some activities that may affect the coastal environment; for example, discharges to air, land and water. Descriptions of these regional rules are set out in other chapters.

[C]

13.M.5 Affected party status

The Harbourmaster and Maritime New Zealand will be treated as affected parties in respect of any resource consent application for a coastal permit, to enable an assessment of any potential impacts on safe navigation of boats.

[C]

13.M.6 Other legislation

As a harbour authority, the Council also has responsibilities for navigation and public safety within the harbour limits. The Council's Harbourmaster carries out these functions under Local Government Act bylaws, delegations under the Maritime Transport Act and associated maritime rules (or any successor to these). Bylaws also impose additional constraints on speed, e.g. the five knot harbour speed limit.

Recreational activities

Marlborough's coastal environment is valued not only for its natural qualities but also for a wide range of recreational activities including swimming, fishing, diving, boating, kayaking, picnicking and walking. Marlborough's coastal environment, especially the Marlborough Sounds, is a centre of recreational activity for both local residents and visitors. This includes the use of many holiday homes located within the Marlborough Sounds from which recreational activity occurs. Consequently, the coastal environment (which includes the coastal marine area) plays an essential role in the social wellbeing of New Zealand in general and the Marlborough community in particular. This in turn has economic benefits for Marlborough, as many of these recreational activities rely on local businesses for the provision of services and goods.

Issue 13B – Providing for social wellbeing by ensuring people and communities can carry out recreational activities.

Recreation is one of the most extensive uses undertaken within Marlborough's coastal environment, especially within the Marlborough Sounds. Recreational activities range from active to passive pursuits. Much of the value placed on the coastal marine area is derived from the fact that it is the largest area of public open space in Marlborough and the public have a long held

expectation that they have a right to use and enjoy this area for a variety of purposes. They place significant amenity value on the coastal environment and its use for recreation. This environment therefore needs to be safeguarded for future generations.

Due to the range of recreational activities undertaken and the large number of users, the natural and physical resources of the coastal environment are at times placed under pressure. The cumulative effects of recreational use can include littering, sewage disposal from boats, damage to coastal vegetation and benthic (organisms that live in or on the bottom sediments) habitat and conflicts between users, all of which detract from public enjoyment of this area. There is also potential for conflict to arise between recreational and other users of the coastal environment; there may therefore be a need to manage activities in particular areas to avoid these conflicts.

[RPS, R, C, D]

Objective 13.3 – Recreation continues to make a significant contribution to people’s health and wellbeing and to Marlborough’s tourism industry, whilst avoiding adverse effects on the environment.

Given the extent of Marlborough’s coastline and the fact that the coast is readily accessible for many people, outdoor recreation both on land and in the sea is one of the most important activities that take place within this environment. The diversity of recreational opportunities available is a major reason for its popularity with local residents and domestic and international tourists. Over time these recreational activities have become a significant contributor to Marlborough’s tourism industry. Additionally and significantly, recreation contributes to the health and wellbeing of local communities.

[R, C, D]

Policy 13.3.1 – A permissive approach to recreational activities will be adopted, except where these:

- (a) require associated structures and occupy the coastal marine area;
- (b) cause adverse environmental effects, including those resulting from discharges of contaminants, excessive noise and damage to significant indigenous vegetation and significant habitats of indigenous fauna;
- (c) do not maintain or enhance public access to and along the coastal marine area;
- (d) endanger public health and safety;
- (e) compromise authorised uses and developments of the coastal marine area; or
- (f) adversely affect the amenity values of the area.

Recreation is arguably the most significant way in which the general public gain direct benefit from the coastal environment. Therefore, such activity should be permitted unless it requires associated structures, occupies the coastal marine area in terms of Section 12 of the RMA, or causes adverse effects such as those identified in (b) to (f).

[C]

Policy 13.3.2 – Maintain and enhance opportunities for recreational use of the coastal marine area.

Recreational use of the coast is likely to increase and become more diverse in the future. Linked with national direction to recognise and provide for public access to and along the coastal marine area as a matter of national importance, the Council considers there is a need to maintain and enhance opportunities for recreational use of the coastal environment.

[C, D]

Policy 13.3.3 – Ensure that the use of recreational vessels and vehicles does not create a public nuisance, compromise the health and safety of other users or result in adverse effects on the coastal environment.

While recreational activity is generally to be encouraged, the use of recreational vessels and vehicles can, by virtue of their speed, noise or associated discharges, become a public nuisance and inappropriate use may pose a risk to both public health and safety and the environment. For recreational vehicles onshore, it may be necessary to prevent their use in some locations, particularly to minimise risks to public health and safety, physical damage to the foreshore area, damage to intertidal areas, direct damage to indigenous flora and/or harm or disturbance of wildlife.

[RPS, C]

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 Tory Channel. (This policy does not apply to areas zoned Port or Marina.)

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). Historically, activities such as marine farming have been prevented from occurring in these areas 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.

Methods of implementation

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

[R, C, D]

13.M.7 Regional and district rules

A range of regional and district rules enable recreational activities as permitted activities, especially where there are minimal adverse effects on the environment. These activities will be subject to standards, including amenity based standards. In some cases, a prohibited activity rule may apply to protect recreational use. The rules are described further under the subsequent sections of this chapter.

[C, D]

13.M.8 Other legislation

As a harbour authority, the Council also has responsibilities for navigation and public safety within the harbour limits. The Council's Harbourmaster carries out these functions under Local Government Act bylaws, delegations under the Maritime Transport Act and associated maritime rules (or any successor to these). Bylaws also impose additional constraints on speed, e.g. the five knot harbour speed limit.

Fishing

The waters of the Marlborough Sounds are important for fisheries for a number of reasons, including:

- an ongoing source of traditional food for Marlborough's tangata whenua iwi;
- providing a livelihood for commercial fishers;
- being a significant factor in many recreational and tourism activities; and
- contributing to a range of species present in the Sounds and therefore the health of marine ecosystems.

(For the purposes of the MEP, 'fishing' does not include marine farming.)

Although commercial fishing is not as significant as it once was, collectively fisheries are still important to Marlborough's overall community wellbeing.

There are significant restrictions on the ability of the Council to control outcomes for fisheries management, as the Ministry for Primary Industries holds the primary role in managing, conserving and enhancing fisheries under the provisions of the Fisheries Act 1996. However, although managing fisheries is not a direct function of the Council, it is responsible for protecting habitats of indigenous fauna and maintaining indigenous biological diversity under the RMA. The Council can therefore indirectly help to maintain and enhance wild fisheries in the Marlborough Sounds by managing any adverse effects on marine habitats caused by activities over which it does have direct control. Policies within Chapter 15 - Resource Quality (Water, Air, Soil) and Chapter 8 - Indigenous Biodiversity are particularly relevant in this regard.

Issue 13C – The depletion of wild fisheries in the Marlborough Sounds.

Maintenance of traditional access to fisheries is of particular importance to Marlborough's tangata whenua iwi. There is particular concern that traditional fisheries are being depleted. Under fisheries legislation, taiapure, rāhui and mataitai are three mechanisms by which tangata whenua can seek greater control of the management of local customary fisheries. Though the Council has no statutory role in either the establishment or management of these mechanisms, it may choose to support an application after consultation with interested parties.

Although the number of commercial fishers has decreased over the years, fishers with quota for various species still operate from Picton, Havelock and other ports. While numbers can fluctuate in response to economic circumstances, recreational fishing and diving are important recreational pursuits for Marlborough residents and visitors to the Marlborough Sounds. For a number of years there has been ongoing community concern over the state of fish and shellfish stocks in the Marlborough Sounds and the sustainability of the recreational fisheries that they support.

[RPS, C]

Objective 13.4 – The sustainable management of fisheries in the Marlborough Sounds.

Despite not having a direct statutory role in managing fisheries (except to the extent outlined above), the Council believes it has an advocacy role in ensuring there is sustainable fishery in the Marlborough Sounds. This is because fishing activities, whether recreational, commercial or traditional in nature, contribute to the economic, social, cultural and general community wellbeing of Marlborough's residents and visitors. It is therefore appropriate that the MEP includes an objective to ensure the management of fisheries resources is sustainable.

[RPS, C]

Policy 13.4.1 – Support and advocate for intensive management of recreational and commercial fishing within the enclosed waters of the Marlborough Sounds.

Currently, the Marlborough Sounds are part of the Challenger Fisheries Management Area, which extends north from the Clarence River, through Cook Strait and the Marlborough Sounds, west to Farewell Spit and down the west coast of the South Island. This area contains both open coastal water, near shore areas and the enclosed waters of the Sounds. Although there are restrictions that apply to different parts of this extensive area (including within the Marlborough Sounds), the Council believes that an intensive management regime needs to be applied to the Marlborough Sounds specifically, rather than as part of a much larger management area. This recognises the continued increased pressure on fisheries, especially from recreational fishing.

[RPS, C]

Policy 13.4.2 – Support community groups working towards a sustainable fishery for the Marlborough Sounds.

Often local community groups provide the initial impetus for responding to issues and it is important to support these groups where possible.

Methods of implementation

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

[RPS, C]

13.M.9 Advocacy/Support

Advocate to the Minister of Fisheries that both commercial and recreational fishing be further regulated within the enclosed waters of the Marlborough Sounds to enhance natural fisheries.

Support initiatives of community groups working towards sustainable fisheries by providing advice and financial support where resources permit.

Residential activity

Like many others locations around the country, Marlborough's coastal areas are an attractive place for people to live. The Marlborough Sounds especially have long been a desirable location in which to live and holiday, with approximately 5,000 houses and holiday homes established. These dwellings and their associated jetties, boatsheds and moorings are obviously already part of the landscape in the locations in which they occur, especially the inner parts of Queen Charlotte, Pelorus and Kenepuru Sounds. The density of residential use varies, ranging from baches in isolated bays (used on an intermittent basis) to ribbon development along the coastline. The density of residential activity decreases with distance from the access points of Picton and Havelock, so large parts of the outer Sounds are empty of structures.

The south Marlborough coast is much less developed for residential living, although the Rarangi settlement has provided a coastal living experience for people for many years, as has an area of larger lifestyle blocks closer to the Wairau Diversion. Generally however, the southern coast experiences a lower level of pressure for living in coastal areas than does the Marlborough Sounds.

Issue 13D – There is pressure to use, develop and subdivide land for residential purposes within the coastal environment.

Historically, the demand for residential properties in Marlborough's coastal areas has been satisfied through:

- the development of new residential dwellings on vacant lots (within permitted activity provisions for residential or rural zones);
- the extension, alteration or reconstruction of existing residential dwellings; and
- the creation of new residential allotments from rurally zoned land.

In any one of these situations there is potential for residential activity to detract from the qualities and values of the coastal environment. This is particularly so in a Marlborough Sounds context, where the MEP has identified the Sounds as being 'the jewel in Marlborough's crown' (Issue 4C, Chapter 4 - Use of Natural and Physical Resources). At any particular location these qualities and values, along with physical factors, place constraints on whether residential activity is appropriate within the coastal environment.

The construction of houses and holiday homes in areas where structures are absent from the landscape is likely to stand out and potentially detract from the "natural" appearance of that landscape. Even in areas where there are existing houses and holiday homes, buildings in prominent locations, large buildings and buildings with bright and bold colours, can detract from the landscape.

New residential buildings obviously allow more people to be accommodated, either permanently or temporarily, in a particular location. Potentially, the more people who live within and use an area, the less likely it is that the special qualities currently valued by existing residents will continue to be enjoyed. The degree of impact will be perceived differently from person to person, depending on our own values and experiences.

Other factors affecting the appropriateness of residential activity in the coastal environment include the ability for onsite disposal of domestic wastewater, impacts arising from natural hazards, difficulties in accessing remote areas and the impacts of residential activity on water quality, water quantity and indigenous biodiversity. Some of these factors may also have flow-on effects for other users of the coastal environment and the manner in which these constraints are dealt with will determine how the demand for residential activity will be managed in Marlborough's coastal environment.

The subdivision of land determines where new residential buildings will be located and the density of residential development. Managing the subdivision of land is therefore as important in retaining the character of the coastal environment as managing subsequent residential development.

[RPS, D]

Objective 13.5 – Residential activity takes place within appropriate locations and limits within the coastal environment.

As demand for people to live or holiday in Marlborough's coastal environment increases, it is important that these activities occur within appropriate locations and limits, to ensure that the qualities and values of the coastal environment are maintained and/or enhanced. This objective reflects that aim and is supportive of Objective 6 of the NZCPS, an enabling objective for people and communities to provide for their wellbeing and health and safety through subdivision, use and development. The objective requires (among other things) that in protecting values of the coastal environment, this does not preclude use and development in appropriate places and forms, and within appropriate limits.

[D]

Policy 13.5.1 – Identify areas where residential activity can take place.

Areas determined as appropriate for residential activity are zoned as Coastal Living Zones. The Coastal Living Zone recognises the need and demand that exists for residential activity in Marlborough's coastal environment and applies to areas where development already occurs but which maintain a high level of amenity associated with the coast. These areas, zoned as Sounds Residential in the former Marlborough Sounds Resource Management Plan, have been identified as having an ability to absorb further low density, mainly rural residential development, without detriment to overall coastal character. Additionally, areas at Rarangi formerly zoned as Township Residential and Rural Residential have also been zoned as Coastal Living.

[D]

Policy 13.5.2 – Residential activity and subdivision for residential purposes should take place within land that has been zoned Coastal Living, in order to:

- (a) protect recreational and coastal amenity values;
- (b) avoid sprawling or sporadic patterns of residential development; and
- (c) protect landscape, natural character and indigenous biodiversity values.

It is important that limitations are placed on where residential activity can take place within Marlborough's coastal environment. If unrestricted development were allowed, the very values that make the coastal environment special would be threatened, particularly within the Marlborough Sounds. The policy therefore is important in identifying the appropriate locations for residential activity, are those provided through the resource of the Coastal Living Zone in conjunction with the enabling provision of Policy 13.5.5. This approach helps to give effect to the policies of the NZCPS, as well as achieving the overriding objective for the Marlborough Sounds in Chapter 4 - Use of Natural and Physical Resources of the MEP, in which the '*visual, ecological and physical qualities that contribute to the character of the Marlborough Sounds*' is maintained and enhanced.

The policy directs that residential activity and subdivision for residential purposes '*should*' occur within the Coastal Living Zone, though this is not absolute. This is because there may be occasions where through restoration works, enhancement of values or offsetting adverse effects, positive environmental outcomes can be achieved. Regard must be had to the other policies of the MEP (especially those regarding natural character, landscape, public access and biodiversity) to determine whether this is a relevant matter for consideration.

[D]

Policy 13.5.3 – Recognise there is an existing stock of land within the coastal environment that could be developed for residential activity to meet the needs of the community.

There are many areas within the Coastal Living Zone and the Coastal Environment Zone that could be developed for residential activity. Areas zoned as Coastal Living include areas zoned as Sounds Residential in the former Marlborough Sounds Resource Management Plan and areas of Township Residential and Rural Residential in the Rarangi area of the former Wairau/Awatere Resource Management Plan. There is capacity within these zoned areas for further residential activity to occur. Additionally, there are allotments within the Coastal Environment Zone that do not currently have a dwelling on them but where residential activity could take place, subject to meeting standards.

[D]

Policy 13.5.4 – Avoid expansion of residential activity in Rarangi beyond those areas already zoned for this purpose, due to uncertainty over tsunami risk, the fragile local ecology and insufficient infrastructure to support expansion.

In considering areas for urban expansion, the Council has assessed the potential for Rarangi to accommodate further growth. The outcome of the assessment was that there is uncertainty

around the level of hazard posed by tsunamis, uncertainty over the ability to secure a water supply that meets drinking water standards, and that the Rarangi wetland system is a fragile ecological system vulnerable to further development. For these reasons the Council has decided not to provide for any expansion of the current zoning for residential activity in this area.

[D]

Policy 13.5.5 – Except in the case of land developed for papakāinga, residential activity on land zoned Coastal Environment will be provided for by enabling:

- (a) one dwelling per Computer Register;
- (b) seasonal worker accommodation; and
- (c) homestays.

For property within the coastal environment but outside of the Coastal Living Zone, it is appropriate that the MEP provides for residential activity. In some cases, ongoing primary production activities will occur and therefore it is appropriate that provision is made for any residential activity associated with this. This includes seasonal worker accommodation. There may also be smaller allotments where primary production activities do not occur but where historically there has been a right, subject to standards, for a landowner to erect a dwelling. The MEP continues with this approach, as it provides in part a resource able to be developed for residential activity, without the need for further subdivision or rezoning of land. Provision is also made for homestays. The exception recognises the need for Marlborough's tangata whenua iwi to be able to develop Māori land for papakāinga to enhance the quality of life for whānau and iwi in a manner that is consistent with their cultural values and customs.

[RPS, D]

Policy 13.5.6 – Maintain the character and amenity values of land zoned Coastal Living by the setting of standards that reflect the following:

- (a) strong connection to the foreshore and coastal water;
- (b) peaceful environments with relatively quiet background noise levels;
- (c) predominance of residential activity by enabling one dwelling per Computer Register;
- (d) privacy between individual residential properties, often surrounded by indigenous and regenerating indigenous vegetation;
- (e) ample sunlight to buildings;
- (f) minimal advertising signs;
- (g) views to the surrounding environment, including to the sea;
- (h) low building height; and
- (i) limited infrastructure and services and low volumes of road traffic.

This policy sets out the characteristics that reflect land zoned as Coastal Living and for which standards have been considered necessary to be established through the permitted activity rules.

[D]

Policy 13.5.7 – Where resource consent is required, ensure that residential development and/or subdivision within the Coastal Living Zone is undertaken in a manner that:

- (a) is consistent with the matters set out in Policy 13.5.6;
- (b) is appropriate to the character of the locality in which the property is to be subdivided;
- (c) provides for the maintenance of the attributes contributing to coastal amenity values of the locality, as expressed in Policies 13.2.4 and 13.2.5;

- (d) maintains and/or enhances the recreational values of the area for the wider community;
- (e) is certain the site is able to assimilate the disposal of domestic wastewater; and
- (f) ensures the effects of any natural hazards are able to be avoided, remedied or mitigated.

Where resource consent is required for subdivision or development within the Coastal Living Zone, the matters in this policy will help to determine whether the subdivision or development is appropriate. In particular, matters concerning the character of the locality and coastal amenity values are important in terms of having regard to Sections 7(c) and 7(f) of the RMA. Other matters concerning the on-site discharge of domestic wastewater are equally important and regard is to be had to the policies of Chapter 16 - Waste to assist in giving effect to this policy.

[D]

Policy 13.5.8 – Non-residential activities within the Coastal Living Zone will be allowed, where they do not detract from the existing character of the residential environment within which they are to be located.

As the Coastal Living Zone has been established to accommodate residential activity, recognising the desire of many New Zealanders to live or holiday beside the sea, it is important that these areas are predominantly used for this purpose. Some non-residential activities, especially those carried out within an existing dwelling, will have limited impact on the characteristics of the Zone and are therefore provided for as a permitted activity. However, other non-residential uses will be assessed through the resource consent process to determine their impact on the characteristics of the residential environment in which they are to be located.

[D]

Policy 13.5.9 – Where there is no road access to a site to be developed or subdivided for residential purposes or where the predominant means of access will be by water, the need for and location of coastal structures and associated tracking (if relevant) to enable/enhance access shall be considered at the time of subdivision or, in the case of development, if there is a resource consent requirement to enable the development.

This policy is particularly relevant to the Marlborough Sounds, where the road network is limited as a result of the nature of the topography and the difficulties in establishing roads in the steep terrain. For this reason, many property owners (both commercial and private) rely upon boats to gain access to their properties. This has resulted in a demand for coastal structures such as jetties, moorings and boatsheds. The appropriateness of these structures must be assessed and this should occur at the same time as the subdivision or development is assessed by the Council. This will enable the effects of the entire proposal to be considered at once, including any related need for tracking between the coastal structure and the dwelling.

Methods of implementation

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

[D]

13.M.10 Zoning

The Coastal Living Zone is a specific zone established for residential activity within the coastal environment for both the Marlborough Sounds and along the south Marlborough coast.

[D]

13.M.11 District rules

A range of district rules will guide development within both the Coastal Living and Coastal Environment Zones. These rules will provide for residential activity and non-residential uses as a permitted activity subject to meeting standards for bulk and location of structures, disposal of

domestic wastewater, stability of the land, reflectivity of buildings, etc. Rules will specify minimum allotment standards and enable the development of papakāinga, subject to standards.

Boat moorings and anchoring

The enclosed waterways of the Marlborough Sounds offer many recreational boating opportunities to both residents of Marlborough and visitors. Commercial use of boats and other craft is a significant feature of the District's tourism, marine farming and fishing industries. While many of the smaller recreational craft are stored on dry land and have no need for water-based storage, many boats do need some form of mooring, berthage or other method of storage.

Moorings generally provide a convenient and readily available form of boat storage. Consequently, there are high-density moorings in areas such as Waikawa Bay, Ngakuta Bay and Okiwa Bay. Individual moorings have also been established around the Sounds, providing a place for occasional recreational users and adjoining landowners to moor their boats. In some cases, a mooring is established for the use of boating club members or boat charter companies. These moorings are referred to as collective moorings.

Anchoring on a temporary basis is common in many places around the Sounds. This occurs for recreational purposes, where boats may overnight or, in some instances and particularly in recognised locations, provide for temporary shelter in bad weather. It is important that developments or activities in the coastal marine area do not affect the ability of the boating community to anchor in locations that are recognised anchorages.

Issue 13E – How and where to provide for mooring and/or berthage facilities in Marlborough's coastal environment.

Deciding how and where to provide facilities or areas where boats can be safely moored or anchored is an issue, given the wide range of economic, cultural and social values of Marlborough's coastal environment as well as significant natural character, landscape and biodiversity values.

Historically, many property owners within the Sounds relied on swing moorings to moor boats. This continues to be the case today, although many property owners now also seek other structures such as boatsheds and jetties to provide enhanced forms of access. In some areas, especially close to nodes of settlement, issues arise surrounding competing demand for coastal space for moorings, especially swing moorings. The location of such moorings must take into account navigational routes for boats, as well as sufficient separation from one another to ensure the safety of boats on other moorings.

For some people, especially those who do not own property in the Marlborough Sounds, the short term anchoring of boats is common. Some bays in the Sounds are recognised on navigational charts and in nautical publications as places for boats to anchor in certain wind conditions. However, the long term or permanent anchorage of boats can potentially give rise to adverse effects on the surrounding environment and other users of the coastal environment. These effects may include a reduction in water quality, loss or deterioration of benthic habitat, disturbance to marine species at important feeding sites, reduced amenity values, impacts on natural character or a reduction in public access or recreational opportunities. While it is important that recognised anchorages are available for use, it is also important that limitations are placed on longer term anchoring. Areas for large ship anchoring are identified on navigational charts and nautical publications.

[C]

Objective 13.6 – A range of options is available to accommodate mooring/berthage.

It is important that the MEP provides a range of options to accommodate the different needs and demands of a range of boat owners. Not every option will be appropriate in every location within Marlborough's coastal environment and the following objectives and policies describe the circumstances where each of the options may be considered appropriate.

[C]

Policy 13.6.1 – Provide for the mooring or berthage of boats by:

- (a) enabling anchoring of boats;
- (b) establishing Moorings Management Areas where there is high demand for space in the coastal marine area;
- (c) ensuring moorings outside of Moorings Management Areas are sited in appropriate locations; and
- (d) zoning specific areas for activities related to the operation of marinas, ports and port landing areas in Picton, Havelock, Waikawa, Elaine Bay and Oyster Bay.

The four options provided for in this policy reflect both historic and recent approaches to mooring or berthage of boats in Marlborough's coastal environment. Options a) to c) are applicable to the Coastal Marine Zone, while option d) is specific to Port, Port Landing Area and Marina Zones. (The remaining policies under Issue 13E are therefore not relevant considerations in the Port, Port Landing Area and Marina Zones.)

Boat anchorages

[C]

Objective 13.7 – The coastal marine area is able to be used for anchoring boats.

Boat anchoring has long been considered an appropriate use within the coastal marine area, particularly for recreational use but also for commercial boats. The objective seeks to enable use of the coastal marine area for this purpose.

[C]

Policy 13.7.1 – Enable use of the coastal marine area for temporary anchoring by boats.

Boats of all sizes are reliant on being able to anchor for recreational purposes, during storms or in the event of damage or gear failure. An enabling approach to providing for this on a temporary basis has been provided, subject to meeting standards.

[C]

Policy 13.7.2 – Restrict the long-term or permanent anchorage of boats.

The long-term or permanent anchorage of boats in one location can potentially give rise to adverse effects on the surrounding environment and other users of the coastal environment. These effects could include reduction in water quality, amenity values, public access, recreational opportunities or potential benthic habitat destruction. Therefore, it is appropriate that controls are imposed upon the ability of boats to anchor for long periods of time. This will help to achieve the policies of the NZCPS, especially Policy 6(2)(c), as well as a range of other policies in both the NZCPS and MEP relating to natural character, water quality, public open space and indigenous biodiversity.

Moorings Management Areas

[C]

Objective 13.8 – Efficient use of the coastal marine area where there is competing demand to occupy coastal space for swing moorings.

Where there is ongoing demand for coastal space for moorings as well as competing demand for other uses or activities in the same space, a comprehensive management regime must be in place to ensure that efficient use of the coastal marine area is achieved. This will help to minimise overlap between swing circles and therefore reduce the risk of damage to boats.

[C]

Policy 13.8.1 – Where there is competing demand in the coastal marine area to accommodate swing moorings, Moorings Management Areas may be established to manage the placement and use of swing moorings.

Moorings Management Areas are a relatively new concept, having been developed initially to manage conflicting demands with large numbers of swing moorings and other activities within Waikawa Bay. If a Moorings Management Area is established, it shall only be so through the plan change process of the First Schedule after having regard to the matters in Policy 13.8.2. These areas will be identified on the MEP maps.

[C]

Policy 13.8.2 – To determine the appropriateness of an area of coastal space to become a Moorings Management Area in the Marlborough Environment Plan, the following matters will be considered:

- (a) current and anticipated demand for swing moorings in the area;
- (b) the cumulative effect (including on coastal amenity values and benthic habitats) of swing moorings and the capacity of the area to accommodate existing and additional moorings;
- (c) whether there are issues with the layout of existing swing moorings, including overlapping of swing circles;
- (d) the intensity, character and scale of other activities in the area, including:
 - (i) the extent to which the use of or access to other coastal structures located in the area are or will be affected by additional swing moorings;
 - (ii) residential development existing in the area and the potential for future development, having regard to the zoning of land;
 - (iii) recreational activities occurring in the coastal marine area; and
- (e) impacts on navigation due to continuing with an uncontrolled approach to siting of swing moorings.

This policy describes the matters to be considered in assessing new locations to be managed as Moorings Management Areas. At the time the MEP was notified on 9 June 2016, the only Moorings Management Areas that had been identified were located in Waikawa Bay. These were established in response to the ongoing demand for moorings in the bay and the different uses competing for water space. It is likely that other areas of the Marlborough Sounds may in future see a high demand for coastal space for swing moorings. If demand reaches a point which results in inefficient use of coastal space, it may be appropriate to introduce Moorings Management Areas in other locations.

[C]

Policy 13.8.3 – Moorings located in a Moorings Management Area (as identified on the Marlborough Environment Plan maps) will be encouraged by:

- (a) enabling them as a permitted activity, where a Moorings Management Bylaw is in place; or
- (b) where no Moorings Management Bylaw is in place, providing for moorings within a Moorings Management Area as a restricted discretionary activity. The matters the Marlborough District Council will restrict its discretion to in determining such an application will be:
 - (i) location within a Moorings Management Area;
 - (ii) the type and specification of mooring sought, including the swing arc; and
 - (iii) the availability of space within the Moorings Management Area.

Once a Moorings Management Area has been established to more efficiently manage coastal space, moorings located within these areas can be controlled through a bylaw promulgated under the Local Government Act 2002 or through the resource consent process. This policy states that where a bylaw is in place, then moorings within the Moorings Management Area are a permitted activity. The bylaw will set up a licensing system for moorings in the identified areas. Where no bylaw is in place, a restricted discretionary activity consent will be required and the matters that the Council will limit its discretion to are identified in Policy 3.8.3(b).

Moorings outside Moorings Management Areas

[C]

Objective 13.9 – Outside of the Moorings Management Areas, other moorings are sited in appropriate locations.

Moorings Management Areas are only to be established where there is competing demand for coastal space. However, in many areas of Marlborough's coastal marine area there is space for competing demands to easily coexist. It is therefore recognised that it is not appropriate or possible for all moorings to be located within a Moorings Management Area and provision must be made within the MEP for moorings to be considered outside of these areas. It is important however that moorings are appropriately located, as they can individually or cumulatively have adverse effects.

[C]

Policy 13.9.1 –The following matters are to be assessed in determining the appropriateness of the location for a mooring:

- (a) whether a Moorings Management Area with available space exists in the vicinity of the proposed mooring site;
- (b) what the proposed mooring is to be used for;
- (c) the potential for the mooring and any moored boat to adversely affect:
 - (i) the navigation and safety of other boats, including any other moored boat;
 - (ii) existing submarine cables, other utilities or infrastructure;
 - (iii) recreational use of the coastal marine area, including the short-term anchorage of other recreational boats;
 - (iv) amenity values of adjoining residents or land with high recreational value;
 - (v) the open space character of the coastal marine area;

- (vi) the natural character, landscape or ecological values of the site, including on adjoining land and offshore islands;
 - (vii) the cultural and customary values of the site, including access for customary purposes; and
 - (viii) the operation of any existing activity or any activity that has been granted resource consent;
- (d) what practicable land-based storage options and/or alternative access points are available for the boat; and
 - (e) whether there will be a cumulative impact on the values of the coastal environment from a mooring in the proposed location.

This policy identifies the matters to be considered through the resource consent process in determining the appropriateness of a particular site for a mooring and its intended purpose, for example to provide access to an applicant's land, for moorings for commercial activities, for customary or collective use. The purpose of the mooring is an important consideration in determining the appropriateness of the proposal, as particular conditions may be relevant for one purpose but not another. The broad nature of the other matters identified reflects the wide range of activities and values of Marlborough's coastal environment.

[C]

Policy 13.9.2 – Subject to the matters in Policy 13.9.1, moorings will be limited by:

- (a) regarding as appropriate the installation of one mooring per Computer Register or Computer Unit Title Register to enhance access to private property;
- (b) regarding as inappropriate a mooring where the applicant does not own land in the vicinity of the proposed mooring location, except in the case of collective moorings; and
- (c) linking resource consent to a particular property/commercial activity, where consent is granted for a mooring to provide access to an applicant's property or for a boat associated with a commercial activity undertaken in the vicinity of the mooring site. Consent must then be transferred to the new owner(s) on the sale of the property/commercial activity.

Moorings enhance use of private property in the Marlborough Sounds and can be important for commercial activities. However, because they are relatively simple structures and easy to install, landowners have often sought to have multiple moorings. This can create conflict with other users of coastal space and adversely affect a range of values of the coastal environment. Avoiding the proliferation of moorings by limiting numbers to one per property will help to avoid adverse effects and leave enough coastal space for other landowners to locate moorings. For those who do not own property but wish to access the Marlborough Sounds, a boat mooring will be regarded as inappropriate as other alternatives are available, including moorings within Mooring Management Areas, boating club (collective) moorings, temporary anchorage or marina berths. Additionally, the numbers of boat moorings can be reduced by requiring consents to be linked to a property or commercial business and requiring these consents to be transferred to a new property or business owner upon sale. The policy has been made subject to the matters in Policy 13.9.1 as there may be circumstances under which the need for a mooring falls outside the limitations specified in 13.9.1.

[C]

Policy 13.9.3 – Swing moorings should be sited to avoid the risk of collision with a boat on an adjacent swing mooring.

Multiple swing moorings at a number of locations around the Marlborough Sounds have created issues due to moored boats colliding with one another. To avoid this situation occurring in future, the policy directs that swing moorings are to be sited so that there is no likelihood of collision with another moored boat.

[C]

Policy 13.9.4 – The use of a mooring shall be limited to the size of boat for which consent was granted.

The size of a boat will dictate the size of anchor, swing circle and other specifications required for a swing mooring. The swing circle is an important factor in ensuring the safety of other moored boats. It is therefore important to ensure that a mooring is not used for any boat larger than that considered through the resource consent process. If a swing mooring is intended to be used for a boat larger than originally provided for, this needs to be reassessed through the resource consent process.

[C]

Policy 13.9.5 – Moorings shall be maintained and marked in a way that protects navigational safety, including by providing and maintaining adequate buoyage and anchoring systems.

As moorings are located within the public domain and in areas where there can be commercial, recreational or residential navigation, it is important that mooring structures are marked and maintained in good condition to remain visible and intact, ensuring public safety is protected. This will require compliance with relevant consent conditions.

[C]

Policy 13.9.6 – A mooring shall be required to be removed from the coastal marine area in the following circumstances:

- (a) where there is no longer a need for a mooring to moor a boat;
- (b) where the existence of a commercial activity has been the justification for approving a coastal permit for a mooring and that commercial activity no longer exists or operates;
- (c) where a collective mooring is no longer to be used as a collective mooring;
- (d) when a coastal permit for the mooring expires and no new coastal permit has been sought; or
- (e) where consent is refused for an existing mooring for which a new consent has been sought.

There may be circumstances where a mooring is no longer required. It is then appropriate for the mooring to be removed from the coastal marine area. This will help to achieve Policy 6(2)(e) of the NZCPS by promoting the efficient use of the coastal marine area. This policy will be achieved through conditions imposed upon resource consents granted. This policy will also help to ensure that the purpose for which consent was granted is continued.

[C]

Policy 13.9.7 – In determining an application for a new consent for a lawfully established existing mooring outside of a Moorings Management Area, the matters in Policies 13.9.1(b) and (c), 13.9.2 and 13.9.4 will be considered. The extent to which the existing mooring is consistent/inconsistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated will be a significant factor in determining whether a new consent is granted.

The policies to be considered in an application for a new coastal permit for an existing mooring include matters that may be expected to change over time. This includes in particular, natural character, recreation, amenity values and public access.

[C]

Policy 13.9.8 – Avoid moorings outside of the Moorings Management Areas in Waikawa Bay and the Waka Mooring Management Area, except where the moorings are to provide access

to immediately adjoining properties, in which case the matters in Policy 13.9.1 are to be assessed in determining the suitability of the mooring in Waikawa Bay.

Waikawa Bay is a focal point for recreational boating activity but is also important for commercial and cultural activities. Given the competing demands to occupy and use coastal space in Waikawa Bay, Moorings Management Areas have been established to identify appropriate locations for moorings within the bay. New moorings outside the defined Moorings Management Area in Waikawa Bay are to be avoided, unless for the specific purpose of mooring boats associated with adjacent land. The MEP identifies specific locations for Moorings Management and Waka Management Areas within Waikawa Bay, which is the coastal marine area south of a line between The Snout and Karaka Point.

Methods of implementation

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

[C]

13.M.12 Moorings Management Areas

A specific regime is proposed for the management of moorings in the Marlborough Sounds where there is significant competition for coastal space. Moorings Management Areas may be established to avoid conflict with competing uses and users and to ensure efficient use is achieved.

[C]

13.M.13 Bylaw

Management of Moorings Management Areas will occur either through a bylaw promulgated under the Local Government Act or, if no bylaw is in place, through the resource consent process. The bylaw will establish a licensing system for the allocation and management of swing moorings within a Moorings Management Area, or swing moorings for waka within a Waka Mooring Management Area.

[C]

13.M.14 Regional rules

Short term anchorage of ships/boats will be enabled by a permitted activity rule.

Moorings within a Moorings Management Area will be provided for as a restricted discretionary activity, subject to standards and terms, unless a bylaw is in place that provides the management framework. If a bylaw is in place, moorings within the Moorings Management Area will be a permitted activity.

Where a mooring located outside of a Moorings Management Area is sought, a discretionary activity resource consent will be required.

[C]

13.M.15 Information

Publications such as 'The Pilot' and 'The Cruising Guide' provide information on anchorages, as do navigational charts and directions from the Harbourmaster.

[C]

13.M.16 Monitoring and investigation

The Council will annually monitor the number and location of moorings for which resource consent has been granted. By 9 June 2021, and having regard to the monitoring information, the Council will determine whether investigations into establishing a carrying capacity for moorings in the Marlborough Sounds is necessary.

Coastal structures, reclamations and disturbance to the foreshore and seabed

Marlborough's coastal marine area is characterised by a number of activities that involve the erection of structures and/or disturbance of the foreshore or seabed. Due to their extensive and sheltered nature, the Marlborough Sounds are obviously a major focus for recreational and commercial activities and it is here that the issues surrounding how to provide for activities and allocate coastal space are most apparent. The Sounds contain a large number of permanent physical structures and occupations; for example, nearly 1,600 jetties, slipways, boatsheds and other structures (retaining walls, pipelines, sub-aqueous cables, boat ramps) are located throughout the Sounds. Some reclamations have occurred to enable port or marina operations to take place, while in certain remote locations reclamations assist in forestry harvesting activities by providing barge sites.

Other activities occurring in the coastal marine area that involve some disturbance of the foreshore and seabed include (but are not limited to) dredging navigational channels, the cleaning of blocked pipes (e.g. stormwater outfalls), beach tidying and grooming, the deposition of material on the seabed and foreshore burial of dead marine mammals.

Coastal structures, reclamations or disturbance activities provide private benefit to the person undertaking them but in some cases there is also wider community benefit. It is important therefore that the uses and forms of development appropriate for Marlborough's coastal marine area are identified and that adverse effects are addressed, while at the same time maintaining the social, economic and cultural wellbeing of the community.

Issue 13F – There continues to be significant pressure for the development and/or redevelopment of a variety of coastal structures, including providing for boat access to properties within the Marlborough Sounds.

As a result of difficult topography and the subsequent financial and physical difficulties in establishing roads in steep terrain, the Marlborough Sounds roading network is limited. Many property owners therefore rely upon boats to gain access to their properties. This has necessitated:

- the construction of jetties to enable the safe and efficient set down and loading of passengers and associated cargo; and
- the construction of boat sheds (and slipways/ramps) for the storage of boats and boating related equipment that cannot be easily stored elsewhere on the property.

Even in cases where road access is available, property owners still expect to be able to enhance their access to the Sounds through having jetties and boatsheds. It is important to recognise the significance of these coastal structures in providing property owners and visitors access to existing residential properties. However, this must be weighed against the potential for coastal structures to visually intrude into the landscape/seascape, as well as create impacts on other values such as ecology, natural character, recreation, navigation and amenity. Significantly, the size of jetties and boatsheds has lately increased, partly in response to the increasing size of boats.

Retaining walls and associated abutments (effectively a small reclamation) are often built in and around jetties and boatsheds. This may be to provide an anchoring point for a structure, to protect the structure from coastal processes or to enhance access to the foreshore. Retaining walls can be built from a range of materials and if not sympathetically designed, can appear visually intrusive within the natural environment and physically or perceptually hinder public access to and along the foreshore. Landscaping and development of reclaimed areas can also

give the impression that the area is part of the boatshed or jetty and that the area is not available for public use. In some cases however, coastal protection works are sought as a means of protecting land from erosion caused by coastal processes or boat wash. Other structures, such as pipelines, cables, decking around boatsheds, slipways or boat launching ramps are also evident in many locations around the Marlborough Sounds.

While there are currently few structures located along the south Marlborough coastline, the following provisions are also relevant to this area of the coastal environment.

[RPS, C]

Objective 13.10 – Structures in the coastal environment including jetties, boatsheds, decking, slipways, launching ramps, retaining walls, coastal protection structures, pipelines, cables and/or other buildings or structures are appropriately located and within appropriate forms and limits to protect the values of the coastal environment.

In addressing Issue 13F, this objective does not seek to preclude structures in the coastal environment; rather, the objective seeks simply to direct where these structures can be appropriately located, within appropriate forms and limits. This helps to give effect to Objective 6 of the NZCPS. The subsequent policies of this objective and those of Objectives 13.1 and 13.2 help to inform appropriate locations, forms and limits for coastal structures. (Regard to other chapters such as landscape, natural character, public access and indigenous biodiversity will help inform values for the coastal environment. Chapter 4 - Use of Natural and Physical Resources may be relevant in terms of regionally significant infrastructure.) The following policies include guidance for the consideration of all coastal structures and additional policies for jetties, boatsheds, slipways and coastal protection structures. Objective 13.10 and its subsequent policies do not apply to the Port Zone, Port Landing Area Zone, Marina Zone or to moorings.

All coastal structures

[C]

Policy 13.10.1 – Enable structures to be located within the coastal marine area where these are necessary for the purposes of assisting with navigation of ships/vessels or are temporary in nature for scientific monitoring or research purposes.

For safety reasons it is important that navigational aids can be strategically located in Marlborough's coastal marine area. Monitoring equipment for scientific purposes or research is often temporary in nature and does not usually involve significant alteration or occupation of the coastal marine area. An enabling approach to these types of structures is provided for through the rules, subject to standards.

[C]

Policy 13.10.2 – Other than as provided for in Policy 13.10.1, proposals to locate structures within the coastal marine area will be required to be assessed through the resource consent process.

In most cases any structure that occupies the coastal marine area in terms of Section 12 of the RMA will require to be assessed through a discretionary activity resource consent. This is to ensure in deciding whether the proposed structure is appropriate, regard is had to the values of the coastal environment and the impact on other uses or activities.

[RPS, C]

Policy 13.10.3 – Efficient use of the coastal marine area can be achieved by using the minimum area necessary for structures.

Policy 6 of the NZCPS requires the efficient use of occupied space within the coastal marine area and prescribes some circumstances through which this can occur. In addition, the Marine and

Coastal Area (Takutai Moana) Act 2011 sets out rights for use of the common marine and coastal area. In having regard to these rights, the Council considers efficient use of the coastal marine area should be in part predicated on also using the least amount of space necessary for structures.

[C]

Policy 13.10.4 – The erection and use of decking structures:

- (a) **by themselves or in conjunction with jetties are regarded as inappropriate and shall be avoided; and**
- (b) **where proposed in association with a boatshed, shall only be for access between the foreshore and the boatshed. Decking will be limited to two metres wide along only one side of the boatshed and up to two metres wide across the front of the boatshed. Any other decking will be regarded as inappropriate.**

Policy 13.10.4 is specific to the placement of decking structures, which are often constructed as part of boatsheds and jetties to provide enhanced facilities for landowners. Extensive areas of decking around, or in conjunction with jetties and boatsheds, creates a significant privatisation of the coastal marine area. This is inappropriate, given the direction in the NZCPS that the coastal marine area is public space for community use and enjoyment (Objective 4). Some decking may be regarded as appropriate in association with a boatshed where it provides access across the front and down only one side of the structure.

[C]

Policy 13.10.5 – When assessing applications to locate structures within and immediately adjacent to the coastal marine area, the following matters will be considered in determining whether the structure is appropriate:

- (a) **the proposed reason for the structure and the benefits likely to arise from its use;**
- (b) **whether the structure would be the first located in the stretch of coastline either side of the proposed site;**
- (c) **whether the structure is to be sited in a prominent or conspicuous location;**
- (d) **where land-based alternatives to the proposed structure are available, why the coastal marine area location is preferred;**
- (e) **whether the structure is for public, multiple or individual use;**
- (f) **the functional need requiring the structure to be located within the coastal marine area;**
- (g) **what effects the structure will have on:**
 - (i) **navigation and safety of other users of the area, including whether the area is used for temporary boat anchoring;**
 - (ii) **customary access; and**
 - (iii) **the terrestrial environment;**
- (h) **whether coastal processes will be adversely affected by the structure; and**
- (i) **the operation of any existing activity or any activity that has been granted resource consent.**

This policy applies to any resource consent application for coastal structures in the coastal environment. It gives effect to a number of policies within the NZCPS and matters of national importance in Section 6 of the RMA. In determining whether or not a structure is appropriate at any particular location, consideration must be had to policy elsewhere in this and other chapters of the MEP. Not all of the matters listed will be relevant in every case.

[C]

Policy 13.10.6 – Structures should be in an appropriate location and of an appropriate scale, design, cladding and colour to avoid or mitigate adverse effects on the landscape and amenity values of the coastal environment.

When designing or building structures, it is important for resources users to consider how adverse effects on landscape and amenity values can be avoided or mitigated. This is important, given the imperatives in Sections 6 and 7 of the RMA for landscape, quality of the environment and amenity values. The policy also assists in addressing Issue 4C, concerning a detraction from the character and intrinsic values of the Marlborough Sounds.

[C]

Policy 13.10.7 – Structures shall be designed and located allowing for relevant dynamic coastal processes, including sea level rise.

This policy helps to give effect to the provisions of the NZCPS regarding coastal hazards. It is important that structures are designed by appropriately qualified experts to ensure these matters are taken into account.

[C]

Policy 13.10.8 – Where consent is granted for a structure, the coastal permit will generally tie the structure to the property for which the use was intended. On sale of the property, or in the case of structure(s) granted resource consent for commercial purposes where the structure is related to the business being sold, the transfer of coastal permits for structures to the new owners of the property/business will be required.

In the initial granting of a coastal permit application, the detail included with the application would have stated whether an applicant owned land adjacent to the site. Policy 13.10.5 also considered the need for the structure. It is important that the consent is tied to a property for which the use was intended. It therefore follows that when the property is sold, or in the case of a permit for which consent was granted to a business, when the business is sold, the coastal permit should be transferred to the new property/business owner. Where the structure has no association with a specific property, e.g. a public launching ramp, there is no need for the consent to be tied to a property.

[C]

Policy 13.10.9 – Coastal structures shall be maintained in a way that protects public safety, including for safe navigation.

As coastal structures are located within the public domain and in areas where there can be commercial, recreational or residential navigation, it is important that these structures are maintained in good condition to remain intact, ensuring public safety is protected. This will require compliance with relevant consent conditions.

[C]

Policy 13.10.10 – Coastal structures shall be required to be removed from the coastal marine area in the following circumstances:

- (a) where there is no longer a need for the structure;
- (b) when a coastal permit for a structure expires and no new permit has been sought; or
- (c) where consent to authorise an existing structure is refused.

There may be circumstances where coastal structures are no longer required or are not granted new resource consents in terms of (b) or (c). Where this is the case it is appropriate for the structure to be removed from the coastal marine area. This will help to achieve Policy 6(2)(e) of the NZCPS by promoting the efficient use of the coastal marine area. This policy will be achieved through conditions imposed on resource consents granted.

Additional policies for jetties

[C]

Policy 13.10.11 – Where an application is made to construct a new jetty or to alter or extend an existing jetty, the following matters will be considered:

- (a) the necessity for the jetty (or alteration or extension), including whether it will be used for individual or community use or a commercial activity on land;**
- (b) the nature of the existing environment, including:**
 - (i) the seabed profile at the proposed jetty site (to help determine the appropriate length of the jetty);**
 - (ii) the topography between the proposed site and adjacent properties;**
 - (iii) whether there are formed tracks from the proposed site to adjacent properties or whether there will be a need to construct access tracking;**
 - (iv) whether there is an existing jetty in the vicinity of the proposed site that could provide access; and**
- (c) the extent to which the application site needs to be dredged to provide adequate depth for berthing boats and if dredging may be required in the future.**

In addition to the general matters applying to all coastal structures in Policies 13.10.1 – 13.10.10, these additional matters for assessing jetties will help to determine the extent of impact on the values of the coastal environment. Through considering the existing environment and the purpose of the jetty, decision makers will be better able to determine if the structure is appropriate and whether there may be alternatives available.

[C]

Policy 13.10.12 – Avoid the cumulative effects of jetties on the values of the coastal environment by:

- (a) giving priority to the sharing of jetties or the development of community jetties; and**
- (b) considering whether there is practical road access to an application site, practical access to another jetty and/or access to existing public launching facilities in the vicinity.**

This policy addresses the cumulative effects of jetties along the coastal marine area. Opportunities exist for landowners to share jetties, either in terms of a new jetty being proposed or an existing jetty that may be nearby. The practicality of using an existing jetty should be considered through the application process. In determining whether practical road access is available, it is acknowledged that there is no road access to many parts of the Marlborough Sounds. Additionally, even when road access is available it may be impractical to use if there are significant distances to travel.

[C]

Policy 13.10.13 – The primary use of jetties by boats shall be for embarkation and disembarkation purposes, not for providing berthage for vessels for extended periods of time.

The coastal marine area is available for all to use and the Marine and Coastal Area (Takutai Moana) Act 2011 provides guaranteed rights for this use. When considering this and other NZCPS and MEP policies in regard to the efficient use of occupied space in the coastal marine area, it is important that berthing of boats for long periods of time does not prevent others from using a jetty.

[C]

Policy 13.10.14 – A jetty shall be used to facilitate access between a vessel and the land. A jetty shall not be used for storing boats, boating equipment, marine farming equipment or other gear.

The primary purpose of a jetty is to provide access between a boat and the land. A jetty should not be used for any other purpose. Where storage for boats, boating equipment or other gear is required, this should occur on private land or, if the circumstances are appropriate and have regard to the policies, in a boatshed.

[C]

Policy 13.10.15 – Reduce the visual impact of jetties on the coastal environment by:

- (a) limiting the width of jetties to two metres;
- (b) where practicable, using floating jetties, which tend to have a lower profile than fixed jetties and provide easier access to the shore;
- (c) limiting the size, colour and height of mooring piles associated with the jetty;
- (d) discouraging the use of jetties (or parts of jetties) that run parallel to the shore, as they can cause greater visual impact than jetties perpendicular to the shore;
- (e) avoiding the use of boatlifts alongside jetties for boat storage;
- (f) avoiding locating lights on jetties (other than those required to facilitate access);
- (g) encouraging new jetties, link spans and piles to be built from materials that are non-reflective or painted in non-reflective colours;
- (h) avoiding the use of highly-coloured fenders; and
- (i) avoiding signs on jetties other than those assisting emergency services.

As jetties can have an impact on visual amenity and landscape values, this policy sets out matters that can help to reduce these impacts. Decision makers should therefore have regard to these matters, including consideration of the scale of a jetty in relation to the proposed location.

[C]

Policy 13.10.16 – Reduce impacts on public use and access to, within and along the coastal marine area, along the foreshore and on navigational safety, by;

- (a) considering whether the jetty can be sited at one end of a beach rather than in the middle, having regard to land ownership;
- (b) requiring the provision of public access around the landward end of the jetty; and
- (c) requiring the jetty to be made available for public use.

The rocky nature of the Marlborough Sounds foreshore makes public access along the coast difficult at many locations. Structures such as jetties, which are built to connect to the land, can inhibit public access and the policy directs that this be considered. Conversely, jetties do have the ability to enhance public access to the foreshore, which is consistent with Section 6(d) of the RMA. This, along with other public access policy in the MEP, states that coastal permits will be conditioned to require jetties to be available for public use.

[C]

Policy 13.10.17 – Avoid the construction of jetties that effectively create a marina type berth, i.e. a structure that runs along both sides of a boat.

With the use of a jetty having been described in Policy 13.10.13 as for embarkation and disembarkation purposes between a boat and the land and not for providing berthage for boats,

this policy seeks to avoid this occurring. A jetty of the type described here is also difficult to share with adjoining landowners and increases the area of coastal marine area being occupied.

[C]

Policy 13.10.18 – In determining a new consent application for a lawfully-established existing jetty, the matters in Policies 13.2.1, 13.10.8, 13.10.12(a), 13.10.13, 13.10.14, 13.10.15(c), (e), (f), (g), (h), (i) and 13.10.16(c) will be considered. The extent to which the existing jetty is consistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated will be a significant factor in determining whether a new consent is granted.

The policies to be considered in a new coastal permit application for an existing jetty are limited and include consideration of matters that may be expected to change over time, therefore warranting reconsideration. Natural character, recreation, amenity values and public access are particularly important considerations.

Additional policies for boatsheds and slipways

[C]

Policy 13.10.19 – The purpose of a boatshed shall be to house boats and boating equipment. Where a boatshed is to be located in the coastal marine area or on land immediately adjacent to the coastal marine area and its use differs from the purpose described above, the activity is inappropriate in the coastal environment and is to be avoided.

A boatshed cannot be used for anything other than storing a boat or boating equipment. Given the public nature of the coastal marine area and reserve land adjacent to the foreshore, it is important a boatshed is used for the purpose for which consent was sought. Where this ceases to occur, the building should be removed.

[C]

Policy 13.10.20 – Where an application is made to construct a boatshed and/or slipway or to extend an existing structure, the following matters will be considered:

- (a) the nature of the boat and boating equipment to be stored in the boatshed, e.g. the size of the boat;**
- (b) the materials to be used in construction (including cladding, doors and roofing) and the dimensions of the boatshed, including roof height and pitch, as well as the materials to be used in the construction of the slipway; and**
- (c) opportunities for storing boats and boating equipment on private property and whether there are any launching facilities nearby.**

In addition to the general matters applying to all coastal structures in Policies 13.10.1 – 13.10.10, these additional matters for assessing boatsheds and slipways will help to determine the extent of impact on the values of the coastal environment. Through considering the existing environment and what the boatshed is to be used for, decision makers will be better able to determine if the structure is appropriate and whether there may be alternatives available.

[C]

Policy 13.10.21 – The installation of sanitary plumbing within or as part of the boatshed must be avoided.

As the purpose of a boatshed is to house boats and boating equipment, there is no need for sanitary plumbing of any kind. There is no functional need for these facilities to be located within or as part of a boatshed. Such facilities are more appropriately located within a dwelling.

[C]

Policy 13.10.22 – The visual impact of boatsheds on the values of the coastal environment will be reduced by:

- (a) ensuring boatsheds are limited to one storey in height, with no internal upper flooring;
- (b) requiring boatsheds to be built of materials that are non-reflective or are painted in non-reflective colours that blend with the surrounding shoreline or bush;
- (c) avoiding the use of concrete in the external appearance of the boatshed, except where its use is necessary in the footing or foundations of the structure;
- (d) avoiding large windows and glass doors (including glass sliding doors);
- (e) avoiding the use of boatlifts alongside jetties for boat storage;
- (f) avoiding locating lights on boatsheds (other than those required to facilitate access); and
- (g) avoiding signs on boatsheds other than those assisting emergency services.

As boatsheds can have an impact on visual amenity and landscape values, this policy sets out matters that can help to reduce these impacts. Unlike jetties, which are not a solid structure, because of its size, colour and construction material a boatshed has the potential to have an adverse effect on landscape, amenity and natural character values.

[C]

Policy 13.10.23 – In determining a new consent application for a lawfully-established existing boatshed and slipway, the matters in Policies 13.2.1, 13.10.8, 13.10.19, 13.10.20(a) and (b), 13.9.21 and 13.9.22 will be considered. The extent to which the existing boatshed and slipway are consistent with the direction in these policies and whether the effects of any inconsistencies can be avoided, remedied or mitigated will be a significant factor in determining whether a new consent is granted.

The policies to be considered in a new coastal permit application for an existing boatshed are limited and the policies include consideration of matters that may be expected to change over time, therefore warranting reconsideration. Natural character, recreation, amenity values and public access are particularly important considerations. Any ability to further reduce visual impacts is also important to consider, as is confirming that the original purpose of the boatshed (to store boats and boating equipment) remains valid.

Additional policies for coastal protection structures or works

[C]

Policy 13.10.24 – The establishment of coastal protection structures or works may be considered appropriate where:

- (a) alternative responses to the hazard (including abandonment or relocation of structures) are impractical, impose a high community cost or have greater adverse effects on the environment; and
- (b) the works are justified by a community need; or
- (c) regionally significant infrastructure is at risk.

This policy sets out those circumstances where coastal protection works may be appropriate. In general, the circumstances prescribed demonstrate that there need to be clear, positive effects on the environment from coastal protection works and that these outweigh any negative effects. The subsequent policies for coastal protection works are only applicable when the tests in Policy 13.10.24 have been satisfied.

[C]

Policy 13.10.25 – Where practicable, the use of non-structural methods for coastal protection work (including planting and beach nourishment) shall be preferred to structural methods.

Using non-structural coastal protection methods is preferred over structural methods where this is a practicable option. This policy helps to give effect to Policies 25-27 of the NZCPS. Structural methods artificially stabilise the coastline and may be appropriate where it can be demonstrated that such a solution is the best practicable method for remedying or mitigating the hazard.

[C]

Policy 13.10.26 – Any proposal for coastal protection structures or works shall demonstrate that:

- (a) **the design, construction and placement of the coastal protection structure will not lead to any of the following effects (either in a temporary, permanent or cumulative manner):**
 - (i) **undermining of the foundations at the base of the structure;**
 - (ii) **erosion behind or around the ends of the structure;**
 - (iii) **settlement or loss of foundation material;**
 - (iv) **movement or dislodgement of individual structural components;**
 - (v) **the failure of the coastal protection structure should overtopping by water occur;**
 - (vi) **offshore or longshore loss of sediment from the immediate vicinity;**
 - (vii) **any increase in the coastal erosion posed to the coastline in question;**
and
- (b) **any effects of the work, including effects on water currents, wave action, sediment transport and deposition processes, do not adversely affect waahi tapu sites, natural processes, ecological or amenity values of the coastal marine area beyond the site of the work.**

It is important that coastal protection works, which are structural in nature, are designed by experts in natural coastal processes. This ensures that the proposed works will not exacerbate the hazard but will achieve what they are designed for and not transfer adverse effects elsewhere.

[C]

Policy 13.10.27 – Discourage the use of concrete slab retaining walls, sheet piling, car tyres or similar for coastal protection measures and encourage instead the use of materials similar to those found naturally occurring in the area or that can be locally sourced.

Many people find the appearance of hard protection works unattractive and inconsistent with the natural character of the coast (and in turn, inconsistent with the provisions of the NZCPS). Retaining walls or similar can also cover or reclaim part of the beach and affect access to the beach. These types of protection structures can have direct and indirect adverse effects on natural character, landscape values, amenity values and public access. It is therefore preferable that materials similar to those naturally occurring in the area to be protected are used. Where this is not practicable, materials that can be sourced locally can also be used.

Issue 13G – Disturbance of the foreshore and seabed through reclamation, dredging, drainage, deposition or other activities can have adverse and irreversible effects on values of the coastal environment.

Section 12 of the RMA places restrictions on use of the foreshore and seabed within the coastal marine area. Essentially, no person may reclaim, drain, disturb (excavate, drill or tunnel), deposit substances or remove any natural material (sand, shingle, shell) in respect of the foreshore and seabed, unless it is provided for by either a rule in a plan or by a resource consent.

Various activities involving disturbances to the foreshore and seabed are undertaken within Marlborough's coastal environment. A number of these provide considerable benefits to the community. An example is the clearance, cutting and realignment of river mouths to lessen potential effects of flooding events. The ability for people or authorities to undertake this activity provides considerable benefits and it is likely that the need for this activity will continue in the future. Similarly, reclamations constructed as part of port and marina development bring both economic and social wellbeing to the community.

However, depending on the scale and location of the disturbance activity, considerable adverse effects can arise for a range of values. For example, the most significant adverse effect of a reclamation is the burial of the seabed. This threatens habitats associated with the seabed, the life-supporting capacity of a much larger surrounding area and potentially affects iwi values. Other potential effects associated with reclamation include interruption to the water movement patterns, shoaling effects, exclusion of water-based uses, visual impacts and construction effects.

Dredging activities, which are most often required around ports and marinas and particularly within and approaching the Havelock port area, can also have significant adverse environmental effects. The main effect of dredging is the physical destruction and/or removal of any benthic aquatic life within the dredged area. Dredging can also affect water movement patterns and alter the physical nature of sediments, thus potentially affecting habitats.

Other disturbance activities may appear more benign in their level of effect, such as beach enhancement or the use of motor vehicles along the foreshore. However, these activities may have adverse effects that are not apparent and therefore should also be subject to a management framework through the MEP.

The objectives and policies that follow establish an approach that enables the continuation of some disturbance activities, especially where these are essential for the ongoing and safe operation of existing infrastructure, while ensuring the effects of disturbance activities are appropriately addressed or otherwise avoided.

Reclamation and drainage

[RPS, C]

Objective 13.11 – Minimise the loss of Marlborough's coastal marine area through reclamation or drainage.

Reclamations and/or drainage permanently alter the foreshore and seabed and alter the area available to the public in terms of the rights for use of the common marine and coastal area (as set out in the Common Marine and Coastal Area (Takutai Moana) Act 2011). It is therefore important that the loss of coastal marine area through reclamation is minimised.

[C]

Policy 13.11.1 – Proposals to reclaim or drain the coastal marine area will require assessment through the resource consent process.

Any proposal to reclaim or drain the coastal marine area in terms of Section 12 of the RMA will require assessment through a resource consent application. This is to ensure that regard is had to the values of the coastal environment and the impact on other uses or activities before a decision is made on whether the proposed work is appropriate.

[RPS, C]

Policy 13.11.2 – Reclamation or drainage in the coastal marine area shall be avoided, unless:

- (a) the activity to be carried out on the reclamation has to be adjacent to the coastal marine area; and
- (b) it can be shown there are no alternative land-based sites available (above Mean High Water Springs); or
- (c) the works are for the operational needs of ports within Port Zones or for the operational needs of marinas within Marina Zones, where they are consistent with other relevant policies of the Marlborough Environment Plan.

The matters in this policy give effect to Policy 10(1) of the NZCPS. Given the public nature of the coastal marine area, in any application for resource consent it will be important that the purpose for which the reclamation or drainage is proposed is clearly established. This policy will help to avoid reclamation that would privatise the foreshore and seabed. Port and marina facilities have been identified as regionally significant infrastructure, so (c) has been included in having regard to NZCPS Policy 10(1)(d).

[C]

Policy 13.11.3 – The need to dispose of dredged or other material should not dictate the need for or size of a reclamation.

The need to dispose of dredged or other material will not be sufficient grounds for reclamation. Similarly, the size of any reclamation proposed should be related to the intended activity to be carried out, not as justification for disposing of dredged material or other waste.

[C]

Policy 13.11.4 – Where an application is made for resource consent to reclaim or drain the coastal marine area, effects (including cumulative effects) on the following matters will be considered:

- (a) the proposed reason for the reclamation/drainage and the benefits likely to arise from its use;
- (b) if land-based alternatives are available to the proposed reclamation/drainage, why the coastal marine area location is preferred;
- (c) the functional need for the activity to be carried out on the reclamation;
- (d) the effects on:
 - (i) navigation and safety of other users of the area, including whether the area is used for temporary boat anchoring;
 - (ii) cultural values;
 - (iii) the terrestrial environment, including an assessment of any earthworks necessary;
- (e) whether coastal processes will be adversely affected by the structure; and

- (f) **the operation of any existing activity or any activity that has been granted resource consent.**

This policy provides direction to decision makers as to the matters to be considered on resource consent applications for reclamation or drainage in the coastal marine area. It gives effect to a number of the policies within the NZCPS as well as the matters of national importance in Section 6 of the RMA. In determining whether a reclamation or drainage is appropriate at any particular location, regard must be had to other policy in this chapter and others in the MEP.

[C]

Policy 13.11.5 – Reclamations shall be designed taking into account relevant dynamic coastal processes, including sea level rise.

This policy helps to give effect to the provisions of the NZCPS regarding coastal hazards. It is important that reclamations are designed by appropriately qualified experts to ensure these matters are taken into account.

[C]

Policy 13.11.6 – Material used to create and form any reclamation or impoundment should not include contaminants, which could significantly and adversely affect water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area.

This policy effectively directs that materials to be used in a reclamation or impoundment should be inert, to avoid contaminants being leached into the coastal marine area. This helps to protect water quality, aquatic ecosystems and biodiversity values identified in the policy. This policy also gives effect to Policy 10(2)(c) of the NZCPS.

[C]

Policy 13.11.7 – Where practicable for the purpose of public access, an esplanade reserve or strip shall be required to be set aside on reclaimed areas of the coastal marine area.

Enhancement of public access along the coastal marine area is a matter of national importance in the RMA. Policy 10 of the NZCPS also requires that, where practicable, regard is had to providing for public access along a reclaimed area. There may be some circumstances where it will not be practicable to provide for public access along reclaimed areas and regard should be had to Objective 9.2 of Chapter 9 - Public Access and Open Space, which sets out these circumstances.

[C]

Policy 13.11.8 – The finished appearance of the reclaimed or drained area and its future use shall as far as practicable be compatible with the environment in which it is to be located.

For landscape reasons, including visual amenity, it is important that consideration is given to the finished appearance of a reclaimed area and its future use. For areas located away from established ports or marinas, a reclamation could be a significant visual intrusion within the coastal environment and mitigation of this impact is important. Indeed, if not compatible with the existing form of development, the appearance of a reclaimed area and subsequent development could still have an adverse visual impact even within modified areas of the coastal environment, such as Picton or Havelock. The policy also helps to give effect to Policy 10 of the NZCPS.

Disposal and deposition

[RPS, C]

Objective 13.12a – Minimise the disposal or deposition of organic or inorganic material into the coastal marine area.

It is preferable that disposal or deposition of organic or inorganic material is minimised. This will help to avoid adverse effects on a range of values within the coastal marine area, including ecology, natural character, iwi, navigation and amenity values.

[RPS, C]

Objective 13.12b – Material dredged from the coastal marine area is appropriately disposed of.

Where dredged material is to be disposed of in the coastal marine area, it is important that the location and circumstances in which the deposition is to occur are appropriate. The MEP does not identify specific dumping sites for dredged material and therefore any proposals for disposal need to be considered through the resource consent process to determine whether the activity is appropriate.

[C]

Policy 13.12.1 – Proposals to dispose of dredged or other material in the coastal marine area must demonstrate that:

- (a) no reasonable and practicable alternatives are available on land;
- (b) the disposal will be undertaken in a location and at times of the day or year that will avoid (in the first instance), then remedy or mitigate adverse effects on:
 - (i) the growth and reproduction of marine and coastal vegetation and the feeding, spawning and migratory patterns of marine and coastal fauna;
 - (ii) navigational safety;
 - (iii) other established activities located in the coastal marine area that are likely to be affected by the disposal;
 - (iv) water quality, including an increase in water turbidity or elevated levels of contaminants;
 - (v) shoreline instability or coastal erosion on adjacent coastal land; and
- (c) in the case of dredged material, the site is located so as to avoid, as far as practicable, the spread or loss of sediment and other contaminants to the surrounding seabed and coastal waters through the action of coastal processes such as waves, tides and other currents.

Given that significant effects can arise through disposal of material within the coastal marine area, it is appropriate to consider why the alternative of land disposal is not reasonable or practicable. The policy also identifies particular values to be protected, environmental effects to be addressed and characteristics of the disposal site to be considered when assessing resource consent applications.

[C]

Policy 13.12.2 – The disposal of contaminants or material containing contaminants should be avoided.

Potentially adverse effects may arise from the marine disposal of contaminants or material containing contaminants. These effects may be significant, depending on the material being disposed of, the level of contamination and the location and method of disposal. The policy therefore directs that disposal of contaminants or material containing contaminants is to be avoided.

Disturbance of the foreshore or seabed not elsewhere provided for

[C]

Objective 13.13 – The effects of disturbance to the foreshore or seabed not provided for elsewhere are appropriately managed.

Previous objectives and policies under Issue 13E have provided direction on specific disturbance activities. There are other circumstances where disturbance activities may occur and a framework within which these activities are managed is necessary.

[C]

Policy 13.13.1 – Activities that result in little disturbance of the foreshore or seabed will be provided for as a permitted activity.

Some activities, particularly recreational activities, have minimal or no impact on the foreshore or seabed in terms of associated disturbance. These activities are considered to be appropriate and are provided for as a permitted activity, subject in some cases to standards.

[C]

Policy 13.13.2 – Enable disturbance of the foreshore and seabed in the following circumstances:

- (a) at London Quay Beach, Shelly Beach and Waikawa Beach for the excavation or removal of foreshore or seabed material for the purpose of removing marine debris or litter or for the renourishment or grooming of beaches;
- (b) for the excavation or removal of foreshore or seabed material for marine mammal rescue or burial; or
- (c) for oil spill response operations.

The policy provides for three specific instances where disturbance of the foreshore and seabed are appropriate. In the case of the beach areas in Picton and Waikawa, the disturbance activities enabled have positive social benefits in terms of enhancing recreational use within the identified areas. For (b), the policy enables disturbance to deal with infrequent occurrences of marine mammal deaths or strandings. Both instances are considered to have minor adverse effect and are enabled through permitted activity rules, subject to standards.

[C]

Policy 13.13.3 – Discourage the use of motorised vehicles on the foreshore where this will impact on ecological values or safety of other foreshore users, where the foreshore acts as protection from the sea or on cultural, heritage and amenity values.

There are some locations around Marlborough's coastline where the foreshore environment is such that motorised vehicles can be used. However, the use of motorised vehicles can have adverse impacts on other beach users, from both a safety and amenity perspective, as well as on ecological, cultural and heritage values. Where there is the potential for these values to be affected this policy discourages the use of motorised vehicles. The policy gives effect to Policy 20 of the NZCPS.

[C]

Policy 13.13.4 – Where disturbance of the foreshore and seabed will occur as a result of structures being fixed to the seabed (for example, during the construction of jetties, boatsheds or retaining walls, or when placing moorings on the seabed), this shall be regarded as appropriate where the effects are short-term, reversible and/or minor.

There are some circumstances where minor disturbance of the foreshore and/or seabed will occur as a result of structures being erected. In many cases the effects will be short term, reversible and/or minor, so in these circumstances the disturbance is regarded as appropriate.

[C]

Policy 13.13.5 – Enable opening of the Wairau River and Wairau Diversion mouths where this will assist to reduce the effects of flooding, improve land drainage and enable navigation across the river mouths.

The Wairau River mouth bar is a natural feature that has a dominating effect on water levels in the Wairau estuary and lagoons, the lower Wairau (to upstream of Ferry bridge) and the lower Ōpaoa. If the bar is partially closed, the water therein may stay almost completely devoid of saline water, or conversely, stay with an extensive saline wedge. Either situation could adversely affect ecological values in the area. Opening of the Wairau River mouth will therefore improve water movement, mitigate flood risk and ensure that navigation across the river mouth can occur. It is appropriate to provide for the opening of the Wairau River and Wairau Diversion mouths to address these issues, subject to meeting standards.

[C]

Policy 13.13.6 – Enable the clearing, cutting or realignment of stream and river mouths, drainage channels and stormwater outfalls and pipes within the coastal marine area to protect public health and property during flood events.

The blockage of stream and river mouths, drainage channels and stormwater outfalls and pipes through deposition of sediment or debris can result in flooding of adjacent land or impoundment of water, which could pose potential health risks. It is necessary that appropriate provision is made for work to be undertaken to address these situations.

[C]

Policy 13.13.7 – Proposals for an activity involving disturbance of the foreshore or seabed not otherwise provided for shall demonstrate that:

- (a) **there will only be short-term adverse effects on plants, animals or their habitat and the area will be naturally recolonised by a similar community type;**
- (b) **the disturbance will be undertaken in a way that:**
 - (i) **does not result in any significant increase in water turbidity or elevated levels of contaminants;**
 - (ii) **does not result in significant adverse changes to bathymetry, foreshore contours, sediment particle size or physical coastal processes;**
 - (iii) **does not have any off-site adverse effects; and**
 - (iv) **is unlikely to cause or exacerbate shoreline instability or coastal erosion on adjacent coastal land.**

There will be instances where an activity involving some form of disturbance to the foreshore or seabed has not been otherwise described or provided for in the previous policies. Where this is the case, this policy will assist in determining the outcome of any resource consent application, having regard to the values of the coastal environment. For a number of those values, it will be appropriate to have regard to other policies of this chapter and others of the MEP. Additionally, where a disturbance activity has been provided for in policies under Objective 13.13 but does not meet permitted activity standards, the matters in this policy must be considered by decision makers.

[C]

Policy 13.13.8 – Where the removal of sand, shingle, shell or other natural material from any foreshore or seabed is proposed, the matters in Policy 13.13.7 shall apply.

Historically, the extraction of sand, shingle, shell or other natural material has not occurred to any significant degree within Marlborough's coastal marine area. However, proposals may be made to undertake such activities and it is therefore appropriate to provide policy guidance here, as the effects of such activities would be similar to those for other disturbance activities.

[C]

Policy 13.13.9 – In addition to the matters in Policy 13.13.7, any proposal for dredging within the coastal marine area that is not for ship berthage or navigational channels in the Port Zone and/or Marina Zone or for river mouth/stormwater pipe clearance shall demonstrate:

- (a) the necessity of the dredging; and**
- (b) an appropriate disposal method, having regard to the matters in Policy 13.12.1 concerning disposal, if disposal is to occur in the coastal marine area.**

From time to time the Council has received resource consent applications for dredging or other disturbance related activities in the coastal marine area that are not related to the operation of existing ports and marinas. Although these applications are not significant in number, it is appropriate to provide a management framework by which applications can be assessed.

Methods of implementation

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

[C]

13.M.17 Regional rules

Regional rules provide for structures and disturbance activities as permitted activities (subject to meeting standards), where these will have no more than minor adverse effects on the environment. This includes for navigation, recreational activities, temporary scientific monitoring equipment and beach enhancement.

Discretionary activity consents will be required for most occupations, reclamations and many disturbance activities. Detailed assessment criteria are included within the policies to assist decision makers in determining whether consent should be granted.

[C]

13.M.18 Bylaws

A bylaw promulgated under the Local Government Act may be used to control the use of vehicles on the foreshore.

Shipping activity

With Marlborough having 18 percent of New Zealand's coastline, it is not surprising that water transportation is an important part of Marlborough's overall transport network. The Council is the harbour authority for Marlborough and exercises the functions, duties and powers required under the Local Government Act 2002 and delegations under the Maritime Transport Act 1994. Some overlap may occur in terms of the functions of the Council as a harbour authority and in its responsibilities to follow the RMA.

The first boating users of the Marlborough Sounds were Māori, who used important waka navigation routes within the Sounds. Since those early times, the waters of the Sounds have become strategically important to New Zealand's overall national transportation network. The link between the North and South Islands is especially important, with large numbers of passengers and significant volumes of freight transported daily between Picton and Wellington. Other significant users of the Sounds' waterways include internationally trading ships, cruise ships, vessels transporting primary produce from around the Sounds, smaller commercial vessels and vessels for commercial or customary fishing and charter purposes. Hundreds of private vessels, yachts, kayaks and other recreational craft also use the Sounds regularly.

In contrast, Marlborough's open coast is used by coastal and export ships transiting from one port to another around New Zealand and to other countries. Commercial fishing and recreational craft activity also occurs along this coastline, though compared to the Marlborough Sounds, recreational use of this area is much more limited.

Issue 13H – Water transportation is a significant aspect of Marlborough's overall transportation network but has the potential to be affected by various uses and activities.

Given the extensive use of Marlborough's coastal marine area for water transportation, potential exists for a range of activities, including the placement of structures, to have an impact on the safe and efficient navigation of ships. Navigation issues arise from the combination of craft types operating, especially given the concentration of boats of different size, speed capability, visibility and manoeuvrability. These problems can be worsened by the inconsistent skill levels of boat operators and from the placement of structures.

It is important to ensure that activities in the coastal marine area, allowed either directly by the MEP or by resource consent, do not adversely affect navigational safety. The inappropriate siting of structures such as jetties or swing moorings may have an effect on the ability of ships travelling in that area to navigate safely. Controls need to be exercised over the exact location of structures and their maintenance, as well as various activities in relation to important water transportation routes. Lighting on land or on structures within the coastal marine area can also have an impact on the safe navigation of vessels and needs to be carefully controlled.

Water transportation in and through Marlborough must be provided for in a manner compatible with other activities taking place in the coastal environment. This may involve the prioritising of some forms of water transportation in certain areas and limiting them from other areas.

[RPS, C]

Objective 13.14 – The use of the coastal marine area as part of Marlborough's overall transportation network continues to contribute to the social, economic and cultural wellbeing of Marlborough and New Zealand.

The use of the coastal marine area in Marlborough has developed over time for a wide range of transport related activities. The varying types of surface water activities, from small recreational boats operating at a non-commercial level through to large export vessels, have all contributed significantly to the social and economic wellbeing of Marlborough. This objective seeks to ensure that this continues.

[C]

Policy 13.14.1 – Enable water transportation activities where these do not have an adverse effect on the coastal environment.

Due to the nature of Marlborough's coastal marine area (the extensive sheltered waterways of the Marlborough Sounds) and its central location within New Zealand, a number of water transportation activities have been in operation here for some time. It is important that provision is made to enable the activities identified in Objective 13.14 to continue where there is little adverse impact on the coastal environment.

[C]

Policy 13.14.2 – The strategic importance of areas of the Marlborough Sounds as a transportation route for inter-island shipping will be recognised as a 'National Transportation Route'.

The use of areas within the Marlborough Sounds for shipping provides a particularly important transport link between the North and South Islands. Tory Channel and inner Queen Charlotte

Sound comprise a transportation route of national significance for shipping activity. It is therefore important to recognise the strategic importance of this route and the need for it to be sustainably managed. This route has been identified by the Council in the MEP as a 'National Transportation Route' and rules apply to ships operating along this route.

[RPS, C]

Policy 13.14.3 – Ensure the following existing ports, marinas and community/commercial jetties/landing areas continue to provide links between land transport modes and water transport to the Marlborough Sounds and beyond:

- (a) ports of Picton and Havelock;
- (b) port landing areas at Oyster Bay (Port Underwood) and Elaine Bay (Tennyson Inlet);
- (c) Picton, Havelock and Waikawa marinas; and
- (d) jetties and landing areas in Torea Bay and Onahau Bay (Queen Charlotte Sound), Elmslie Bay (French Pass), Kapowai Bay (d'Urville Island) and Portage, Te Mahia and Waitaria Bay (Kenepuru Sound).

The linkages between the different modes of transport provided by the existing ports, marinas and community/commercial jetties and port landing areas contribute significantly to the social, economic and cultural wellbeing of Marlborough. In Picton, Waikawa and Havelock, infrastructure is well-established and provides important links between road and rail forms of transport and the various forms of water transportation. In Chapter 4 - Use of Natural and Physical Resources, this infrastructure has been identified as regionally significant. The jetties and port landing areas identified in b) and d) are recognised by the Council as necessary and strategic links in Marlborough's transport network and are also very important to local communities.

[RPS, C]

Objective 13.15 – The efficient and safe use of the coastal marine area for water transportation.

Activities within the coastal marine area, including surface water activities and the placement of structures, have the potential to affect the efficiency and safe use of the coastal marine area for water transportation. Safety is mainly covered by other legislation (the Local Government Act 2002, the Building Act 1991 and the Maritime Transport Act 1994). However, the RMA is also concerned with safety and navigation issues, through part of its purpose in Section 5 in "*enabling people to provide for... their health and safety.*" Therefore an objective seeking efficiency and safety outcomes for water transportation is appropriate, particularly as the use of water transport has been identified as contributing significantly to social, economic and cultural wellbeing in Marlborough.

[RPS, C]

Policy 13.15.1 – 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.

The significance of the National Transportation Route for the economic and social wellbeing of Marlborough and for New Zealand has been recognised in Policy 13.14.2. It is important therefore that the safety and efficiency of ships using this part of the coastal marine area is not adversely affected. This will be a major consideration in the assessment of activities and structures proposed to be located or carried out at any point along the route.

[C]

Policy 13.15.2 – Avoid, remedy or mitigate adverse effects on water transportation by:

- (a) maintaining safe, clear navigation routes around headlands, unimpeded by structures;

- (b) **avoiding activities and/or locating structures within significant commercial shipping routes (including shipping routes from the Port of Picton, Havelock Harbour and from Waikawa Marina);**
- (c) **avoiding 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, boat sheds and ramps, jetties, wharves, ports, marinas, water ski access lanes and areas that provide shelter from adverse weather are not affected by activities or structures in the coastal marine area; and**
- (e) **requiring structures to be maintained or marked in a way that protects the safety of water transportation activities.**

These criteria provide a framework to assist decision makers in assessing the effects on water transportation arising through resource consent applications for activities or structures in the coastal marine area.

[C]

Policy 13.15.3 – Ensure that all lighting associated with any land based activity will be shielded or directed away from navigation channels to avoid the spill of light or glare that is a hazard to navigation within the coastal marine area (unless the purpose of the light is to mark a navigation channel).

To avoid hazards for water transportation activities, the impact of lighting associated with land based activities beyond its target area needs to be considered. The timing and frequency of the adverse effects of lighting will vary depending on the number of hours of poor light or darkness and the time of year. Light spill can be avoided by several means including shielding, directing and using lighting of appropriate wattage and focal characteristics.

Issue 13I – Ships capable of travelling at speed or generating significant waves in Queen Charlotte Sound and Tory Channel have the potential to conflict with a range of other coastal users and values and to generate adverse environmental effects.

The Council recognises that shipping activity contributes to the social, economic and cultural wellbeing of people and communities by providing an important link between the North and South Islands and a means of transport for goods in the Marlborough Sounds. However, ships capable of generating significant waves in enclosed waters can potentially conflict with a range of other coastal users and values and generate adverse environmental effects.

The amount of energy contained in waves generated by ships adds substantially to the natural energy levels in the environment. These increased energy levels are responsible for generating adverse effects on the environment, including changes to shoreline morphology, sub-tidal and inter-tidal zone habitats, impacts on public safety, public access and enjoyment of the coastal environment and the amenity values of the area. The speed at which some ships travel also has implications for the safety of those using the coastal marine area. This became apparent to the Marlborough community (and nationally) in 1994, when fast ferries were first introduced onto the interisland route.

The Council monitors the effects of ship-generated waves and indications are that, since the introduction of fast ferry speed restrictions, there has been some improvement and recovery in the condition of the environment, particularly around the coastal margin of the Sounds. It is important that the potentially adverse effects of ship-generated waves from large and/or fast ships continue to be managed to avoid more significant effects in the future.

Shipping activity in areas such as Pelorus and Kenepuru Sounds is different to that of Queen Charlotte Sound and Tory Channel. The majority of shipping within these areas is coastal or local

in nature and includes transport of tourists, logs and livestock as well as fishing and marine farming fleets. These vessels are generally smaller than the interisland ferries. However, an increasing number of recreational and commercial vessels use Sounds waters and some of these vessels travel at speeds similar to fast ferries. At this stage there is little justification for the regulation of shipping activity in areas outside of Queen Charlotte Sound and Tory Channel, but the potential for adverse effects from waves generated by these ships may need to be investigated and reassessed in the future.

[C]

Objective 13.16 – The environmental effects of ship-generated waves and ship speed are managed so that potential conflict with other coastal users and values is avoided.

Ships that can travel at high speed and/or generate significant waves have been shown to have adverse impacts within the enclosed waters of Queen Charlotte Sound and Tory Channel. This objective seeks to avoid adverse impacts on cultural values, natural character, marine ecology, recreational use, navigational safety and amenity values whilst allowing the continued use of the Queen Charlotte Sound and Tory Channel for water transportation purposes.

[C]

Policy 13.16.1 – The effects of shipping activity in Queen Charlotte Sound and on the National Transportation Route will be:

- (a) based on ship-generated wave energy; and
- (b) managed in terms of the wave energy levels of those ships, based on the effects associated with the conventional ships operating prior to the introduction of the MV Aratere in 1999.

The Environment Court has determined that the amount of energy appropriate for the National Transportation Route is to be founded on the environmental effects associated with conventional ships operating prior to the introduction of the M.V. Aratere in 1999. The energy limits included in the MEP are therefore based on the need to ensure that damage or change at the shore is minimised, cultural values of Marlborough's tangata whenua iwi and the amenity values enjoyed by residents and visitors are provided for, and the natural character of the Sounds environment is protected.

[C]

Policy 13.16.2 – Recognise and provide continued access to and use of traditional coastal resources in Tory Channel and Queen Charlotte Sound for Marlborough's tangata whenua iwi and in particular, recognise the value of Tory Channel for Te Atiawa, in terms of the mauri, mana and manaakitanga that this area brings to iwi.

The tikanga Māori (customary values and practices) of Te Atiawa have been adversely affected by the operation of ships, particularly fast ferries, with a decline in kaimoana and associated mana. The need for Marlborough's tangata whenua iwi to practice kaitiakitanga and ensure that Queen Charlotte Sound and Tory Channel are available for future generations is very important.

[C]

Policy 13.16.3 – When considering applications for resource consent for ships expected to propagate waves with energy levels in excess of limits specified in the Marlborough Environment Plan, have particular regard to the potential for adverse effects on:

- (a) places and cultural values of importance to Marlborough's tangata whenua iwi;
- (b) the ability of people to effectively use any lawfully established structure for that structure's intended purpose and any adverse effects on the structure itself;
- (c) people's use and enjoyment of the foreshore and coastal marine area for recreational activities;

- (d) the life-supporting capacity of coastal ecosystems;
- (e) beaches and the shoreline;
- (f) amenity values enjoyed by residents; and
- (g) the natural character of the coastal environment of the Marlborough Sounds.

These criteria are to be used to assist decision makers in assessing the adverse effects arising from ships that may propagate waves exceeding the energy levels prescribed in the MEP.

[C]

Policy 13.16.4 – Undertake monitoring to assist in developing appropriate approaches to managing the effects of shipping activity in Queen Charlotte Sound and Tory Channel.

The Council will monitor the effect of ship-generated waves as part of its responsibilities for state of the environment monitoring. A monitoring framework and programme have been established by the Council in collaboration with the Department of Conservation following the introduction of fast ferries in 1994. This framework will form the basis for ongoing monitoring and will be amended if appropriate in the future. The results of the monitoring may be used to assist in the review the overall framework for managing the effects of shipping activity or where there is a need to review the conditions of resource consents.

[C]

Policy 13.16.5 – An adaptive management approach will be used to deal with ship-generated wave issues. Regulation will be an important component of the management framework for dealing with the effects of ship generated waves.

The provision of accurate and up to date information on the environmental effects of waves generated by ships is the foundation of an adaptive management regime that continually assesses the overall framework established to manage the issue. Information must continue to be collected, analysed and assessed with regard to the effectiveness and efficiency of the regulatory framework. This process is fundamental to an adaptive management regime, which recognises the uncertainty of understanding the effects of change in the coastal environment.

[C]

Policy 13.16.6 – The Council will work with the community, Marlborough’s tangata whenua iwi and the shipping industry to continually assess the appropriateness of the overall framework for shipping activities in light of environmental and technological changes or the occurrence of unforeseen effects from shipping activity.

An adaptive management method responsive to new information and better understanding must be based on a collaborative approach. This is made possible through the monitoring and shared analyses of existing and future shipping activities, state of the environment monitoring and future technological advances in ship design. This policy is intended to be implemented in part through the establishment of an advisory group representative of the key stakeholders in the management of issues concerning ship-generated waves.

Methods of implementation

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

[C]

13.M.19 Area identification

MEP maps identify Tory Channel and part of Queen Charlotte Sound as a National Transportation Route. The route extends from Tory Channel (between East and West Head) into inner Queen Charlotte Sound (between West Head, Ruakaka Bay and a point southwest of Kaitapeha Bay) to the Port of Picton (excluding Grove Arm). Queen Charlotte Sound (excluding the National Transportation Route) has also been defined as part of an established shipping route.

[C]

13.M.20 Regional rules

Regional rules apply to the use of ships operating in the National Transportation Route and in Queen Charlotte Sound, subject to controls on speed and ship-generated wave energy. Where any structure or activity is proposed to be located along the National Transportation Route, the effects of that use/activity on the safe and efficient operation of ships using the route will be considered. The rules do not restrict the use of surface water by ships or smaller boats elsewhere in the Marlborough Sounds or in Marlborough's open coastal waters.

Prohibited activity rules will prevent the rafting of logs through the Coastal Marine Zone as a means of moving them from one location to another.

[C]

13.M.21 Other legislation

As a harbour authority, the Council also has responsibilities for navigation and public safety within the harbour limits. The Council's Harbourmaster carries out these functions under Local Government Act bylaws, delegations under the Maritime Transport Act and associated maritime rules (or any successor to these). Bylaws also impose additional constraints on speed, e.g. the five knot harbour speed limit.

[C]

13.M.22 Monitoring

The Council intends to continue and enhance as necessary current monitoring of the effects of shipping activity. The type and extent of monitoring will be reviewed as the types of ships and level of shipping activity change over time. The monitoring framework may include:

- *near shore benthic and shoreline biological monitoring;*
- *shoreline monitoring of beach profiles;*
- *ongoing monitoring of land slip activity along the National Transportation Route; and*
- *periodic assessment of the community's views of the effects of ship-generated wave activity in the Sounds.*

Ship-generated waves may also be measured and monitored from time to time.

Monitoring the effects of the impacts of waves generated by individual ships may also be a requirement imposed as conditions of resource consent.

In addition, the Council will support the initiatives of Marlborough's tangata whenua iwi to monitor cultural and ecological effects from the wake of ship-generated waves, for example the effects on access to waahi tapu and other sites of significance, the passing of tikanga Māori to future generations and the effects on the gathering of kaimoana.

The results of monitoring may be used to assist in the review of the overall framework for managing the effects of shipping activity or where there is a need to review the conditions of resource consents.

[C]

13.M.23 Advisory group for considering effects of shipping activities

An advisory group may be established by the Council to assist in determining an ongoing approach to managing the effects of shipping activities. Members will be appointed by the Council and will include representatives from community groups, the shipping industry, Marlborough's tangata whenua iwi and the Council.

Ports and marinas

Marlborough's existing ports and marinas are located within the sheltered waterways of the Marlborough Sounds and are important for the social and economic wellbeing of the District. Facilities at each port and marina span the water and land interface and contain reclaimed areas of the coastal marine area, some of which are significant.

Three substantial marinas have been established at Picton, Waikawa and Havelock. These provide important landing, storage and loading facilities for residents of the Sounds and important access points to the Sounds for many non-resident boat owners. The marinas provide for a variety of boat-related and commercial activities and support facilities. Marinas also contribute to the amenity and attraction of the Marlborough Sounds and the towns within which they are located.

The deep water port of Picton, which includes Shakespeare Bay, plays a critical national role in the transportation of people and goods between the North and South Islands. The passage of vehicles and people through the port is closely related to the economic activity of the town's commercial and accommodation activities. Picton is an export/import port that acts as a base for commercial fishing vessels, marine farming and fishing activities and provides facilities that enable people to access the Marlborough Sounds. Recently it has also become a popular port of call for cruise ships.

Being located in an estuarine environment, the port and marina at Havelock limits the draft of vessels able to access the port/marina basin. Havelock has become the primary service port for Marlborough's marine farming industry and is the primary access point for tourism, forestry and other commercial activities in the area. It is also an access point for residents and other landowners in Pelorus Sound.

Two other locations within the Marlborough Sounds - Elaine Bay in Tennyson Inlet and Oyster Bay in Port Underwood - provide facilities for the commercial loading/unloading of marine farming and fishing produce, but on a limited scale. From these locations produce is transported elsewhere (in Marlborough and beyond) for processing.

In addition, a Port Zone has been included at Clifford Bay. This Zone is undeveloped but was applied in the former Wairau/Awatere Resource Management Plan for the construction and operation of a interisland ferry terminal in the vicinity of Marfells Beach. Central government announced in November 2014 that it was not proceeding with the development of the interisland ferry terminal at this location. The current landowner has indicated a desire to develop port facilities at the location but in the absence of details any proposals for development of port facilities will be assessed against all the provisions of the MEP.

Issue 13J – It is important that Marlborough's existing ports, port landing areas and marinas continue to contribute to community economic and social wellbeing.

The existing port infrastructure at Picton and Havelock (and latterly at Oyster Bay and Elaine Bay) has been built up over many years. Today these facilities are owned and operated by Port Marlborough New Zealand Limited, a company established in the late 1980s as a consequence of local body reform to succeed the Marlborough Harbour Board. Port Marlborough also owns and operates the marinas at Picton, Havelock and Waikawa.

The ports and marinas at Havelock, Waikawa and Picton (as they exist or as they have been approved at the time the MEP becomes operative) have been identified as regionally significant infrastructure in Chapter 4 - Use of Natural and Physical Resources. This reflects the function of

the strategic integration of infrastructure with land use given to the Council in Section 30 of the RMA.

Port infrastructure has been especially identified as being regionally significant due its contribution to Marlborough's social and economic wellbeing, health and safety. In particular, Picton has national significance. It is important therefore that this strategic infrastructure is able to operate efficiently, effectively and safely on an on-going basis for community wellbeing. In some cases, this may generate a need to manage activities occurring in the vicinity, but not connected with the operation of the port.

An important aspect of implementing a resource management framework for Marlborough's ports, marinas and port landing areas is to ensure that management occurs in an integrated way across the land/water interface. In this context it is also important that these facilities have clearly defined purposes to ensure efficient use is made of them.

[RPS, C]

Objective 13.17 – Enable the efficient operation of Marlborough's ports and marinas.

Given the contribution that the operation of ports and marinas make to Marlborough's economic and social wellbeing, it is important that these facilities operate efficiently. This objective helps give effect to Policy 9 of the NZCPS, which recognises that a sustainable national transport system requires an efficient national network of safe ports to service national and international shipping with efficient connections with other transport modes. It also gives effect to Policy 6 of the NZCPS relating to activities in the coastal environment and the coastal marine area. The objective helps to achieve Section 7(b) of the RMA, where the Council is required to have regard to the efficient use and development of natural and physical resources. The objective also supports other policy within Chapter 4 of the MEP, which recognises that the ports and marinas of Picton, Havelock and Waikawa are regionally significant infrastructure.

[C]

Policy 13.17.1 – Specific areas are identified for activities related to the operation of ports, port landing areas and marinas through a Port Zone, Port Landing Area Zone and Marina Zone, respectively.

The use of zones enables activities to occur in specific and established areas of both the coastal marine area and land regarded as appropriate for the operation of ports/port landing areas/marinas. The zoned areas are based in part on facilities that have existed for some time with largely known effects. Some additional areas have been zoned in recognition of a need for expanded facilities; for example, the port in Shakespeare Bay (which is part of the Port of Picton). Additionally, an area alongside the existing marina in Waikawa Bay remains undeveloped at notification of the MEP (9 June 2016), but has been zoned to provide opportunities in the future for additional berthage capacity.

The varying nature of ports in Marlborough is reflected in the differences in zoning approach and subsequent rules. For example, marina facilities in Havelock are co-located with port facilities, while smaller port landing areas have different rules than those for Picton or Havelock. This policy also helps to achieve the NZCPS, especially Policy 4, regarding the integrated management of natural and physical resources in the coastal environment.

[RPS, D]

Policy 13.17.2 – Promote the efficient use of land available within ports and marinas.

It is important that land associated with Marlborough's ports and marinas is used to support these purposes, as physical constraints and environmental considerations in these areas may impact on further expansion. This helps give effect to Policy 10 of the NZCPS. While other activities may have similar effects to those connected with port or marina purposes, they could interfere with the efficient management of port or marina facilities and could potentially be inconsistent with the NZCPS. For ports, the policy gives effect to Policy 9 of the NZCPS.

[R, C, D]

Policy 13.17.3 – Recognise and provide for the following operational requirements of Port Zones in Picton and Havelock:

- (a) shipping activities;
- (b) loading and unloading of ships, cargo handling, storage of cargo and some processing of cargo;
- (c) transportation activities and passenger terminals;
- (d) ship building, repair and maintenance;
- (e) marine fuel facilities;
- (f) building and structures (including on wharves), wharves, reclamation, mooring structures and slipways;
- (g) maintenance dredging of navigation channels, turning basins and berths for the purposes of safe berthage and manoeuvring of commercial vessels;
- (h) maintenance, repair, removal and replacement of buildings and structures;
- (i) quarantine and border control activities;
- (j) placement and maintenance of navigation aids;
- (k) port administration including security, servicing and maintenance activities; and
- (l) signage.

This policy identifies the operational requirements for the ports in Picton and Havelock and emphasises the purpose of a port. A wide range of activities in the Port Zones will be permitted by district and regional rules, subject to meeting standards. However, for some activities within the coastal marine area, including those that require reclamation, the erection of structures and in some instances the disturbance of the seabed, consent will be required. Some land based activities will also require consent, including certain forms of cargo processing, particularly where this has the ability to create adverse environmental effects and/or where there are servicing requirements.

[R, C, D]

Policy 13.17.4 – Recognise and provide for the following operational requirements of Marina Zones in Picton, Havelock and Waikawa:

- (a) shipping activities;
- (b) loading and unloading of people and goods;
- (c) transportation activities;
- (d) marine fuel facilities;
- (e) commercial activities related to the operation of a marina;
- (f) ship repair and maintenance;
- (g) building and structures (including on jetties), jetties, reclamation, mooring structures (excluding swing moorings) and slipways;
- (h) maintenance dredging of navigation channels, turning basins and berths for the purposes of safe berthage and manoeuvring of commercial vessels;
- (i) maintenance, repair and replacement of marina infrastructure;
- (j) placement and maintenance of navigation aids;

- (k) marina administration including security, servicing and maintenance activities; and
- (l) signage.

This policy identifies the purpose of a marina and describes the operational requirements for these facilities in Picton, Havelock and Waikawa. As a result of their placement in the urban environment, marinas serve additional purposes to simple boat mooring and there is often demand for a variety of activities to be located in close proximity to a marina. These activities may include boat brokering, charter boat hire, chandlery, sail making, parking, boat building, boat maintenance, club facilities and restaurants. For this reason, district and regional rules will permit a wide range of activities in the Marina Zone. The types of activities permitted are consistent with high levels of public access, which is common in marinas. However, for some activities within the coastal marine area, including those that require reclamation, the erection of structures and (in some instances) disturbance of the seabed, consent will be required.

[R, C, D]

Policy 13.17.5 – Recognise and provide for the following operational requirements of Port Landing Area Zones at Elaine Bay and Oyster Bay:

- (a) shipping activities;
- (b) cargo handling, storage of cargo and loading and unloading of ships;
- (c) building and structures, wharves, mooring structures (excluding swing moorings) and launching ramps;
- (d) marine fuel facilities;
- (e) maintenance, repair, removal and replacement of buildings and structures;
- (f) placement and maintenance of navigation aids; and
- (g) signage.

The policy identifies the operational requirements for port landing areas at Elaine Bay and Oyster Bay. It emphasises the purpose of these port landing areas and, because they are located in areas where there is little other development, the activities provided for are much more constrained than activities in the Port Zone. Some activities in the Port Landing Area Zone will be permitted by district and regional rules. However, for some activities within the coastal marine area, especially those that require reclamation, the erection of structures or disturbance of the seabed, consent will be required.

[R, C, D]

Policy 13.17.6 – Activities not recognised as having an operational requirement (as identified in Policies 13.17.3 to 13.17.5) that are to be located in the Port, Port Landing Area or Marina Zones must be assessed through a resource consent to ensure that the efficiency and safety of the port/port landing area/marina is not compromised.

In relation to the coastal environment, NZCPS Policy 6(e) states the need to *‘consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area.’* In the case of ports, this is further reinforced by Policy 9 of the NZCPS where it is stated that a national transport system requires an efficient network of ports. It is important therefore that activities located within the zoned boundaries do have an operational requirement to be located there. This is particularly important in the case of the ports and marinas in Picton, Havelock and Waikawa, which have been identified as regionally significant infrastructure. To effectively ensure the integrity of zones, the policy directs that those activities not directly related to the operational requirements specified in the previous policies (13.17.3 to 13.17.5) are to be assessed through the consent process.

[C]

Policy 13.17.7 – Where a new consent is sought for a swing mooring specifically identified in Standard 15.5.4.1, decision makers must have regard to:

- (a) the proposed location of the swing mooring within that part of the Marina Zone in Waikawa Bay identified in Appendix 10 and the availability of space within that area;
- (b) the type and specification of the swing mooring, including the swing arc;
- (c) whether space is available within existing Moorings Management Areas in Waikawa Bay that could accommodate the swing moorings in Standard 15.5.4.1;
- (d) whether a new consent would unduly hinder the development of a marina in that part of the Marina Zone in Waikawa Bay identified in Appendix 10; and
- (e) the need for conditions to limit the duration of a consent to enable marina development to proceed.

At the time of notification of the MEP (9 June 2016), an area alongside the existing marina in Waikawa Bay remains undeveloped but has been zoned to provide opportunities for additional berthage capacity. (This area is identified in Appendix 10 of Volume 3 of the MEP.) However, expansion of the existing Waikawa Marina into this zoned area is potentially constrained by the existence of a number of swing moorings at the same location. The swing moorings are identified in Standard 15.5.4.1. Policy has been included to allow these swing moorings to remain within the Marina Zone, but where a new consent is sought for these moorings regard is to be had to a) whether the development of a marina in this area would be hindered and b) whether consents may need to be limited in duration to enable a marina to be constructed.

[C]

Policy 13.17.8 – Use, development and occupation within the coastal marine area adjacent to but not directly connected with operation of the ports, port landing areas and marinas should not adversely affect day-to-day operations of those ports, port landing areas or marinas.

In the coastal marine area part of the Port, Port Landing Area and Marina Zones, there is the potential for individuals or organisations other than the port/marina operator to want to carry out certain use or development. Currently, Port Marlborough New Zealand Limited has occupation rights through Section 384A of the RMA for certain areas of the coastal marine area associated with its operations. It is important that for uses or developments not related to the operational requirements set out in Policies 13.17.3 to 13.17.5 consent is required, allowing the Council to consider the effects of the proposed use on the operation of the port, port landing area or marina.

[R, C, D]

Policy 13.17.9 – Where an activity not related to operational requirements is proposed in the Havelock Port Zone, then decision makers must take into account the following matters:

- (a) the extent to which the activity impacts on the matters in Policy 13.17.6; and
- (b) the availability of suitable land elsewhere in Havelock.

This policy recognises the potential difficulties in finding land available in Havelock for industrial or commercial purposes. In determining whether it is appropriate for an activity not related to the operational requirements provided for within the Havelock Port Zone to be allowed, the consideration of whether there is available land elsewhere in Havelock is relevant. Equally important however, is the extent to which the proposed activity would impact on the matters identified in Policy 13.17.6 (the efficient and safe operation of the port) and Policy 10 of the NZCPS.

[C, D]

Policy 13.17.10 – Restrictions on public access to and within port areas may be appropriate to maintain public health, safety and security.

The operational area of a port is often popular for a range of recreational activities such as fishing, walking and viewing port activities. However, these activities are not always compatible with a working port. Health and safety hazards, international security legislation and local security needs may require restricted access, particularly for an export port such as Picton. As reclamation and port developments have the effect of limiting public access to public resources (i.e. the coastal marine area), limitations on public access should only be exercised where necessary.

[C, D]

Policy 13.17.11 – Restricting public access to, within and through marinas should be avoided unless public health, safety or security is an issue.

Marinas are often popular with people for walking and viewing day to day activities. In some circumstances, such as at Picton and Waikawa marinas, they also provide access to the foreshore beyond the marina. Provision for public access has in the past been a requirement of consent to establish or extend marinas. For this reason it is important that restrictions on public access to these areas are avoided, unless real and apparent concerns for public health and safety or for the security of boats exist.

Issue 13K – There is potential for adverse effects to arise from the operation and maintenance of existing ports at Picton and Havelock, port landing areas at Elaine Bay and Oyster Bay and existing marinas at Picton, Waikawa and Havelock.

Ports and marinas spanning the land/water interface are one of the most concentrated forms of development within the coastal environment. The nature of activities occurring within ports, port landing areas and marinas means there is the potential for adverse effects to occur. Unless appropriate management mechanisms are in place, these potential adverse effects can be significant. Noise and traffic movement may be of concern to nearby residents when boats/trucks enter and leave facilities at all hours of the day and night. Lighting may also be of concern as ports and marinas are commonly lit at night for security reasons. Other activities may involve discharges to air or water and depending on the exact nature of these activities, they may also be an issue for nearby residents or the wider environment. While Marlborough currently experiences very little conflict between residential areas and ports (compared to most of New Zealand's larger port cities), any adverse amenity effects need to be minimised as much as possible.

Permitted activity standards are the appropriate mechanism by which the effects of activities within ports and marinas can be managed. Occasionally infrastructure within the ports or marinas may need to be replaced, expanded or altered to meet changing commercial demands or needs. Any expansion or significant alteration to facilities has the potential to cause significant environmental effects and these must be carefully assessed, particularly within the coastal marine area.

[R, C, D]

Objective 13.18 – Operation and maintenance of the Port, Port Landing Area and Marina Zones occurs in a way that minimises adverse effects on adjoining zones, water quality, air quality and values of the coastal environment.

By its very nature the operation of a port, port landing area or marina creates the potential for adverse effects to occur on the surrounding land and coastal marine area. This objective seeks to ensure that the operation and maintenance of ports, port landing areas and marinas in their

respective zones occurs in a way that protects the values and uses of the sensitive coastal environment within which these facilities function.

[R, C, D]

Policy 13.18.1 – Ensure the intensity, character and scale of development and operation of Port, Port Landing Area and Marina Zones is appropriate in relation to the values of the coastal environment in these locations.

Functionally, ports and marinas must be located in the coastal marine area and therefore constitute an appropriate activity in the context of Policy 6(2)(c) of the NZCPS. In Marlborough, the places identified as being appropriate for these activities are zoned in the MEP. However, the coastal environment in which these zones are located is sensitive to change, even where there has been modification of that environment. This policy therefore seeks to ensure that the intensity, character and scale of development and operation of each of the Port, Port Landing and Marina Zones recognises the particular values of the coastal environment at each of the identified areas. For example, the relatively unmodified coastal environment at Elaine Bay and Oyster Bay means that the range of activities provided for is more limited than those permitted at the ports of Picton and Havelock. However, it is still important to ensure that the development and ongoing operation in Havelock and Picton ports is sensitive to the values of the coastal environment and most importantly to the connection and relationship these areas have with their respective towns.

[R, C, D]

Policy 13.18.2 – Ensure that activities occurring within Port, Port Landing Area and Marina Zones do not adversely affect water, air or soil quality within or beyond the zone boundary, by:

- (a) the setting of standards for permitted activities;
- (b) prohibiting the discharge of effluent from boats berthed within ports, port landing areas or marinas;
- (c) requiring the provision of facilities for:
 - (i) the collection and disposal of rubbish, sewage effluent and other wastes from boats;
 - (ii) boat maintenance activities (including sanding and blasting effects); and
 - (iii) the avoidance of contamination of water by the application and removal of antifouling paints.

This policy seeks to ensure that port and marina operations do not have an adverse effect on water, air or soil resources within and beyond zone boundaries. In some cases, adverse effects will be mitigated through the setting of standards for permitted activities for discharges. In other cases, consent will be required to allow a discharge to occur and this will need to be considered with regard to the resource quality policies contained in Chapter 15 - Resource Quality (Water, Air, Soil).

[C, D]

Policy 13.18.3 – Ensure the potential for reverse sensitivity effects arising from any noise-sensitive activities located in zones adjoining Port, Port Landing Area and Marina Zones is minimised by:

- (a) avoiding encroachment of residential activities towards and around ports/port landing areas; and
- (b) avoiding residential activities within marinas.

One of the most significant amenity effects arising from the operation of ports, port landing areas and marinas is the generation of noise. Ports, especially in Picton and Havelock and marinas in Picton, Waikawa and Havelock operate in close proximity to residential areas and subsequently there is potential for noise to be an issue for nearby residents. To enable the ports, port landing

areas and marinas to operate efficiently while also protecting amenity values for nearby residents, it will be necessary to avoid residential activities encroaching on these zones. Standards will therefore be imposed for residential activities through the use of noise contours, which reflect the present level of effect experienced by adjacent properties.

[R, C, D]

Policy 13.18.4 – The environmental effects from activities within Port, Port Landing Area and Marina Zones are avoided, remedied or mitigated through the setting of standards so that:

- (a) **vehicle parking, access and loading do not adversely affect the operation of the port/marina, road system or safe pedestrian movement;**
- (b) **signage enables public identification of port and marina operations but does not dominate the landscape;**
- (c) **structures and buildings in the various Port and Marina Zones do not dominate the landscape, particularly when having regard to visual effects as viewed from the adjoining zones in Picton and Havelock;**
- (d) **the location or height of buildings does not shade sites in adjacent zones;**
- (e) **noise levels allow the zones to function effectively, but also minimise noise nuisance for surrounding residents; and**
- (f) **light spill does not occur in adjoining Urban Residential, Open Space and Business Zones.**

This policy seeks to manage the effects of port operations through the setting of standards for permitted activities. This will enable a wide range of activities to occur within Port Zones and Marina Zones in a manner that avoids, remedies or mitigates adverse effects of port and/or marina operations on the immediate and wider environment, including on adjoining zones.

[C]

Policy 13.18.5 – Dredging for the maintenance of berths and identified navigation channels shall be recognised as an appropriate activity in Port and Marina Zones subject to standards to mitigate adverse effects, including those on navigational safety, water quality and aspects of the dredging operation, such as limits on the volume able to be dredged.

Although an enabling approach has been taken to dredging in and around port and marinas, limitations will be placed on the amount of material able to be dredged to ensure that navigational safety is maintained and impacts on water quality are no more than minor.

[C]

Policy 13.18.6 – Where dredging is proposed in Port and Marina Zones but exceeds specified volume limits or is associated with the construction of a new berth, the following matters will be considered:

- (a) **the need for dredging, including the volume;**
- (b) **the length of time over which the dredging activity will occur;**
- (c) **how adverse effects of sediment disturbance and the release of contaminants into the surrounding environment will be mitigated; and**
- (d) **where the dredged material is to be disposed of or deposited. (Policies under Objectives 13.12a and 13.12b will also need to be considered if disposal/deposition is to occur within the coastal marine area.)**

Where the volume of material to be dredged exceeds that enabled through rules or where it is necessary in conjunction with the construction of a new berth, a resource consent will be required and the matters identified in this policy are to be considered through the decision making process. Additionally, the location of where the dredged spoil is to be disposed of must be identified in the

application as resource consent requirements will exist. If disposal is to occur within the coastal marine area, policies under Objectives 13.12a and 13.12b also need to be considered.

[C]

Policy 13.18.7 – Where a resource consent is required to extend or alter port or marina infrastructure and this is to occur within that part of the Port or Marina Zone located in the coastal marine area, the following matters shall be considered:

- (a) the intended use of the extended or altered infrastructure (having regard to Policies 13.17.3 and 13.17.4) and the benefits likely to arise from this use;
- (b) the design of structures/reclamation, including size and construction materials;
- (c) where reclamation is involved (Policies 13.11.2, 13.11.4, 13.11.6 – 13.11.9);
- (d) whether there will be a loss of public access or use of the area and/or public access to and along the coastal marine area will be impeded;
- (e) the effects of glare, lighting and noise;
- (f) the effects on natural coastal processes;
- (g) the effects during construction on:
 - (i) other users of the area, navigation and public safety; and
 - (ii) water and air quality.

Operations at ports are constantly changing along with the nature of shipping activity and the needs of cargo and passengers. Flexibility is therefore required in the way a port or marina operates in response to changing customer needs. In the coastal marine area part of the Port Zone and Marina Zone, it will be important to consider the impacts of any expansion or alteration through the resource consent process, including the impacts on other users during construction. Other users may include people living adjacent to the proposed site, recreational users and those with cultural interests in the area. The matters for consideration in this policy and for which it may be appropriate to impose conditions on consent to remedy or mitigate effects, are limited in extent in recognition of the generally highly modified character of the existing port and marina facilities in Havelock, Waikawa and Picton. The policy also includes reference to a number of identified policies from Issue 13G.

[C, D]

Policy 13.18.8 – Promote visual and physical connections between Port and Marina Zones and their respective town centres, neighbouring urban areas and foreshore areas through landscape design and enhancement measures compatible with the visual character of the surrounding urban and coastal environment.

The ports at Picton and Havelock have a close association with their respective town centres and this relationship needs to be carefully managed. The connections considered important are physical and visual, in terms of providing good linkages between the towns and the ports as well as making the ports an attractive place to visit or view. In Havelock this is important because the port functions as a recreational boating marina as well as an operational port. This combination of uses brings many visitors to the Havelock Port. In Picton the linkages between the ferry terminal, foreshore and town centre are also particularly important, given the significant number of tourists who travel through the ferry terminal every year. For those marinas that have close associations with their respective urban and coastal surroundings, connections are also visually and physically important. The linkages between ports and marinas and their respective surroundings also help to enhance public access to the coastal marine area, as required by Section 6(d) of the RMA.

Methods of implementation

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

[C, D]

13.M.24 Zoning

Zones are established to provide for the operation of ports adjacent to the towns of Picton and Havelock as well as those smaller facilities located in more remote areas of Marlborough. The use of two zones reflects the different scale and type of activity/use that occurs at each facility. A Port Zone is applied to land and water areas in Picton (including Shakespeare Bay) and at Havelock, while a Port Landing Area Zone is applied to land and water areas in Elaine Bay (Tennyson Inlet) and Oyster Bay (Port Underwood).

A Marina Zone is applied to land and water areas in Picton and Waikawa, while a Marina Zone has been applied to part of the land area at Havelock consistent with the activities in that particular area.

[R, C, D]

13.M.25 Regional and district rules

Rules provide for a range of activities within the identified zones. In many cases activities are provided for as permitted subject to standards. This reflects the operational requirements of the particular zone. The standards include bulk and location standards, standards to avoid amenity conflicts with adjoining zones and in some cases, most notably in Shakespeare Bay, a setback from boundaries to protect visual and biodiversity values. Most activities within the coastal marine area will require a resource consent, as will activities that are not related to the operational requirements of the zone.

[D]

13.M.26 Liaison

The Council will liaise with port and marina operators in enhancing the landscape quality and integration of foreshore areas and town centres.

[C, D]

13.M.27 Guidelines for urban design

The Council is developing guidelines for urban design (including for the colour of buildings) which will be applicable in the port and marina areas.

Lake Grassmere Salt Works

Lake Grassmere is located in southern Marlborough, approximately six kilometres south of the Awatere River and immediately north of Cape Campbell. The lake has been extensively modified for the production of solar salt. Construction of the salt works at Lake Grassmere began in 1943 in response to shortages of rubber available during World War 2. (Salt was needed to make caustic soda, which was required in the process of recycling old rubber.) The first harvest of salt occurred in 1949.

Lake Grassmere was considered an ideal site for making salt for a number of reasons. Low rainfall, high sunshine hours and strong drying winds during the summer months (generally from the north-westerly direction) provided ideal environmental conditions. The lake's location was also important, situated in a large area of flat terrain with impervious soils, close to the coast and providing unimpeded access to sea water and ready access to transport facilities. Today, approximately 50 percent of New Zealand's annual salt consumption and specialist high grade salt is produced and exported from Lake Grassmere.

Sea water is pumped into the lake through an intake structure and a series of concentrating ponds where its concentration increases. Salt is finally deposited on the bottom of the crystallising ponds in summer and harvesting usually begins by early March. Between 60 and 70 thousand tonnes of salt are harvested each year. A variety of storage and processing facilities on the edge of the lake have been established in connection with the harvest of solar produced salt from the crystallising ponds. From the stockpiled mounds, salt is processed into a cleaned, bagged product or refined and processed to specific end products.

Issue 13L – The production of solar salt at Lake Grassmere is important to Marlborough but there is potential for adverse effects on the environment to arise through production and harvesting processes.

It is important to recognise that although there are economic benefits to Marlborough and New Zealand from the salt works, its operations need to be carefully managed to ensure adverse effects do not arise.

The production of solar salt at Lake Grassmere contributes to the Marlborough economy through the provision of employment at the salt works and during harvest when contract equipment is needed, (for example, trucks to transport salt). The salt works operation also contributes to the national economy through the export of high grade specialist salt (refined at Mt Maunganui from salt harvested at Lake Grassmere).

While the salt works operations have continued for over 60 years, there is the potential that the salt production process will have adverse effects on the surrounding environment. Despite the modifications made to the lake in the development of salt works activities, the lake and its environs still hold a number of important values:

- Lake Grassmere is highly valued for its bird life. It has national importance as a stopover for domestic and overseas migrating birds, including species such as the rarely-seen New Zealand dotterel;
- areas of remnant estuarine habitat, including saltmarsh; and
- the area around the southern and south-eastern side of the lake has considerable historical significance for some of Marlborough's tangata whenua iwi.

It is important that these values continue to be unaffected by salt works activities.

Lake Grassmere was chosen for the solar production of salt partly because of the hot, drying winds in summer that aid in the crystallisation process. However, these same winds can also carry dust, which may be salt laden. If salt-laden dust falls on properties surrounding the lake, farmland could potentially be contaminated. Salt-laden foam generated by waves on the lake can also potentially be a problem for adjoining properties if winds are strong enough to carry foam. Salt-laden water can also be pushed by strong winds up Cattle Creek, which runs through a diversion channel around the south end of the crystallising ponds before exiting into Lake Grassmere under the rail bridge. This could affect the ability of Cattle Creek to be used for stock drinking water.

The Lake Grassmere area has low annual rainfall ideal for salt production, but management of freshwater becomes important during storm events or periods of prolonged rain. Rainwater lying on top of the crystallising ponds is decanted off as it can dissolve the salt crust as it forms. The decanted seawater is salt-laden and is used to help control dust in the areas surrounding the crystallising ponds or can be recycled through the concentration ponds.

[RPS, R, C, D]

Objective 13.19 – Enable the production of solar salt at Lake Grassmere in a sustainable manner.

The production of solar salt at Lake Grassmere is unique in New Zealand and some of the methods used are unique in the world. It is therefore important that provision is made in the MEP to enable the activity to continue. As the salt works operation stands, it is lawfully established, having existing use rights under the RMA for a good part of its operations. Notwithstanding these rights, it is important that activity continues in a sustainable manner.

[RPS, R, C, D]

Policy 13.19.1 – Recognise the national and District significance of the salt works operation.

The Council recognises the importance of the salt works operation at Lake Grassmere in terms of its national and District significance. The Council has therefore identified the area used by the salt works operation with a specific zone that reflects the activities that occur there. The zone extends to provision within the coastal marine area to accommodate the intake of seawater.

[R, C, D]

Policy 13.19.2 – Enable the continuation of the salt works operation, provided that appropriate measures are in place to avoid the potential for cross-boundary effects and that any other adverse effects on the environment are avoided, remedied or mitigated.

The solar production of salt has the potential to cause environmental effects, particularly for the surrounding rural land. These effects include dust, noise, soil contamination and wind-borne salt foam. However, because the salt works operation is already established, a degree of permissiveness has been provided by the rules for established activities with minor adverse effects. Resource consents are required for other activities where there may need to be a higher level of scrutiny to ensure adverse effects can be avoided, remedied or mitigated.

[R, C, D]

Policy 13.19.3 – Encourage the establishment of a landcare group comprising residents, iwi, Department of Conservation and the salt works company to manage the boundary area of the Lake Grassmere Salt Works Zone.

The Council considers that the establishment of a landcare group or similar would be of benefit to those with interests in the area, particularly in terms of the continued management of the effects of the salt works operation at the boundary of the zone.

[C, D]

Policy 13.19.4 – Activities in the coastal marine area will be required to meet standards that will maintain the quality of coastal water at Class NS within a one kilometre radius of the coastal water intake existing at 30 May 2002.

It is important to recognise that the salt works operation relies on the ability to pump high quality sea water into the lake to begin the salt production process. This policy, although not applicable within the Lake Grassmere Salt Works Zone itself, sets a standard for water quality that activities occurring outside the Zone need to ensure is maintained.

Methods of implementation

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

[C, D]

13.M.28 Zoning

The Lake Grassmere Salt Works Zone is identified on MEP planning maps and includes the lake itself, an administration and processing area and a Pipeline Extension Corridor in the coastal marine area.

[D]

13.M.29 District rules

District rules permit the solar production of salt and associated by-products and the full range of processes required, subject to standards and conditions. Conditions are included to protect surrounding rural land uses from excessive noise, soil contamination, dust and wind borne salt foam.

[R, C]

13.M.30 Regional rules

Regional rules permit a range of discharges required as part of the production process, subject to standards and conditions. Conditions are included for discharges to air, to the coastal marine area for diluted brine, and for excavation of a temporary stormwater outlet.

Rules require resource consents for certain discharges to air, excavation of land and activities in the coastal marine area. Resource consents are also required for activities associated with management of salt water intrusion into Cattle Creek and to manage stormwater entering Lake Grassmere.

[D]

13.M.31 Landcare group

The Council will encourage the establishment of a landcare group with membership from residents, iwi, the Department of Conservation and the salt works company.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results for provisions for the coastal environment. The anticipated environmental results are ten year targets, unless otherwise specified. For each anticipated environmental result, a series of indicators will be used to monitor the effectiveness of the provisions. Anticipated environmental results from several other chapters will also assist in achieving the anticipated environmental results set out here; for example, chapters on public access, biodiversity, landscape and natural character.

Anticipated environmental result	Monitoring effectiveness
<p>13.AER.1</p> <p>The values associated with areas of significance identified on the MEP maps are protected.</p>	<p>Periodic reassessment of mapped areas of significance for natural character, landscape, biodiversity, heritage and Marlborough’s tangata whenua iwi.</p> <p>Survey of stakeholder and interested parties perspectives of values of significance in Marlborough’s coastal environment.</p> <p>All resource consent decisions show that consideration has been given to the mapped values.</p> <p>Monitoring of resource consent conditions imposed to protect areas of significance.</p>
<p>13.AER.2</p> <p>Subdivision, use and development of the coastal environment, including on land and water, is located in appropriate places and within appropriate limits.</p>	<p>No resource consents are granted for areas identified as inappropriate for development within the coastal environment.</p> <p>New building and development in the coastal environment is consistent with the character of the area, including retaining a lower density of development in the coastal environment.</p> <p>Consistent treatment of resource consent applications for activities in the coastal environment.</p> <p>No coastal permits are granted for activities without a functional need for a coastal location.</p> <p>Monitoring of resource consent conditions imposed to address the effects of activities on a particular location.</p> <p>Reassess the zonings applied to land and water to ensure that appropriate areas are identified for use and development in the coastal environment.</p>
<p>13.AER.3</p> <p>Aside from residential activity associated with rural activities, residential activity in Marlborough’s coastal environment takes place within Coastal Living Zones.</p>	<p>A decrease in subdivision for residential activity outside of Coastal Living Zones.</p> <p>Survey land use within Coastal Living Zones to determine availability of land for residential activity.</p>

Anticipated environmental result	Monitoring effectiveness
<p>13.AER.4</p> <p>Continued availability of rural land for primary productive purposes existing at 9 June 2016.</p>	<p>Survey patterns of land use against a baseline, including actual use and changes in use.</p>
<p>13.AER.5</p> <p>The amenity values of the coastal environment are maintained and enhanced.</p>	<p>Enforce the application of standards established to protect amenity values.</p> <p>Survey the public about their perspectives of the attributes contributing to amenity values in Marlborough's coastal environment and how activities and uses may be affecting these values.</p> <p>Monitor complaints and/or incidents received from landowners and the public about activities and uses in the coastal environment.</p>
<p>13.AER.6</p> <p>Equitable, efficient and sustainable allocation of water space in the coastal marine area.</p>	<p>Monitor the number and nature of complaints made by the public about conflicts with the allocation of water space.</p> <p>Assess the need to introduce Mooring Management Areas in locations other than Waikawa Bay to address a demand for swing moorings, including competing demand for other uses or activities in the same space.</p> <p>Review coastal permits for swing moorings to assess the need for multiple moorings servicing a property.</p>
<p>13.AER.7</p> <p>The public is aware of information relating to the location of safe anchorages, provisions for safe navigation around Marlborough's coastal waters and the location of access points and water ski lanes.</p>	<p>Information is available on the Council's website and reviewed annually regarding:</p> <ul style="list-style-type: none"> (a) navigational notices and directions from the harbourmaster; (b) navigational safety in general through the 'Marlborough Sounds Safe Boating' brochure published annually; (c) appropriate locations for activities such as water skiing and swimming.

Anticipated environmental result	Monitoring effectiveness
<p>13.AER.8</p> <p>Ships/boats are able to safely and efficiently navigate Marlborough's coastal marine area.</p>	<p>Monitor the number and nature of collisions, accidents or incidents within the coastal marine area.</p> <p>Monitor the number and nature of complaints made by the public about operation of ships/boats.</p> <p>Monitoring of resource consent conditions imposed to address navigational safety.</p>
<p>13.AER.9</p> <p>Waves generated from ships do not create adverse effects on the environment.</p>	<p>Ship operators comply with speed limits specified in MEP rules or by resource consent conditions through monitoring of ships' Data Recording Device.</p> <p>Monitor the number and nature of complaints made by the public about ship-generated waves.</p> <p>A five yearly assessment is carried out to determine the need to undertake monitoring specified in Policy 13.16.4 and the monitoring method (13.M.19) set out for water transportation.</p>
<p>13.AER.10</p> <p>A proliferation of coastal structures is avoided.</p>	<p>Monitor the number and extent of coastal structures authorised and conditions imposed to require sharing of structures where practicable.</p>
<p>13.AER.11</p> <p>No boatshed is used for any purpose other than the storage of boats or boating equipment.</p>	<p>All new resource consents for boatsheds are conditioned to prohibit the use of the boatshed for living accommodation or the installation of sanitary fittings in boatsheds.</p> <p>A reduction in instances of boatsheds being used for living accommodation through compliance monitoring.</p>
<p>13.AER.12</p> <p>Clearly defined areas and operational requirements for port and marina activities, including areas for expansion.</p>	<p>Activities occurring in port and marina areas are enabled where related to the operation of those facilities and few resource consents are required.</p>

Anticipated environmental result	Monitoring effectiveness
<p>13.AER.13</p> <p>Ports and marinas are able to operate effectively and efficiently.</p>	<p>Few resource consents are required for port and marina related activities.</p> <p>Monitor complaints received from port and marina operators about the impact of non-port and marina related activities occurring within the coastal marina area part of the Port, Port Landing Area and Marina Zones.</p>
<p>13.AER.14</p> <p>Adverse effects of use and development in the Port, Port Landing Area and Marina Zones are controlled to acceptable levels of environmental quality.</p>	<p>Monitor complaints from the public about effects arising from operation of port and marina activities.</p> <p>Compliance with conditions for those activities requiring consent.</p>
<p>13.AER.15</p> <p>There is a high level of integration and connection between ports and marinas and their respective towns.</p>	<p>Surveys on the:</p> <ul style="list-style-type: none"> (a) ease with which the public can move between the Port of Picton and the town; (b) ability for the public to access marinas; and (c) appearance of marinas as an attractive place to visit.
<p>13.AER.16</p> <p>Integrated management of fisheries and natural and physical resources.</p>	<p>Increased awareness and understanding of the respective roles of Council and other parties in coastal and fisheries management.</p> <p>Ongoing communication with the Minister of Primary Industries in respect of the sustainable management of natural and physical resources as it relates to fishing activities.</p>
<p>13.AER.17</p> <p>The continued sustainable and efficient functioning of the Lake Grassmere Salt Works.</p>	<p>Monitor complaints from the public about effects arising from the operation of the salt works.</p>

14. Use of the Rural Environment

Introduction

Marlborough's rural environments can be broadly grouped into several distinct areas: the Rai and Pelorus catchments, the Wairau Plain, the southern valleys of the Wairau Plain, the Wairau Valley, the Awatere Valley and the Ward/Flaxbourne areas, high country areas and rural areas within the coastal environment, including in the Marlborough Sounds and along the south Marlborough coast. The characteristics of each of these areas are described below.

The Pelorus and Rai areas are comprised of steep to moderately steep hill country. Land in the upper Pelorus River catchment is mostly indigenous forest, while in the lower catchments a more modified environment exists of exotic forestry, scrub and pasture. A substantial number of Marlborough's dairy farms are based within the Pelorus and Rai catchments.

With its flat land and alluvial soils, the Wairau Plain around Blenheim is the most intensively developed rural area of Marlborough. The environment here is highly modified, the subject of an extensive flood management and drainage system that benefits some 10,000 hectares of productive land. Favoured by mild climatic conditions, close to centres of population and water resources, a wide range of land uses have developed on the Wairau Plain, including viticulture, horticulture, tourist facilities, rural industrial activities, traditional livestock farming and the farming of crops and other intensive farming enterprises. Many people in this area live on small rural lifestyle blocks. Within this environment are located the airports of Blenheim and Omaka servicing the District nationally and regionally.

The Southern Valleys of the Wairau Plain are a mixture of valley floors and ridgelines separating the Omaka, Benmorven and Brancott valleys. The valleys generally comprise smaller land parcels related to lifestyle blocks, but also contain viticulture, boutique wineries, other crops and homestays.

The Wairau Valley comprises flat land extending up and into other valleys bordering the Wairau Plain – namely the Taylor, Tuamarina, Kaituna, Onamalutu, Waihopai, Branch and Leatham valleys. A significant river system, the Wairau, runs through the valley, into which the tributaries of the Waihopai, Branch, Tuamarina and Onamalutu drain. Land use is predominantly pastoral, but forestry is evident on the hills on both sides of the valley. Towards the top of the valley there are extensive areas of conservation estate, as well as on the Richmond Range.

Further south, the Awatere Valley and Ward areas have historically held a strong pastoral farming focus. However, in recent times this area has been distinguished by contrasting land use pressures. On the one hand, these areas are vast and relatively isolated from major centres of population, with the dominant and traditional land use being pastoral farming, producing wool and meat. In other areas there has been a significant conversion of land from pasture to viticulture and other horticultural activities. There have also been pressures for rural lifestyle living.

In Marlborough's high country (areas more than 1,000 metres above sea level) extensive pastoralism has been the predominant land use activity. The relative isolation, topographical and climatic limitations of hill country areas means that pastoralism is likely to remain the major land use activity in the future.

Significant parts of Marlborough's rural environments lie within the coastal environment. The most extensive of these areas is in the Marlborough Sounds. While much of this land is in public ownership and managed by the Department of Conservation, there are also significant areas in private ownership. The areas in private ownership have been extensively modified from the original vegetation cover to allow for pastoral farming and exotic forestry. Today many farms

have been left to revert to indigenous forest and bush cover. In amongst areas of indigenous vegetation, farming and forestry, residential development has occurred, reflecting peoples' desire to live and holiday in the Marlborough Sounds.

A narrow strip of rural land within the coastal environment exists along the south Marlborough coast. The values and nature of this environment and the activities undertaken here are markedly different to those in the Marlborough Sounds. There is less indigenous vegetation present, less land in public ownership, less residential development (except for an area around Rarangi) and the activities undertaken are essentially the same as those found the Awatere and Ward areas.

Issue 14A – Safeguarding the potential of Marlborough's rural resources for primary production.

The varied nature of Marlborough's physical environment has led to a wide range of land uses, including primary production activities such as agriculture, viticulture, horticulture and forestry, and non-primary production activities such as residential, commercial and industrial development. Marlborough's towns, roads and other infrastructure are also important occupiers of the land resource. It is important to recognise that as a community, we have a reliance on the use and development of rural resources for social, cultural and economic wellbeing. Chapter 4 - Use of Natural and Physical Resources recognises the significance of this and establishes a high level framework for the provisions that follow in this chapter. Notably, Chapter 4 sets up a framework that:

- recognises the rights of resource users by only intervening in the use of land to protect the environment and wider public interests in the environment;
- enables sustainable use of natural resources in the Marlborough environment; and
- maintains and enhances the quality of natural resources.

Given this, the first issue identified in Chapter 14 concerns the ability of primary production activities to be able to operate and continue to contribute to the wider economic wellbeing of Marlborough. Within this however, it is important to acknowledge that activities in rural environments do have the potential to affect the quality of rural resources and can also affect interactions between different parts of the community. These types of issues can create tensions within the community. The viability and versatility of the rural resource for primary production activities can be adversely affected by non-rural activities, land fragmentation and the proximity of sensitive receiving environments, such as those found in adjacent towns.

Land use, subdivision and development activities in rural environments can have adverse effects on a range of matters including indigenous biodiversity, landscape values, water quality and availability, soil quality, natural hazards and transportation. Other chapters of the Marlborough Environment Plan (MEP) assist in responding to effects on these matters and given the integrated nature of this document, it is important these other chapters are considered to help inform the management framework for the use of Marlborough's rural environment. This includes rural environments within the coastal environment.

[RPS, D]

Objective 14.1 – Rural environments are maintained as a resource for primary production activities, enabling these activities to continue contributing to economic wellbeing whilst ensuring the adverse effects of these activities are appropriately managed.

Marlborough benefits from rural environments that have a range of attributes necessary for primary productive rural activities, including a variety of soils, water resources and landscapes that are able to sustain a diverse range of economic activities. A productive rural environment is important to the economic health of the District and this environment needs to be recognised as a productive resource. Primary production activities use rural resources for economic gain and

cannot be carried out easily or appropriately in an urban setting. They include soil-based production and some processing of primary products.

At the same time as providing an enabling approach, it is important that primary production activities are undertaken in a sustainable manner to achieve the purpose of the Resource Management Act 1991 (RMA). The objective therefore also seeks to ensure there are appropriate management regimes in place to deal with adverse effects that may result from primary production activities in rural environments.

[D]

Policy 14.1.1 – Enable the efficient use and development of rural environments for primary production.

Currently, a wide range of primary productive land uses are undertaken in Marlborough's rural environments, from viticulture to extensive forestry, pastoral farming, dairy farming and cropping. This policy provides for those uses to continue, which will assist in achieving Objective 14.1, although the management regime in the MEP will include controls to manage adverse effects. At times there may be a change in land use or management practices for primary production to enhance the efficient use of land resources and the MEP does not intend to unduly curtail any opportunity for this to occur. However, the management framework for rural environments, which includes rural areas within the Marlborough Sounds and elsewhere in the District, does include standards to maintain environmental quality, character and amenity values.

[D]

Policy 14.1.2 – Parcel size in rural environments shall ensure there is adequate choice for primary production and avoids the fragmentation of land for primary productive use.

Subdivision can both facilitate and constrain development, depending on its location and density. Subdivision in rural environments can have adverse effects on the ability to use rural land efficiently for productive purposes. For example, small lots for residential purposes remove land from production and can constrain rural activities through sensitivity to the effects of those activities. Being a finite resource, rural land can be vulnerable to small scale changes that cumulatively have a significant effect on the ability of land to be used efficiently for primary production and other rural activities. The focus of this policy therefore ensures that the rural resource does not become so fragmented through the subdivision of land that its use for primary production is diminished.

[D]

Policy 14.1.3 – Activities and buildings in rural environments should be linked to land-based primary production of Marlborough's rural resources and require a rural location.

Policy 14.1.3 aims to ensure that the potential of rural environments for primary production options is not compromised by activities and/or buildings that do not need to be located within or have an association with rural environments, or which do not rely on the use of rural resources. While a wide range of activities are provided for within rural environments, their establishment will not be allowed to occur in a manner that threatens the sustainable and economic use of rural environments. The safeguarding of rural environments for activities that genuinely require a rural location will ensure that opportunities remain available for accommodating these activities.

[R, C, D]

Policy 14.1.4 – Manage primary production activities to ensure they are carried out sustainably through the implementation of policies and methods (including rules establishing standards for permitted activities) to address potential adverse effects on:

- (a) the life supporting capacity of soils, water, air and ecosystems;
- (b) natural character of rivers, wetlands and lakes;
- (c) water quality and water availability;
- (d) areas with landscape significance;

- (e) areas with significant indigenous vegetation and significant habitats of indigenous fauna;
- (f) the values of the coastal environment as set out in Issue 13A of Chapter 13 - Use of the Coastal Environment; or
- (g) the safe and efficient operation of the land transport network and Marlborough's airports.

Although it is important there is an enabling approach to primary production, it is equally important to ensure that use of rural resources is undertaken in a sustainable manner to address any potential adverse effects on the matters in (a) to (g). Other chapters of the MEP inform how the adverse effects are to be addressed, particularly Chapter 5 - Allocation of Public Resources, Chapter 6 - Natural Character, Chapter 7 - Landscape, Chapter 8 - Indigenous Biodiversity, Chapter 13 - Use of the Coastal Environment, Chapter 15 - Resource Quality and Chapter 17 - Transportation. For primary production activities within the coastal environment, the provisions of Chapter 13 - Use of the Coastal Environment will also be of relevance.

[D]

Policy 14.1.5 – Require rural subdivisions to provide a minimum of two cubic metres of drinkable water per new allotment, per day.

The provisions of the MEP enable a dwelling house to be established on rural properties (including those in the coastal environment) as a permitted activity. This reasonably creates an expectation that there will be sufficient water of adequate quality on the property to provide for an individual's reasonable domestic needs. Those needs include drinking, other household uses, garden watering and other incidental uses around the household. To ensure that these needs are able to be met, the policy requires any application for a subdivision creating a new allotment(s) where no reticulated water supply is available to demonstrate that each allotment has access to at least two cubic metres of drinkable water per day. The policy does not specify the source of the water or the method of provision, providing the flexibility to determine arrangements appropriate to the circumstances.

[D]

Policy 14.1.6 – Recognise that the Southern Valleys and Redwood Pass are water short areas and that subdivision and residential activity in these areas needs to be assessed to determine the amount of water required and how it is to be sourced for domestic or stock water supply.

In some areas within the rural environment, there is a known issue with the availability of water for domestic or stock water supply. The two identified areas in this policy have historically been acknowledged as water short areas. Applications for subdivision or for residential activity (for seasonal worker accommodation) will need to be assessed through a discretionary activity consent to determine the amount of water required to service the subdivision or residential activity and importantly, from where the water is to be sourced.

[D]

Policy 14.1.7 – Recognise that primary production activities in rural environments may result in effects including noise, dust, smell and traffic generation, but that these will require mitigation where they have a significant adverse effect on the environment.

The inherent nature of land-based primary production activities means that intermittently high noise levels will be produced when agricultural machinery is being used, stock is being moved or held, or crop protection mechanisms are activated. These activities may also result in increased odour and dust levels, in some cases reduced air quality and at times increased traffic generation. This policy acknowledges this while requiring action to be taken to mitigate these effects where they will have significant impacts on the environment. This will see the use of standards for permitted activities to ensure that primary production activities are undertaken in a sustainable manner.

[D]

Policy 14.1.8 – Some management activities associated with primary production cause effects that may adversely affect the environment (including human health) and resource consent will be required to enable the Marlborough District Council to monitor effects.

Some machines and devices used in primary production activities have the potential to generate noise, which can create a nuisance to residential activities in the rural area. For example, frost fans used by primary producers to protect crops from damage can generate significant off-site noise emissions affecting human health and conflicting with the usually quiet night and early morning rural environment. It is important that limits are placed on the establishment and operation of these devices to ensure that noise levels do not result in unreasonable or unnecessary noise, while ensuring the effectiveness of these devices in serving the purpose for which they are designed is maintained.

[D]

Policy 14.1.9 – Manage the effects of primary production activities to ensure the environmental qualities and amenity values in adjoining residential zones are not unreasonably degraded, bearing in mind their location adjacent to a primary production environment.

Activities within rural environments can generate effects that are unacceptable in residential environments, including noise, smell, dust and the utilitarian appearance of some rural buildings (compared to those within residential environments). Therefore, effects will be controlled at the interface between rural and residential zones to minimise potential conflicts and protect amenity. Requirements for new or expanding activities in rural environments near a zone boundary may include more effective visual screening, setbacks of dense planting and buildings and more restrictive noise levels than standards for rural environments would generally require.

[R, D]

Policy 14.1.10 – Control water levels in the Marlborough District Council-administered drainage network by removing surplus water from the soils of the Lower Wairau Plain to enable primary production activities to continue.

This policy signals that the Council intends to continue to maintain its drainage network as a means of allowing landowners and resource users to continue accessing the productive capacity of the soil resources of the Lower Wairau Plain. This will require the active control of water levels within the drainage network and the maintenance of drains, small rivers and infrastructure (e.g. pumps, flood gates) that make up the network.

[RPS, D]

Objective 14.2 – The sustainability of Marlborough’s rural economy is not adversely affected by the spread or introduction of pests.

All of Marlborough’s primary producing industries are potentially vulnerable to incursions or infestations by pests. While there has been a long history of pest management in Marlborough in traditional farming sectors, pest management has not been so apparent for other primary producing activities. Pests could also have an impact on the tourism industry: for example, the spread of didymo into Marlborough’s waterways could see a reduction in recreational opportunities. For Marlborough’s economy to continue to be successful it is important that appropriate plans are in place to manage incursions or the spread of pests.

[D]

Policy 14.2.1 – The Marlborough District Council will support any national response to an incursion of a pest(s) where this occurs, if it has the potential to reach Marlborough or is already present and/or has the potential to affect Marlborough’s primary production sector.

Marlborough is vulnerable to incursions from pests from overseas and other parts of New Zealand. There are many roles for managing the spread of pests, from central government through local government and individual landowners. The Ministry for Primary Industries has the

main responsibility for dealing with incursions of unwanted organisms or pests entering New Zealand at its borders. The Council's role to date has been to support the Ministry in trying to contain these incursions where they do occur, including inspections and providing information and advice to the public. At times the Ministry for Primary Industries may implement national pest management strategies to deal with incursions of unwanted organisms, which the Council may help to implement at a local level.

[D]

Policy 14.2.2 – A strategic approach will be developed and maintained to manage the containment/eradication of pests impacting on Marlborough's primary production sector in rural environments.

The wide range of pest species present in Marlborough and their location, characteristics and spread means that a range of responses is necessary to deal with them. This may be through rules in the Council's regional pest management plan, national pest management strategies, provision of information and advice to landowners, consent holders and the public, biological and physical control, monitoring and surveillance. Rules have also been included within the MEP to enable the application of chemicals, poisons and hazardous substances needed to control plant and animal pests.

It is important to acknowledge that landowners (including statutory organisations) have a significant responsibility for controlling and managing pest animals and plants on their land. Often resources (technological or financial) do not exist to effectively manage pests across the entire District. In each case of incursion, the most effective and efficient approach will be used to target pests where containment or eradication are possible. This approach will rely on strong partnerships with landowners.

[D]

Policy 14.2.3 – Raising community awareness that all individuals have responsibilities in pest management, particularly land occupiers.

The Council recognises the advantages of a strong advisory and educational role in pest management. It therefore takes an active role in providing information and advice on the best methods for controlling plant and animal pests and creating a greater understanding and acceptance by land occupiers of the responsibilities of pest management. Raising awareness also extends to recreationalists, such as fishermen who need to ensure they do not transport pests from one river to another or from region to region.

[D]

Policy 14.2.4 – Recognise subdivision of land and more intensive development of rural areas increases the potential to spread pests and the Marlborough District Council will use a range of methods to reduce the risk of spread, including:

- (a) where resource consent is required for subdivision or development, consideration will be given to measures to reduce the risk of spread;
- (b) undertaking greater monitoring and surveillance of pests within areas where pests are present;
- (c) being proactive in coordinating the various groups involved with earth moving equipment to develop protocols and practices to assist with the reduction in the spread of plant pests; and
- (d) providing information for new rural landowners and people subdividing rural property about their responsibilities in pest management, including whether landowners have obligations for their property under regional or national pest management plans.

With peoples' greater desire to live in rural areas and the increased development activities that involve earth moving equipment, there is a risk of pests being spread from property to property. The matters in (a) to (c) of this policy will help to address the risk from the spread of pests

occurring in conjunction with the requirements of the Regional Pest Management Plan for Marlborough or a national pest strategy (if one is in place).

[RPS, D]

Objective 14.3 – Activities that are not related to primary production are appropriate to be located within rural environments.

Primary production activities use rural resources for economic gain and cannot be easily or appropriately carried out in urban environments. The continued use of rural environments in Marlborough for primary productive uses and other land and soil resource dependent, rural-based activities is important to the economic health and wellbeing of Marlborough. The use of rural environments for activities that are more appropriately located elsewhere reduces the availability of the resource and can increase pressure on existing activities through reverse sensitivity effects. The objective therefore seeks to ensure that the rural resource does not become so fragmented by activities not requiring a rural location that its attraction for legitimate rural uses requiring a rural setting is diminished. There are some instances however where activities not related to primary production can be located within rural environments and subsequent policy sets out the circumstances when this is considered appropriate.

[D]

Policy 14.3.1 – Enable small scale and/or low intensity activities not relying on the primary production potential of Marlborough’s rural environments, where the adverse effects on the environment are minor and the activity is one of the following:

- (a) outdoor recreation; or
- (b) events of a limited duration.

Some activities, while not relying on the primary production potential of rural resources, are nonetheless closely linked with the rural environment. This includes outdoor recreation that frequently takes place in rural environments, whether organised through clubs or informally by individuals. Additionally, there are occasionally events of a limited duration that can occur within rural environments. Some flexibility is needed for the operation of these activities as they can provide for an important element in the economic and social wellbeing of the community. In both cases permitted activity standards will establish a framework to enable these activities to occur.

[D]

Policy 14.3.2 – Where an activity is not related to primary production and is not otherwise provided for as a permitted activity, a resource consent will be required and the following matters must be determined by decision makers in assessing the impacts on primary production before any assessment of other effects is undertaken:

- (a) the extent to which the activity is related to primary production activities occurring at the site;
- (b) the functional need for the activity to be located within a rural zone and why it is not more appropriately located within another zone;
- (c) whether the proposed activity will result in a loss of land with primary production potential and the extent of this loss when considered in combination with other non-rural based activities; and
- (d) the extent to which the proposed activity supports primary production activities, including the processing of agricultural, viticultural or horticultural produce.

Because rural environments can be vulnerable to small scale change that can have a significant cumulative effect on their efficient use for rural production and other lawfully established rural activities, it is important that activities not related to primary production and not otherwise provided for are assessed through the resource consent process. This will allow an assessment and determination of whether there will be significant effects on the efficient use of rural land for primary productive purposes. Policy 14.3.2 requires that this assessment be completed prior to a

consideration of other effects that may arise from the proposed activity, such as on amenity, natural character, landscape, transportation and others. This is because an activity requiring consent under this policy potentially challenges the reason for having a specific management framework for rural environments. This matter is critical to the determination of whether Objective 14.3 can be achieved.

Issue 14B – Inappropriate subdivision, land use and development can lead to the degradation of rural character and amenity values, as well as increased conflict with existing activities (reverse sensitivity).

Section 7 of the RMA requires that in managing the use, development and protection of natural and physical resources, particular regard shall be had to “*the maintenance and enhancement of amenity values*” [Section 7(c)] and to “*the maintenance and enhancement of the quality of the environment,*” [Section 7(f)]. Amenity values are defined in the RMA as “*those natural or physical qualities and characteristics of an area that contribute to peoples’ appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes.*” As in the coastal environment, the qualities and characteristics of Marlborough’s rural environments are a fundamental part of our quality of life. The amenity of these rural environments contributes to how people and communities provide for their social, economic and cultural wellbeing.

The rural environment has particular characteristics and amenity values that are distinct from urban areas. Many people share common perceptions about the character of rural environments, including privacy, rural outlook, spaciousness, ease of access, clean air and (most of the time) quietness. Being able to see, hear and smell animals and large areas of vegetation cover associated with dominant land uses such as agriculture, viticulture, horticulture, forestry and pastoralism) are also characteristic of rural areas.

However, rural character can mean different things to different people. For example:

- People who live in the rural area as an alternative to living in a town may value a sense of open space, panoramic views and their perception of a rural outlook.
- People carrying out farming activities may share some of these values. They also perceive the rural setting as a business area and expect to be able to carry out existing activities with effects associated with day-to-day activities, such as the smell of crops, noise from frost fans, bird scaring devices or tractors, harvesting activities, traffic movement, etc. They also expect to be able to adopt new technology and practices and to diversify activities as markets change.
- Some people value the rural area as a place to locate activities that need large areas of space. These people may value large areas of land and distance from neighbours.

Conflicts can be created by the combination of different activities, effects and perceptions of the character of the rural area. These conflicts are sometimes referred to as reverse sensitivity conflicts.

[RPS, D]

Objective 14.4 – Rural character and amenity values are maintained and enhanced and reverse sensitivity effects are avoided.

While other objectives in this chapter and in Chapter 4 - Use of Natural and Physical Resources provide an enabling framework for primary production activities to occur, this must be within a context of achieving the purpose of the RMA. Objective 14.4 helps to achieve Sections 7(c) and (f) of the RMA on amenity values and quality of the environment (respectively), in terms of achieving sustainable management.

[D]

Policy 14.4.1 – Subdivision, use and development of Marlborough’s rural environments should be of a density, scale, intensity and location that individually and cumulatively recognises the following elements:

- (a) a lack of buildings and structures;
- (b) a very high ratio of open space in relation to areas covered by buildings;
- (c) open space areas in pasture, trees, vineyards, crops or indigenous vegetation;
- (d) areas with regenerating indigenous vegetation, particularly in the Marlborough Sounds;
- (e) tracts of unmodified natural features, indigenous vegetation, streams, rivers and wetlands;
- (f) farm animals and wildlife;
- (g) noises, smells and sights of agriculture, viticulture, horticulture and forestry;
- (h) post and wire fences, purpose-built farm buildings and scattered dwellings;
- (i) low population density;
- (j) the presence of Blenheim, Omaka and Koromiko airports;
- (k) generally narrow carriageways within wide road reserves, often unsealed with open drains, low-speed geometry and low traffic volumes; and
- (l) a general absence of urban-scale and urban-type infrastructure, such as roads with kerb and channel, footpaths, mown berms, street lights or advertising signs.

Rural environments are working and living environments. They provide much of the character and amenity values of the District as a whole. The character of rural environments needs to be recognised for its natural, social, cultural and economic values, as well as its role in enabling a range of lifestyles and activities. Subdivision or development by its density, scale or location has the potential, individually or cumulatively, to adversely affect amenity values and rural character. This policy sets out the characteristics or elements of Marlborough’s rural environments that are to be recognised in the maintenance or enhancement of amenity values.

[D]

Policy 14.4.2 – Retain an open and spacious character in Marlborough’s rural environments with a dominance of open space and plantings over buildings by ensuring that the scale and siting of development is such that:

- (a) it will not unreasonably detract from the privacy or outlook of neighbouring properties;
- (b) sites remain open and with a rural character as viewed from roads and other publicly accessible places; and
- (c) the character and scale of buildings is compatible with existing development within the surrounding rural area.

An important component of maintaining or enhancing amenity values relates to retaining an open and spacious character to such areas. Policy 14.4.2 identifies this and provides ways in which development can be sited to ensure these values are appropriately provided for.

[D]

Policy 14.4.3 – Ensure buildings are set back a sufficient distance from property boundaries and road frontages to:

- (a) maintain privacy and outlook for people on adjoining allotments, including for existing houses on small allotments;

- (b) encourage a sense of distance between buildings as well as between buildings and road boundaries; and
- (c) maintain the pleasantness, coherence, openness and attractiveness of the site as viewed from the road and adjoining sites.

In rural environments, most houses and buildings tend to be set back from road boundaries at greater distances than in urban areas. This positioning adds to the sense of space between buildings and the unrestricted views from roadsides. Policy 14.4.3 encourages a large setback from the road boundary to maintain rural character and amenity values. It also helps to deal with reverse sensitivity issues in terms of mitigating effects of traffic noise, especially where development is to be located on major arterials or state highways.

[D]

Policy 14.4.4 – Ensure subdivision in rural areas:

- (a) does not lead to a pattern of land uses that will adversely affect rural character and/or amenity values; and
- (b) creates allotments of sufficient size for rural activities to predominate in rural areas.

Control of subdivision is necessary to ensure rural environments can accommodate a wide range of rural activities and for these activities to be predominant in this environment. This helps to support the elements of rural character described in Policy 14.4.1. The potential for subdivision patterns to influence subsequent land use is an important consideration in determining the potential impacts on rural character and amenity.

[D]

Policy 14.4.5 – Noise limits consistent with the character and amenity of the Rural and Coastal Environment Zones have been established to provide for the protection of community health and welfare.

The adverse effects of noise are an issue in rural environments where noise may impact on the health of people and communities, as well as their enjoyment of the District. While there is always background noise, some noise can become a nuisance and even cause health problems through its character, duration or time of occurrence. Rural environments contain a wide range of activities that result in levels of noise effects that may be contrary to the expectations of people more used to the amenity of urban areas. Traditional rural activities, such as late night and early morning use of machinery that creates noise are normally acceptable to people used to a rural environment, particularly where their livelihood is dependent on the land. However, to ensure that the character and amenity of rural areas is maintained, limits through permitted activity standards will be imposed.

[D]

Policy 14.4.6 – Mitigate nuisance effects on adjoining dwellings or adjoining properties caused by dust from earthworks or stockpiled material.

Marlborough's rural environments are regularly exposed to winds (particularly north westerlies), during which dust is easily generated from natural sources such as riverbeds or land. However, dust nuisance can be exacerbated by being blown from stockpiled material or extensive earthworks associated with subdivision or construction works. This policy addresses dust nuisance from activities in rural environments and through permitted activity standards requires steps to be taken to reduce potential dust nuisance, such as dampening down earth until it is consolidated or covering and securing stockpiled material that could be blown about by the wind.

[D]

Policy 14.4.7 – Ensure significant adverse odour effects from rural activities are avoided or mitigated to protect lawfully established land uses.

The need to address adverse effects of odour comes from the presence of people in rural environments, whether they live, work or play within these environments. Rural activities that can potentially produce off-site odour effects include the intensive farming of animals in buildings and associated treatment and/or disposal of collected effluent, the production of compost and the construction of farm land fills and offal pits. The nature of farming activities means that odour effects can be transitory as well as weather and management dependent. Appropriate management, siting and design involves making use of currently available technology and best practice, both of which assist in avoiding and/or mitigating adverse effects.

[D]

Policy 14.4.8 – Avoid, remedy or mitigate adverse effects on the character and amenity of rural environments by controlling the number, size, location and nature of signs.

Signs are important tools for businesses to advertise their products and location and for people to obtain information. However, signs may potentially have adverse effects in rural areas as they can create a cluttered appearance. As rural areas are perceived as uncluttered, they are susceptible to the potential adverse effects of signage, dependent on the location, size or level of illumination of the sign and how these features conform to the characteristics of the surrounding environment and to people's expectations. Controls will therefore be imposed on signage in the form of permitted activity standards appropriate for Marlborough's different rural environments. Where these standards are not met an application for resource consent will be required to allow for the necessity and appropriateness of the proposed sign to be assessed in terms of its impact on amenity values.

[D]

Policy 14.4.9 – Encourage the consolidation of information signs by supporting the establishment of "Welcome to" signs and information laybys at the entrance to Marlborough's larger towns, in order to reduce the effects of directional and commercial signs on visual amenity.

The establishment of information signs and laybys provide an important service to visitors and an opportunity for local businesses to notify their location and services. Therefore, encouraging the establishment of strategic areas is considered an effective way of providing for signs and information, while protecting visual amenities of rural environments.

[D]

Policy 14.4.10 – Control the establishment of residential activity within rural environments as a means of avoiding conflict between rural and residential amenity expectations.

The development of pockets of residential development in rural areas can have an impact on the continued use of rural resources. The presence of residential activities in rural environments can make it very difficult for productive rural activities to continue operating effectively and efficiently, to expand or establish new sites. Therefore, the Council considers there is a need to control the extent of residential activity within rural environments to ensure these outcomes do not eventuate.

[D]

Policy 14.4.11 – The cumulative adverse effects of subdivision and/or development on rural character and amenity values are to be avoided.

Rural character is vulnerable to cumulative effects and can be lost through repeated subdivision and development, both of which significantly detract from the rural character and open space of the locality. As subdivision occurs, rural character becomes increasingly compromised due to changing land uses, particularly when residential activities become more prevalent. This can be particularly evident in areas already dominated by small allotments and non-rural land uses, where loss of open space, ribbon development, reduced setback distances and built features

associated with urban living can be characteristic. The cumulative effects of such development can be the urbanisation of rural areas and in terms of the policy are to be avoided.

Omaka Valley

[D]

Policy 14.4.12 – The Omaka Valley is characterised by the following:

- (a) low, broad ridges, parts of which have been identified as having high amenity value and are included in the mapped Wairau Dry Hills Landscape;**
- (b) limited building on ridgelines;**
- (c) open character due to a lack of tall vegetation within the valley;**
- (d) meandering watercourse patterns and topographical variation in the upper valley;**
- (e) viticulture is a dominant land use;**
- (f) with the exception of times around grape harvest, it is generally a low volume traffic environment;**
- (g) lack of through roads;**
- (h) a mix of land uses towards the lower valley where a more domesticated rural character is evident; and**
- (i) roads located close to the broad ridges, giving a contained nature to the valley.**

Over time the Omaka Valley has developed particular characteristics considered appropriate to be managed differently to the remainder of Marlborough's rural environments. This policy sets out the resource characteristics and values of this valley that separate it from other areas within Marlborough's rural environments. These characteristics and values are potentially under threat from inappropriate subdivision, use and development. To ensure that these threats do not adversely affect the characteristics and values identified here, a specific management framework will apply to the Omaka Valley in addition to the general provisions for rural environments.

[D]

Policy 14.4.13 – The Omaka Valley has been recognised as having specific amenity and rural character values that are to be maintained and enhanced as follows:

- (a) enabling primary production activities as provided for in the underlying Rural Environment Zone;**
- (b) requiring resource consent for commercial forestry, to enable an assessment of this activity on the confined nature of the valleys in the Omaka Valley Area;**
- (c) including the ridgelines along the valleys within the Wairau Dry Hills Landscape;**
- (d) avoiding development in the form of buildings on the ridgelines surrounding the valleys;**
- (e) reducing the potential for 'industrialisation' within the Omaka Valley Area through controls on the height and scale of buildings associated with primary production activities;**
- (f) other than as provided for in Policy 14.3.1 and Policy 14.5.4, other activities not related to primary production in the Omaka Valley Area are to be avoided;**
- (g) maintaining a low volume traffic environment to maintain a peaceful and quiet environment within the Omaka Valley Area; and**

- (h) avoiding subdivision below eight hectares to help retain primary production options and a sense of openness within the Omaka Valley Area.**

Having identified the characteristics of the Omaka Valley Area in Policy 14.4.12, this policy sets out the ways in which the particular amenity and rural character values can be maintained and enhanced.

An enabling approach to primary production activities consistent with the wider Rural Environment Zone is generally provided for, as the Council does not wish to unnecessarily constrain the type of activity occurring. One exception to this is the resource consent requirement for commercial forestry to assess the impacts on areas with high amenity value within the Omaka Valley Area. (There is also a resource consent requirement for dairy farming but this requirement occurs throughout the Rural Environment Zone and is not specific to the Omaka Valley Area.)

A lower threshold for subdivision within the Omaka Valley Area is provided for when compared with the subdivision provisions for the wider Rural Environment Zone. An eight hectare threshold has been applied to the Omaka Valley Area. This threshold reflects a desire to ensure that the potential for land fragmentation was avoided, especially from non-productive uses. The potential for land fragmentation also exists where rural living is proposed, with land lost to dwellings, accessory buildings, access ways, disposal fields for wastewater, etc. Rural character could begin to fray if residential lots are created sporadically within the Omaka Valley Area and the policy seeks to avoid this occurring. Therefore a minimum allotment size of eight hectares is provided for to help retain primary production options and to maintain rural character.

Maintaining a low volume traffic environment to maintain the peaceful and quiet environment of the Omaka Valley Area is challenging, as the predominant land use is viticulture, which for a period each vintage attracts a considerable number of truck movements. There are no through roads within the valley, but this in itself presents a challenge when considering land use activities at the head of the valley. The policy recognises that in general the Omaka Valley enjoys low traffic flows and that this is to be maintained.

In terms of 14.4.13(f), it is important to enable activities that do not rely on the primary productive potential of the rural resource but are appropriate in rural environments. However, it is considered that any other activities not covered by the policies referred to in (f) should be avoided in the Omaka Valley Area. Such activities, which can include rural living, commercial or industrial activities, have an option of locating within the urban centres of Renwick and Blenheim, both of which are relatively close. Some limited provision has been made for rural living on larger lots on the periphery of Blenheim (Urban Residential 3 Zone). Commercial and industrial activities are more appropriately located in the relevant urban zones within which these activities are not related to primary production activities.

Wairau Plain

[D]

Policy 14.4.14 – The Wairau Plain is characterised by the following:

- (a) a highly productive land resource and the most intensively developed and farmed rural area in Marlborough;**
- (b) an extensive area of flat land available for primary production;**
- (c) an extensive floodplain and drainage network;**
- (d) the large, braided Wairau River and its tributaries, floodplain terraces, associated backswamp wetlands, streams, coastal swamp deposits and minor inland sand dunes;**
- (e) ground-fed springs in the lower plain;**
- (f) viticulture as a dominant land use;**

- (g) open character across the plain;**
- (h) encompassing Marlborough's main urban centre of Blenheim;**
- (i) the arterial roading network traversing the plain; and**
- (j) a centrally located regional airport and New Zealand Defence Force airbase.**

The Wairau Plain has historically been zoned separately (Rural 3 Zone in the former Wairau/Awatere Resource Management Plan) as its characteristics are distinct from the surrounding rural environments. It has a long history of intense rural production and continues to be a significant source of economic revenue for the District, mostly from primary production activities. With its large area of flat land, proximity to the major urban centre of Blenheim and rich alluvial soils, it is the most intensively developed and modified rural area in Marlborough, which is why this area continues to be singled out for additional management. Policy 14.4.14 therefore reflects the resource characteristics and values of the Wairau Plain.

[D]

Policy 14.4.15 – The Wairau Plain has been recognised as having particular amenity and rural character values that are to be maintained and enhanced by:

- (a) enabling primary production activities as provided for in the underlying Rural Environment Zone;**
- (b) avoiding subdivision below eight hectares to help retain primary production options and retain a sense of openness within the Wairau Plain Area;**
- (c) controlling residential activity, other than that associated with primary production, to avoid conflict between rural and residential amenity expectations;**
- (d) managing the establishment of subdivision, use and development to avoid, remedy or mitigate effects on the safety, functioning and efficiency of the arterial road network; and**
- (e) ensuring that other than as provided for in Policies 14.3.1, 14.5.3 and 14.5.4, activities not related to primary production in the Wairau Plain Area are to be avoided.**

The characteristics identified in Policy 14.4.14 are potentially under threat from inappropriate subdivision, use and development. The matters identified in Policy 14.4.15 are therefore considered necessary to ensure that appropriate subdivision, use and development occurs within the Wairau Plain Area.

An enabling approach to primary production activities that is consistent with the wider Rural Environment Zone is provided for, as the Council does not wish to unnecessarily constrain the type of activity occurring. It is important to note that there is a specific management framework for dairy farming to protect water quality.

A lower threshold for subdivision within the Wairau Plain Area is provided for when compared with the subdivision provisions for the wider Rural Environment Zone. An eight hectare threshold has been applied since 1985 and reflects a desire to ensure the potential for land fragmentation is avoided, especially from non-productive uses. The potential for land fragmentation also exists where rural living is proposed, with land lost to dwellings, accessory buildings, access ways, demand for water supply, disposal fields for wastewater, etc. Rural character could be lost if residential lots are created sporadically within the Wairau Plain Area. (This has already begun to occur in several locations.) A minimum allotment size of eight hectares therefore helps to retain primary production options and maintain rural character.

Maintaining the integrity of the arterial road network of the Wairau Plain is particularly important, especially with the district road network as a whole having been identified as regionally significant infrastructure in Chapter 4 - Use of Natural and Physical Resources (Policy 4.2.1). Increasing development pressures, along with aspirations of commercial operators to locate themselves

along high traffic density routes, have resulted in threats to the integrity of the road network on the Wairau Plain. The policies of Chapter 17 - Transportation provide guidance about how to minimise the conflict between subdivision, use and development activities with the land transport network.

In terms of 14.4.15(e), it is important to enable activities that do not rely on the primary productive potential of the rural resource but that are appropriate in rural environments. However, it is considered that other activities not covered by the policies referred to in (e) should be avoided in the Wairau Plain Area. Such activities, which can include residential, commercial or industrial activities, have an option of locating within the urban centres of Renwick and Blenheim, which are centrally located. Some limited provision has been made for rural living on larger lots on the periphery of Blenheim (Urban Residential 3 Zone). Commercial and industrial activities are more appropriately located in the relevant urban zones, where these activities are not related to primary production activities.

Issue 14C – Responding to pressure to use, develop and subdivide land within rural environments for residential uses.

It is important to note that policy guidance for residential activity in the rural areas of the coastal environment of the Marlborough Sounds is not covered in this chapter. This is provided in Issue 13D of Chapter 13 - Use of the Coastal Environment.

A range of residential uses can be found within Marlborough's rural environments. Many of these are directly associated with the primary production activities that occur within these environments. There is also demand to allow other residential uses in these areas, including in the Marlborough Sounds, on the Wairau Plain and in other parts of the District.

People enjoy the privacy, rural outlook, spaciousness, ease of access, clean air and (mostly) quietness of rural environments. Some people wish to farm small blocks on a part time basis, but with the numbers of people living and desiring to live in rural areas, there is increased potential for amenity conflicts to arise, given the primary production activities that occur within rural environments. While tensions between lifestyle and primary production are not an issue in all locations, there is enough tension to suggest that there needs to be guidance about how residential activities are provided for within rural environments.

A range of other effects can arise through allowing unconstrained residential uses to occur within rural environments. These include:

- fragmentation of land holdings, where the creation of small lots effectively removes the land from primary productive use options;
- effects on amenity and reverse sensitivity, which is considered through Issue 14A and 14B;
- on-site management of domestic wastewater, where systems that are not well managed or maintained pose potential risks to groundwater. In low lying areas or during periods of flooding, some systems may also fail;
- effects on water quantity, with a potential for water bodies or groundwater sources to be depleted if many small blocks are created and rights to take water for domestic purposes are exercised;
- traffic issues, where local roads cannot safely handle increases in traffic. This is made worse when traffic from lifestyle blocks meets heavy vehicles, such as those from extractive industries;
- effects on natural character, landscape and biodiversity values, depending on where residential uses take place; and
- the potential for greater spread of pest organisms.

[RPS, D]

Objective 14.5 – Residential activity takes place within appropriate locations and limits within rural environments.

Given the range of effects that can arise through residential uses in rural environments, it is important that any such use occurs within appropriate locations and limits. This will help to ensure that rural environments continue to be maintained for primary productive activities. In addition, this objective will help to ensure the character of rural environments is maintained.

[D]

Policy 14.5.1 – Identify areas within rural environments where residential activity is appropriate.

A number of locations within rural environments have been determined as appropriate for residential activity. These include areas zoned as Rural Living, the Coastal Living Zone (which recognises the need and demand that exists for residential activity in Marlborough's coastal environment), the Urban Residential 2 Zone at Marlborough Ridge and along the western periphery of Blenheim, where there is a transition from urban to rural space. These areas have been recognised historically as providing rural lifestyle on a range of allotment sizes in a range of locations.

[D]

Policy 14.5.2 – Residential activity and subdivision for residential purposes within rural environments should take place within land zoned Rural Living, Coastal Living, Urban Residential 2 at Marlborough Ridge and Urban Residential 3, to:

- (a) protect primary production options;
- (b) protect rural character and amenity values;
- (c) avoid sprawling or sporadic patterns of residential development;
- (d) avoid any further over-allocation of water resources;
- (e) avoid adverse effects on water quality and soil quality;
- (f) reduce the potential for the spread of pest organisms;
- (g) reduce impacts on the land transport network;
- (h) protect landscape, natural character and indigenous biodiversity values; and
- (i) provide a transition from urban to rural environments.

It is important to impose limitations on where residential activity can take place within Marlborough's rural environment to protect a range of values. These values are identified in the policy, as are the areas considered to be appropriate for residential uses. Regard must be had to the other policies of this chapter and the remainder of the MEP to determine situations where it may be appropriate for residential activity and subdivision to take place outside of these areas.

[D]

Policy 14.5.3 – Except in the case of land developed for papakāinga, residential activity on land zoned Rural Environment will be provided for by enabling one dwelling per Computer Register.

For rural property outside the zones specified in Policy 14.5.2, it is appropriate that the MEP provides for residential activity. In some cases ongoing primary production activities will occur and it is therefore appropriate that provisions are made for residential activity associated with this primary production activity (where this occurs on the same land). Smaller allotments may exist where primary production activities do not occur but where historically there has been a right (subject to standards) for a landowner to erect a dwelling. The MEP continues with this approach, as it provides a resource to be developed for residential activity without the need for further subdivision or rezoning of land. The exception recognises the need for Marlborough's tangata

whenua iwi to be able to develop Māori land for papakāinga to enhance the quality of life for whānau and iwi in a manner that is consistent with their cultural values and customs.

[D]

Policy 14.5.4 – Residential activity directly associated with primary production activity occurring on the same land, seasonal worker accommodation in remote locations and homestays, will be enabled.

While not relying on the primary production potential of rural resources, some activities are nonetheless closely linked with primary production activities. This includes residential activity directly associated with the primary production activity and would most commonly be regarded as the primary dwelling for a property. Allowance is also to be made for homestay opportunities carried out in the primary dwelling. Provision is made through permitted activity rules for this to occur.

It is also recognised that in some areas, especially in remote locations, it is necessary to provide seasonal worker accommodation. Provision must be made to house the labour force for a time period between that considered short term and permanent. The opportunity for the workforce to be accommodated in the same environment as the primary production activity needs to be considered, where it can be incorporated without undue degradation to the amenity of the rural environment and without adverse effects associated with servicing, dispersed housing patterns, reverse sensitivity and land fragmentation.

[D]

Policy 14.5.5 – Maintain the character and amenity values of land zoned Rural Living by the setting of standards that reflect the following:

- (a) **predominance of residential activity by enabling one dwelling per Computer Register;**
- (b) **low building density;**
- (c) **relatively quiet background noise levels;**
- (d) **privacy between individual properties;**
- (e) **ample sunlight to buildings;**
- (f) **minimal advertising signs;**
- (g) **views to the surrounding environment;**
- (h) **low building height; and**
- (i) **limited infrastructure and services and low volumes of road traffic.**

This policy sets out the characteristics that reflect land zoned Rural Living and for which standards have been considered necessary to be established through the permitted activity rules.

[D]

Policy 14.5.6 – Where resource consent is required within the Rural Living Zone, ensure that residential development and/or subdivision is undertaken in a manner that:

- (a) **is consistent with the matters set out in Policy 14.5.5;**
- (b) **is appropriate to the character of the locality in which the property is to be subdivided;**
- (c) **maintains and/or enhances the recreational values of the area for the wider community;**
- (d) **ensures the site can assimilate the disposal of domestic wastewater; and**
- (e) **ensures the effects of any natural hazards are able to be avoided, remedied or mitigated.**

Where resource consent is required for subdivision or development within the Rural Living Zone, the matters in this policy will help to determine whether the subdivision or development is appropriate. In particular, the matters concerning the character of the locality and coastal amenity values are important in terms of having regard to 7(c) and (f) of the RMA. Matters concerning the discharge of domestic wastewater are equally important and regard is to be had to the policies of Chapter 16 - Waste to assist in giving effect to this policy.

Note that policy guidance for Urban Residential 2 and Urban Residential 3 Zones can be found in Chapter 12 - Urban Environments, and for the Coastal Living Zone in Chapter 13 - Use of the Coastal Environment.

Methods of implementation

The methods listed below, addressing Issues 14A, 14B and 14C are to be implemented by the Council unless otherwise specified.

[D]

14.M.1 Zoning

A range of matters help to determine appropriate management approaches to ensure the sustainable management of rural environments. These include the nature of existing primary production activities, proximity of these activities to urban areas, the presence of flood hazards, presence of the coastal environment, the occurrence of regionally significant infrastructure, the location of conservation estate and river systems, and the character and amenity of rural environments.

Some of these factors warrant different management approaches to ensure the long term sustainability of those environments. The matters identified reflect considerations used historically in previous management regimes for rural environments and two rural based zones have been established for the MEP to sustainably manage use, development and subdivision activities within Marlborough's rural environments. These are the Coastal Environment Zone, which includes land areas within the Marlborough Sounds where a coastal influence is evident, and the Rural Environment Zone, which includes the balance of rural areas in Marlborough.

Within the broader rural environment, there are other zones in which activities should be managed within a specific context, for example Open Space Zones and the Floodway Zone. In addition, there are some areas that have been identified for additional management that reflects particular characteristics of the area concerned; see Method 14.M.2.

[D]

14.M.2 Area overlays

Two areas have been identified as requiring more specific management within the Rural Environment Zone: the Wairau Plain and the Omaka Valley. The areas are identified through an overlay. In addition to the rules and policy of the Rural Environment Zone, specific policy and rules will be applied for certain subdivision, use and developments activities within these overlay areas.

The Wairau Plain Area has historically been zoned separately (the Rural 3 Zone in the former Wairau/Awatere Resource Management Plan) as it has characteristics distinct from the surrounding rural areas. With its large area of flat land, proximity to the major urban centre of Blenheim and rich alluvial soils, it is the most intensively developed and modified rural area in Marlborough and therefore requires additional management.

Although the Omaka Valley Area has not been previously identified as having characteristics different from surrounding rural areas, this valley has developed particular amenity values over the life of the former Wairau/Awatere Resource Management Plan that are worthy of maintaining through application of specific policy.

[R, D]

14.M.3 Regional and district rules

A range of regional and district rules will apply to subdivision, use and development activities in rural environments. In general, primary production activities are provided for as permitted activities (subject to standards). A limited range of other activities not related to primary production activities will also be provided for as permitted activities, where these have only minor adverse effects on the environment.

Rural activities with the potential to cause significant adverse effects, such as dairy farming, factory farming and intensive livestock farming are provided for as discretionary activities. A number of other activities, including subdivision and residential activity within areas identified as water short will be determined as discretionary activities.

Land disturbance rules will control non-point, sedimentation laden runoff from rural land use activities and will avoid, remedy or mitigate the effects of land use activities on riparian margins.

Regional rules will provide for the deposition, application or administration of such chemicals, biological controls, poisons and hazardous substances necessary for the control of plant and animal pests, as provided for within an approved national or regional pest management plan.

District rules will be used to establish minimum allotment sizes for the Rural Environment Zone and areas within the Wairau Plain Area and Omaka Valley Area. Additional amenity standards will also be used within these areas.

[D]

14.M.4 Regional Pest Management Plan and Biosecurity Strategy

The Regional Pest Management Plan for Marlborough (prepared under the Biosecurity Act 1993) classifies a range of plant and animal species as pests. These species cause or have the potential to cause significant adverse effects to Marlborough's economy and/or environment. The Plan includes pests that have regional, rather than national significance and sets out rules and methods regarding landowner obligations in managing pests.

As the Regional Pest Management Plan for Marlborough is a very specific management tool, the Council is currently preparing a Biosecurity Strategy that will provide a broader management framework for managing pests. The Strategy will include roles and responsibilities for pest management, surveillance activities, monitoring, research, community programmes and how new pests can be included within the Plan.

[D]

14.M.5 Information on pests

The Council takes a very active role in providing information and advice on the best methods for controlling plant and animal pests. This includes providing advice, promoting effective control actions and encouraging greater understanding and acceptance by land occupiers of the responsibilities of pest management.

[D]

14.M.6 Monitoring animal and plant pests

Monitoring and surveillance is probably the most important aspect of the Council's pest management role. Without awareness of what pests are present in Marlborough, the extent to which they are present and monitoring for potential new pests, pest management would be very difficult for the Council to perform. In general, the Council's programme of monitoring and surveillance helps to determine the location, nature and extent of pest infestations, as well as establish the extent to which the objectives set out the Regional Pest Management Plan for Marlborough are being achieved.

[R, D]

14.M.7 Council works

The Council has historically maintained the drainage network on the Wairau Plain in a hydraulically efficient state to ensure primary production activities can continue to occur. The works involved include the following:

- (a) establishing a range of acceptable water levels for the drains and small rivers that make up the Council administered drainage network;*
- (b) as necessary, removing aquatic vegetation and sediment from the drains and small rivers to achieve the acceptable water levels; and*
- (c) where necessary, installing and using pumps to assist with the removal of excess water.*

The determination of acceptable water levels for each of the drains and small rivers allows for more efficient control of water levels. This will effectively provide triggers for active intervention and in doing so minimise the cost of drainage maintenance work. The use of acceptable water levels will also provide criteria for determining when further intervention such as pumping is required to control water levels.

The drains and small rivers that make up the drainage network also provide habitat for indigenous flora and fauna and provide opportunities for the development of ecological corridors. The development and use of triggers for drain maintenance will help to mitigate the impact of the works on the habitat that the drainage network provides. It may also be appropriate to undertake drain maintenance works in a certain manner to further mitigate any adverse effect on habitat values; see Chapter 8 - Indigenous Biodiversity for further details.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results of the rural environment 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 rural environment provisions.

Anticipated environmental result	Monitoring effectiveness
14.AER.1 The productive capacity of the rural land resource is retained.	The primary sector contributes over 15% of Marlborough GDP. Land use change to alternative land uses as recorded in the Land Cover Database and resource consents.
14.AER.2 Rural properties retain their productive potential.	The number of resource consents resulting in smaller allotments especially of rural living or urban residential zone dimensions.

Anticipated environmental result	Monitoring effectiveness
<p>14.AER.3 Development of a range of primary production activities within the rural environment.</p>	<p>The number and nature of complaints regarding non-primary production activities occurring in the rural environment.</p> <p>The number of resource consents for non-primary production activities occurring in the rural environment.</p>
<p>14.AER.4 Subdivision, use and development of the rural environment is located in appropriate places and within appropriate limits.</p>	<p>New building and development in the rural environment is consistent with the character of the area as measured by public perception survey.</p>
<p>14.AER.5 The rural character and amenity values are maintained or enhanced.</p>	<p>The number and nature of complaints relating to reduced amenity.</p> <p>Awareness of the character, amenity and quality of the rural environment increases as measured by public perception survey.</p>
<p>14.AER.6 Conflicts between residential activity and primary production within the rural environment are minimised.</p>	<p>The number and nature of complaints regarding conflicts between residential activity and primary production.</p>
<p>14.AER.7 The spread of existing pests is prevented and no new pests are introduced.</p>	<p>The status of pest numbers and location(s) is reported.</p>

15. Resource Quality (Water, Air, Soil)

Introduction

We are fortunate in Marlborough to generally enjoy good water quality¹ in our coastal waters, rivers, lakes, wetlands and aquifers. Monitoring has shown that the quality of water in these waterbodies is sufficient to support a wide range of natural and human use values. These include healthy freshwater and marine ecosystems, comprising native fish, plants, algae and invertebrates, trout and salmon; stock and domestic water supplies; commercial uses of water in industry, agriculture, viticulture, marine farming and commercial fishing; and recreational uses such as swimming, shellfish gathering and fishing, scenic and tourism purposes. Water is of considerable cultural and spiritual importance to Marlborough's tangata whenua iwi.

The contribution that these uses and values make to the community's social and economic wellbeing and to public health means that maintaining the quality of water in Marlborough's coastal waters, rivers, lakes, wetlands and aquifers is essential. Any reduction in water quality is therefore a significant issue in Marlborough.

Water quality can be adversely affected by discharges of contaminants resulting from human activities on land or water. Contaminants are those things that have the ability to change the physical, chemical or biological condition of the water. There are two types of contaminant discharge that can affect water quality: "point source" discharges (those that enter water at a definable point, often through a pipe or drain) and "non-point source" discharges (those that enter water from a diffuse source, such as land run-off or infiltration through soils).

The generally good state of water quality in Marlborough reflects the low number of point source discharges into waterbodies and coastal waters, good land management practices and lack of intensive land uses that can impact on water quality (e.g. dairying). It should also be acknowledged that over time, resource users have also taken action to reduce the impact of discharges on water quality. However, there is always the potential that point source and/or non-point source discharges will occur and adversely affect the life supporting capacity and community use of Marlborough's rivers, lakes, wetlands, aquifers and coastal waters.

Unfortunately, water quality in some rivers has been degraded as a result of point source and non-point source discharges, impacting upon the uses and values that were once supported by the rivers and coastal waters.

The management of water quality has a strong regulatory focus. This is because the Resource Management Act 1991 (RMA) stipulates that the discharge of contaminants into water, or into or onto land in circumstances where it may enter water, is prohibited unless allowed by resource consent or a rule in a regional plan or a regulation.

In addition, the National Policy Statement for Freshwater Management 2014 (NPSFM) sets out objectives and policies that direct the steps that must be taken to manage water in a sustainable manner. In particular, there is a requirement to set objectives for water resources and subsequently to set water quantity and quality limits to achieve those objectives. The NPSFM sets as an objective that the overall state of water quality within any region must be maintained or improved.

¹ Water quality refers to the physical, chemical and biological characteristics of water that affect its ability to sustain natural and human use values

A key component of the NPSFM is the National Objectives Framework (NOF). The NOF is designed to assist the process of establishing appropriate freshwater quality objectives in a nationally consistent manner. It is based on the identification of values supported by waterbodies and the setting of objectives to protect those values. The NOF contains two compulsory national values: ecosystem health and human health for recreation. Attributes, or measurable physical, chemical and biological characteristics are identified with respect to these values.

Water

Issue 15A – The discharge of contaminants to water can adversely affect the life supporting capacity and the community’s use of Marlborough’s coastal waters, rivers, lakes, wetlands and aquifers.

The good state of water quality in Marlborough’s coastal waters, rivers, lakes, wetlands and aquifers makes them more vulnerable to point source and non-point source discharges. Any deterioration in water quality would have dramatic implications for Marlborough’s social, economic and cultural wellbeing, as good water quality is essential for a wide range of consumptive and non-consumptive uses. A reduction in water quality could also adversely affect freshwater and marine habitats. The main threats to water quality in Marlborough are described below.

Sewage reticulation and disposal

Treated sewage from Marlborough’s larger communities is still discharged into fresh or coastal water. Although these discharges are authorised by resource consents, the review of the MEP provided the community with the opportunity to reconsider the desirability of continuing to discharge contaminants into water. The discharge of treated municipal sewage is the outcome of servicing communities to maintain community health standards. However, Marlborough’s tangata whenua iwi consider that the discharge of human waste into fresh or coastal water is profoundly offensive and significantly diminishes the mauri of the receiving waters.

As Marlborough continues to grow, it will be necessary to consider how future residential, commercial or industrial developments are serviced. For larger communities, this is still likely to require some form of reticulated community sewerage system. Existing servicing arrangements may also need to be upgraded. For example, the reliance of several Marlborough Sounds communities on the on-site management of domestic wastewater may be unsustainable and need to be replaced with community sewerage schemes. Discharge of treated sewage into water may be one of the options that need to be considered.

It is important that the MEP provides direction as to how adverse effects of existing and any new discharges on fresh or coastal water quality should be managed. Existing reticulated community sewerage systems operated by the Council are recognised by the MEP as regionally significant infrastructure. (See Chapter 4 - Use of Natural and Physical Resources for further details.) Unless otherwise specified, policies in Chapter 15 still apply to the discharge of human sewage from this infrastructure.

Stormwater reticulation and disposal

Most of Marlborough’s towns are serviced by reticulated stormwater systems. Urban stormwater will pick up contaminants including sediment, solids, organic matter, nutrients, heavy metals and petroleum and product residues as it runs over impervious surfaces. Given the volume of water created by rainfall events, the stormwater receives little or no treatment prior to discharge into the receiving waters.

Monitoring of fresh and coastal water quality has demonstrated that stormwater discharges do sometimes degrade the quality of receiving waters. Periods of contamination tend to be episodic and are associated with rainfall events. The exception is when contaminants are deliberately washed or poured into the road kerb or stormwater drains.

Stormwater can also pick up sewage through cross-connections between sewerage and stormwater pipes. This has been a particular problem in Picton and has caused periodic contamination of coastal water during rainfall events.

Transport

A large part of the urban areas that are serviced by reticulated stormwater systems are used extensively by and for motor transportation (this includes public and private carparks, service stations and roads). The deposition of materials such as petrochemicals and heavy metals from motor vehicles onto roads and vehicle servicing areas is a major source of water pollution. These contaminants are transported by runoff into the reticulated stormwater system and subsequently into coastal waters and rivers.

Industrial and trade activities

Nearly all water pollution caused by industrial and trade activities occurs through contaminants entering reticulated stormwater systems. The main causes are untidy yard practices, accidental spills and a lack of awareness within the workforce of the pollution consequences that can stem from actions on such sites. Other contributing factors include inappropriate storage of products, new industrial or trade premises moving into premises unsuited for their operation, illegal stormwater connections and inappropriate methods for the disposal of wastewater.

Some trade waste entering the sewer contains human waste, such as mortuary and hospital wastes. Marlborough's tangata whenua iwi consider that the discharge of human waste to fresh or coastal water is profoundly offensive and significantly diminishes the mauri of the receiving waters.

Maritime activities

Degradation of coastal waters can result from common maritime activities, including the discharge of human sewage and oily bilge water from ships, runoff from maritime industries such as boat builders, and general litter. The effects of these activities tend to be short-lived, unless they occur on a significant scale or are ongoing in a localised area.

There is increasing awareness of the effect of antifoulants on coastal water quality. Antifoulants enter coastal water through leaching and boat maintenance activities. Marine farming involving fin fish requires the addition of feed, which has the potential to adversely affect coastal water quality in and around the marine farming operation.

Land disturbance

Land disturbance activities including excavation, cropping, clearance of land and harvest of commercial forest can expose soils to the elements and result in the runoff of sediment-laden water during and after rainfall events. Land development for residential, commercial and industrial purposes can have similar effects. Land disturbance activities associated with the installation of bores or the construction of dams can expose aquifers to contamination. While natural processes already affect water quality, it is important to ensure that our activities do not exacerbate this situation.

Rural activities

It is acknowledged that many rural land uses rely on good quality water for stock watering and irrigation. However, rural land uses can also adversely affect water quality in a number of ways.

Grazing stock inevitably results in the discharge of faeces and urine onto the ground surface. Other inputs such as fertiliser and agrichemicals are also applied to pasture and crops as part of normal operations. As in the case of land disturbance, runoff during and after rainfall events can pick up these substances and lead to the input of nutrients, bacteria and other contaminants into nearby waterbodies. The historic loss of wetlands and vegetated riparian margins makes this situation worse, as these intercept and/or treat the contaminants present in runoff. There is also the potential for contaminants (in particular, nitrate) to leach through the soil into underlying groundwater, especially where the aquifer is shallow and occurs within and below permeable soils.

Dairy herds and other intensively farmed stock crossing the wet bed of waterbodies has been a major cause of degraded water quality in some catchments. The animals disturb the waterbody as they walk through the wet bed, resulting in the release of sediment into the water. They also defecate and urinate in the stream, resulting in the release of bacteria and nutrients into the water.

There is the potential for rural activities to change and intensify in the future. For example, in many other regions there has been a change from traditional pastoral farming to dairy farming. This has led to water quality degradation, especially in lowland streams and for groundwater.

Discharges to land

There are many point source discharges to land, including discharges of winery, vegetable processing and domestic wastewater and dairy shed effluent. If not correctly operated and managed, these discharges could also contaminate coastal waters and waterbodies in close proximity to the discharges. Managing the effects of discharges to land is dealt with in Chapter 16 - Waste.

Bed disturbance

Activities occurring within riverbeds can result in the deliberate or inadvertent disturbance of the bed. Activities that can cause bed disturbance include gravel extraction, installation of infrastructure and flood mitigation works. Bed disturbance can mobilise river sediments and increase the turbidity of river water, especially where the disturbance is occurring within the wet bed (that part of the bed covered by water). This has the effect of reducing the clarity of the water, discolouring the river. Similar effects can also occur when land disturbance occurs along the river margin.

Water abstraction

The taking of water from aquifers in coastal areas has the potential to create a landward shift in the freshwater/seawater interface. If the interface moves a sufficient distance inland, salinity levels in the groundwater become elevated. This would adversely affect the ability to use the water for domestic and municipal supply, irrigation and other uses.

Natural processes

In the context of the above, it is also important to note that natural processes may influence water quality. For example, groundwater quality often reflects the mineralogy of the aquifer it originated from, especially if the groundwater has high residence time. This means that

some Marlborough groundwaters have high levels of naturally occurring contaminants such as salt, iron and arsenic. There is also potential for bacteria from the faeces of feral animals (e.g. goats, pigs and possums) and other wildlife to contaminate fresh and coastal waters.

Occasionally, natural processes will result in sediment reaching both fresh and coastal water, particularly during rainfall events. This affects the clarity and turbidity of water and the resulting dirty waters can have an impact on freshwater and marine life.

Combinations of the threats described above can occur within the same catchment, creating the potential for cumulative adverse effects on freshwater and coastal water quality.

Some coastal waters and waterbodies are more susceptible to water quality degradation than others. For example, the enclosed nature of the coastal waters in the Marlborough Sounds renders this water particularly sensitive to contamination, as dilution and tidal flushing is limited. Unmodified rivers, lakes and wetlands are also particularly vulnerable to the discharge of contaminants. Other coastal waters or waterbodies may have significant values that warrant special protection.

There has been a strong preference for discharges to land since the first Marlborough Regional Policy Statement (MRPS) became operative in 1995. This has resulted in a reduction in the number of point source discharges to water. Consequently, the greatest risk to water quality is probably associated with non-point source discharges. Non-point source discharges are difficult to manage as there is no discrete point to which management can be applied. This situation does not justify inaction, but means that the management of non-point source discharges is challenging and will require innovative approaches. It is important that the MEP provides a framework to deal with the point source and non-point source discharges to maintain and enhance water quality in Marlborough's coastal waters, rivers, lakes, wetlands and aquifers.

Issue 15B – Water quality in some of Marlborough's rivers has already been degraded, to the extent that their ability to support aquatic ecosystems and/or contact recreation has been compromised.

Monitoring of water quality as part of the Council's State of the Environment monitoring programme has established that water quality has become degraded in some rivers, relative to the natural and human use values that these rivers support or have supported in the past. Of particular note are changes in nutrient (nitrate and phosphorus), sediment and bacteria levels. Increasing levels of these contaminants is indicative of the impact of point source and non-point source discharge to rivers. These discharges have reduced the ability of the rivers to safely support primary contact recreation (i.e. swimming) and aquatic ecosystems. This is a significant concern given the contribution that water-based recreation makes to community wellbeing and the intrinsic values of aquatic ecosystems.

Water quality degradation is measured relative to the attribute values provided by the National Objectives Framework included in the NPSFM and/or the Council's water quality index. The water quality index, based on the Canadian Water Quality Index, summarises monthly measurements of nine chemical and physical parameters to produce an aggregate score for the state of water quality in Marlborough's rivers. The score allows the overall state of water quality to be categorised as excellent, good, fair, marginal and poor, relative to the natural or desirable level.

The rivers determined to be degraded (poor or marginal in the index) or at risk of degradation (close to marginal in the index) on the basis of the Council's 2014/15 State of the Environment Report are identified in Tables 15.1 and 15.2 below.

Table 15.1: Waterbodies identified through monitoring as being degraded.

Rivers
Are Are Creek
Doctors Creek
Duncan (Linkwater) Stream
Flaxbourne River
Mill Creek
Murphys Creek
Omaka River
Ōpaoa River
Ronga River
Taylor River
Tuamarina River
Wairau Diversion

Table 15.2: Waterbodies identified through monitoring as being at risk of degradation.

Rivers
Cullens Creek
Kaituna River
Kenepuru River
Lower Pelorus River (downstream of the Rai River)
Lower Wairau River from SH1 bridge to the sea
Mill Stream
Opouri River
Rai River
Spring Creek
Waitohi River

Issue 15C – The mauri of wai (water) has been degraded due to the lack of understanding about its spiritual significance.

Mauri is the term used by Marlborough's tangata whenua iwi to describe the cultural concept that all natural resources have a lifeforce. This lifeforce (called wairua) is derived from the physical attributes of the resource as well as the spiritual association iwi have with natural resources. Water is considered to be particularly significant to iwi in this regard as it sustains all life. Papā-tū-ā-nuku (Mother Earth) supports all people, flora and fauna, and waterbodies represent the blood vessels that supply nourishment to her, and through her, to all living things.

Marlborough's tangata whenua iwi feel that there is a lack of understanding in the community and by decision makers that water has wairua. It is their view that land and water are therefore used and managed in ways that do not recognise the spiritual significance of the resource. As a result, the point and non-point source discharge of contaminants to fresh and coastal water have adversely affected the mauri of water. Of particular concern is the impact of degraded water quality on the ability of each iwi to support traditional uses and values. Given the whakapapa link between Māori and water, waterbodies with poor or deteriorated quality are therefore a reflection of the health of the tangata whenua. Marlborough's tangata whenua iwi wish to avoid making any waterbody waimate (where water quality becomes so degraded that it loses its mauri).

Natural and human use values

[RPS, R, C]

Objective 15.1a – Maintain and where necessary enhance water quality in Marlborough's rivers, lakes, wetlands, aquifers and coastal waters, so that:

- (a) the mauri of wai is protected;**
- (b) water quality at beaches is suitable for contact recreation;**
- (c) people can use the coast, rivers, lakes and wetlands for food gathering, cultural, commercial and other purposes;**
- (d) groundwater quality is suitable for drinking;**
- (e) the quality of surface water utilised for community drinking water supply remains suitable for drinking after existing treatment; and**
- (f) coastal waters support healthy ecosystems.**

Marlborough's coastal waters, rivers, lakes, wetlands and aquifers contain a diverse range of natural and human use values and are used extensively by the community. The existing water quality in the majority of our waterbodies is sufficient to support these values, but it is important that no degradation of water quality is allowed to occur. In addition to the national values addressed through Objectives 15.1b to 15.1e, the uses and values identified in (a) to (f) of the Objective 15.1a are the most susceptible to water quality degradation and are therefore appropriate water quality outcomes. Providing for these uses and values will, by default, also provide for other uses and values.

Where water quality is no longer sufficient to sustain the values in (a) to (f), the objective identifies that water quality should be enhanced with the ultimate aim of restoring the uses and values that were once supported by these waterbodies. Positive trends have already been shown since the MRPS became operative, with a reduction in the number of point source discharges to water and remaining point source discharges operating with an improved level of treatment. The anticipated environmental results indicate that any enhancement should occur during the life of the MEP.

It is acknowledged that there are 'natural' sources of water contamination and that little can be done to mitigate the subsequent adverse effects of this contamination. However, it is important to ensure that our activities do not worsen this situation.

This objective ensures that the Council's responsibilities are fulfilled in terms of maintaining and enhancing the quality of the environment and safeguarding the life-supporting capacity of water.

Te Hauora o te Wai/the health and mauri of water

[RPS, R]

Objective 15.1b – Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the annual median nitrate concentration is <1 milligram nitrate-nitrogen per litre and the annual 95th percentile concentration is <1.5 milligrams nitrate-nitrogen per litre, as measured by the Council's State of the Environment monitoring programme.

The NPSFM identifies ecosystem health as a compulsory national value of freshwater. Under the NPSFM for rivers, nitrate concentrations are determined to be an attribute of ecosystem health. The majority of Marlborough's rivers that are monitored have an attribute state of "A" for nitrate and the community has a strong desire to maintain or enhance Marlborough's existing water quality. This is also the aim of Objective A2 of the NPSFM. For this reason, and having considered the matters set out in (f) of Policy CA2 of the NPSFM, the objective is to maintain an attribute state of A for nitrate in each FMU. Where water quality in the FMU does not currently meet an attribute state of A, the objective is to enhance water quality to meet this state. The numeric attribute states for A are specified in Objective 15.1b. The FMUs relevant to this objective are in Freshwater Management Unit - Map 5.

The process set in Policy CA2 of the NPSFW has been used to formulate this objective.

[RPS, R]

Objective 15.1c – Maintain freshwater water quality in each Freshwater Management Unit so that the annual median ammonia concentration is <0.03 milligrams ammoniacal nitrogen per litre and the annual maximum concentration is <0.05 milligrams ammoniacal nitrogen per litre, as measured by the Council's State of the Environment monitoring programme.

The NPSFM identifies ecosystem health as a compulsory national value of freshwater. Ammonia concentrations are determined to be an attribute of ecosystem health under the NPSFM for rivers. All of Marlborough's rivers that are monitored have an attribute state of "A" for ammonia. The community has a strong desire to maintain or enhance Marlborough's existing water quality and Objective A2 of the NPSFM requires this to occur. For this reason, and having considered the matters set out in (f) of Policy CA2 of the NPSFM, the objective is to maintain an attribute state of A for ammonia in each FMU. The numeric attribute states for A are specified in Objective 15.1c. The FMUs relevant to this objective are in Freshwater Management Unit - Map 5.

The process set in Policy CA2 of the NPSFM has been used to formulate this objective.

Te Hauora o te Tangata/the health and mauri of the people

[RPS, R]

Objective 15.1d – Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the annual median *E. coli* level is <260 per 100 ml, as measured by the Council's State of the Environment monitoring programme.

The NPSFM identifies human health for recreation as a national value of freshwater and secondary contact recreation as a compulsory national value of freshwater. Secondary contact recreation is activity that involves occasional immersion and some ingestion of water, such as boating or wading. The NPSFM has determined that *Escheria coli* (*E. coli*) bacteria are to be an attribute of the suitability of the water for contact recreation. The majority of Marlborough's rivers that are monitored have an attribute state of "A" for secondary contact recreation. The community

has a strong desire to maintain or enhance Marlborough's existing water quality and Objective A2 of the NPSFM requires this to occur. For this reason, and having considered the matters set out in (f) of Policy CA2 of the NPSFM, the aim is to maintain an attribute state of A for secondary contact recreation in each FMU. Where water quality in the FMU does not currently meet an attribute state of A, the aim is to enhance water quality to meet this state. The numeric attribute states for A are specified in Objective 15.1d. The FMUs relevant to this objective are in Freshwater Management Unit - Map 5.

The process set in Policy CA2 of the NPSFM has been used to formulate this objective.

[RPS, R]

Objective 15.1e – Maintain or enhance freshwater water quality in waterbodies valued for primary contact recreation so that the 95th percentile *E. coli* level is <540 per 100 ml, as measured by the Council's State of the Environment monitoring programme.

The NPSFM identifies human health for recreation as a national value of freshwater. *E. coli* bacteria are determined to be an attribute of the suitability of the water for contact recreation under the NPSFM. Some of Marlborough's rivers, or specific sites in those rivers, are valued by the community for swimming. (These values of Marlborough's rivers are identified in Appendix 5 of the MEP.) The majority of these rivers/sites have an attribute state of "B" for primary contact recreation. The community has a strong desire to maintain or enhance Marlborough's existing water quality and Objective A2 of the NPSFM requires this to occur. For this reason, and having considered the matters set out in (f) of Policy CA2 of the NPSFM, the aim is to maintain an attribute state of B for these rivers. Where water quality in the river does not currently meet an attribute state of B and it is reasonable to expect swimming to occur in the river, the aim is to enhance water quality to meet this state. The numeric attribute states for B are specified in Objective 15.1e. The FMUs relevant to this objective are in Freshwater Management Unit – Map 5.

The process set in Policy CA2 of the NPSFM has been used to formulate this objective.

All of the following policies collectively seek to achieve Objectives 15.1a to 15.1e.

Management purpose

[RPS, R, C]

Policy 15.1.1 – As a minimum, the quality of freshwater and coastal waters will be managed so that they are suitable for the following purposes:

- (a) **Coastal waters: protection of marine ecosystems; potential for contact recreation and food gathering/marine farming; and for cultural and aesthetic purposes;**
- (b) **Rivers and lakes: protection of aquatic ecosystems; potential for contact recreation; community water supply (where water is already taken for this purpose); and for cultural and aesthetic purposes;**
- (c) **Groundwater: drinking water supply; and**
- (d) **Wetlands: protection of aquatic ecosystems and the potential for food gathering.**

This policy establishes a minimum expectation of water quality in Marlborough's rivers, lakes, wetlands, aquifers and coastal waters. The policy will be primarily implemented through the application of water quality classifications, against which the impact of point source discharges on water quality can be assessed in the preparation of permitted activity rules and the consideration of resource consent applications. The use of "potential" in the criteria reflects a community expectation that contact recreation and/or food gathering should always be able to be undertaken

safely in coastal waters, rivers, lakes and wetlands. This policy assists to give effect to Policy A1, CA2 and D1 of the NPSFM and Policy 8 of the New Zealand Coastal Policy Statement 2010 (NZCPS).

[RPS, R, C]

Policy 15.1.2 – Apply water quality classifications (and water quality standards) to all surface water, groundwater and coastal water resources, which reflect:

- (a) the management purposes specified in Policy 15.1.1; and
- (b) other uses and values supported by the waterbody or coastal waters; or
- (c) where water quality has already been degraded, the uses and values that are to be restored.

Water quality classifications will be applied through the MEP to all water and coastal waters. The classifications will, as a minimum, reflect the management purposes set out in Policy 15.1.1. However, particular waterbodies and coastal waters may support other natural and human use values and it is appropriate for these values to be reflected in any classification. This means that many waterbodies and coastal waters will have multiple classifications. For those waterbodies or coastal water experiencing degraded water quality, the classifications will reflect the natural and human use values that are to be restored. Water quality standards will apply to each classification.

The classifications and standards will be described in a manner consistent with the Third Schedule of the RMA, although the standards may exceed those in the Third Schedule. Classifications may include NS (natural state), AE (aquatic ecosystem), F (fisheries), FS (fish spawning), CR (contact recreation), SG (shellfish gathering), A (aesthetic), WS (water supply), I (irrigation), IA (industrial abstraction) and C (cultural).

This policy assists to give effect to Policy A1 and D1 of the NPSFM.

[RPS, R]

Policy 15.1.3 – To investigate the capacity of fresh waterbodies to receive contaminants from all sources, having regard to the management purposes established by Policy 15.1.1 in order to establish cumulative contaminant limits by 2024.

Policy A1 of the NPSFM requires the Council to set water quality limits for all waterbodies. “Limit” is defined in the NPSFM as “...*the maximum amount of resource use available, which allows a freshwater objective to be met*” and includes cumulative limits for contaminants. Although the provisions of the MEP establish water quality standards that are to be complied with in the event of the point source discharge of contaminants, these are not cumulative limits.

The establishment of cumulative contaminant limits is a complex task. It requires a good understanding of the relationship between land use and water quality. That relationship is influenced by the nature of the contaminants produced by different land uses, the way in which those contaminants pass through the environment and the susceptibility of natural and human use values supported by waterbodies to total contaminant loads.

At the time of notification of the MEP, the Council did not hold the resource use and environmental data required to set the cumulative contaminant limits. For this reason, the Council adopted a programme of progressive implementation that was publicly notified on 8 November 2012. That programme sets a date of 2024 as a target for implementing cumulative contaminant limits.

This policy establishes a commitment to commence collecting and analysing resource use and environmental data required to establish cumulative contaminant limits. The use of limits could constrain the land uses that could occur in a catchment (existing and potential) or at least the way in which those land uses are managed. For these reasons, care needs to be exercised in establishing cumulative contaminant limits in respect of water quality. It is also important that the

limits reflect the management purposes established by Policy 15.1.1, otherwise Objectives 15.1a to 15.1e will not be achieved. The cumulative limits will be added to the MEP by plan change or upon review.

This policy assists to give effect to Policy A1 of the NPSFM and the Council's Programme of Staged Implementation adopted under the NPSFM.

Methods of implementation

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

[RPS, R, C]

15.M.1 Identification of uses and values supported by freshwater, groundwater or coastal water resources

To identify, on an ongoing basis, the uses and values supported by specific rivers, lakes, wetlands, aquifers and coastal waters. These values, including the spiritual and cultural values of Marlborough's tangata whenua iwi, will be identified in the MEP.

[R, C]

15.M.2 Water quality classifications

To establish water quality classifications for all waterbodies in the MEP that reflect the uses and values supported by the waterbody or that could be supported by the waterbody if water quality was enhanced. Classifications may include NS, AE, F, FS, CR, SG, A, WS and C. (Refer to Policy 15.1.2 for explanation of the classifications.)

[RPS, R]

15.M.3 Investigations

To undertake catchment-specific research to establish the capacity of fresh waterbodies to assimilate total contaminant loads from within each catchment. The objectives and management purpose established for the waterbody and the uses and values supported by the waterbody will both assist to determine the sensitivity of the waterbody to increases in contaminant loads. Given their association with rural land uses and Marlborough's history of primary production, research into nutrients is a priority. It may also be necessary to prioritise heavy metals in urban catchments, given the prevalence of such metals in urban stormwater, as well as sediment loads in rivers flowing into sensitive receiving environments, such as the enclosed coastal waters of the Marlborough Sounds.

[RPS, R]

15.M.4 Monitoring plan

Building on the Council's existing State of the Environment monitoring programme, develop a plan that sets out the methods for monitoring progress toward the achievement of Objectives 15.1a to 15.1e.

Enhancing water quality

[RPS, R]

Policy 15.1.4 – Take action to enhance water quality in the following rivers to meet Objective 15.1b within ten years of the Marlborough Environment Plan becoming operative:

- (a) Mill Creek; and
- (b) Murphys Creek.

The rivers identified in this policy do not currently meet Objective 15.1b. In other words, the water quality in these rivers does not meet an attribute state of A for nitrate under the NPSFM. Water

quality in these rivers can be enhanced, although it could take a considerable period of time before a significant improvement is achieved. The policy sets a timeframe of ten years from the date this policy becomes operative to achieve the enhancement.

A catchment-specific plan for enhancing water quality will be developed for each river. The methods to be used to enhance water quality will be determined following an assessment of the cause and effect of excessive nitrate levels. The methods contained in this chapter may be appropriate to use. Where this is the case, priority for the implementation of the methods will be given to the identified rivers.

The potential role of cumulative contaminant limits in enhancing water quality will be considered through the process of developing the plan.

This policy gives effect to Policy A2 of the NPSFM.

[RPS, R]

Policy 15.1.5 – Take action to enhance water quality in the following rivers to meet Objective 15.1d within ten years of the Marlborough Environment Plan becoming operative:

- (a) **Are Are Creek;**
- (b) **Cullens Creek;**
- (c) **Doctors Creek; and**
- (d) **Kaituna River.**

The rivers identified in this policy do not currently meet Objective 15.1d. In other words, the water quality in those rivers does not meet an attribute state of A for secondary contact recreation under the NPSFM. Water quality in these rivers can be enhanced, although it could take a considerable period of time before a significant improvement is achieved. The policy sets a timeframe of ten years from the date this policy becomes operative to achieve the enhancement.

A catchment-specific plan for enhancing water quality will be developed for each river. The methods to be used to enhance water quality will be determined following an assessment of the cause and effect of excessive *E.coli* levels. The methods contained in this chapter may be appropriate to use. Where this is the case, priority for the implementation of the methods will be given to the identified rivers.

The potential role of cumulative contaminant limits in enhancing water quality will be considered through the process of developing the plan.

This policy gives effect to Policy A2 of the NPSFM.

[RPS, R]

Policy 15.1.6 – Take action to enhance water quality in the following rivers to meet Objective 15.1e within ten years of the Marlborough Environment Plan becoming operative:

- (a) **Taylor River;**
- (b) **Rai River; and**
- (c) **Waihopai River.**

The rivers identified in this policy do not currently meet Objective 15.1e. In other words, the water quality does not meet an attribute state of B for primary contact recreation. Water quality in these rivers can be enhanced, although it could take a considerable period of time before a significant improvement is achieved. The policy sets a timeframe of ten years from the date this policy becomes operative to achieve the enhancement.

A catchment-specific plan for enhancing water quality will be developed for each river. The methods to be used to enhance water quality will be determined following an assessment of the

cause and effect of excessive faecal bacteria levels. The methods contained in this chapter may be appropriate to use. Where this is the case, priority for the implementation of the methods will be given to the identified rivers.

The potential role of cumulative contaminant limits in enhancing water quality will be considered through the process of developing the plan.

This policy gives effect to Policy A2 of the NPSFM.

[RPS, R]

Policy 15.1.7 – Take action to enhance water quality in the rivers identified in Tables 15.1 and 15.2 so that water quality is suitable for the purposes specified in Policy 15.1.1 within ten years of the Marlborough Environment Plan becoming operative.

The rivers with water quality known not to meet the management purposes established by Policy 15.1.1 are identified in Table 15.1. Point source and non-point source discharges have degraded water quality to the extent that it is no longer sufficient to support natural and human use values. Another group of rivers, identified in Table 15.2, has fair water quality, but there is a risk that it may become insufficient to meet the management purposes established by Policy 15.1.1 if the water quality is further degraded. Water quality in these rivers can be enhanced, although it could take a considerable period of time before a significant improvement is achieved.

A catchment-specific plan for enhancing water quality will be developed for each river included in Tables 15.1 and 15.2. The methods to be used to enhance water quality will be determined following an assessment of the cause and effect of degraded water quality and will be clearly identified within the plan. The methods contained in this chapter may be appropriate to use. Where this is the case, priority for the implementation of the methods will be given to those rivers identified in Tables 15.1 and 15.2.

The quality of water in some rivers and coastal waters is unknown as they have not been monitored. If the results of future monitoring establish that there are other waterbodies with degraded water quality, then these can be added to Table 15.1 through a change to the MEP.

This policy gives effect to Policy A2 of the NPSFM.

Methods of implementation

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

[RPS, R]

15.M.5 Catchment Enhancement Plans

Catchment Enhancement Plans will be developed as a priority for rivers that have degraded water quality, as identified in Policies 15.1.4 to 15.1.7. The methods to be used to enhance water quality will be determined following an assessment of the cause and effect of degraded water quality and will be clearly identified within the Plans. It may take time to establish the nature of the cause, which may delay the completion of the Plans. Other methods may be used in the interim to reduce the effects of non-point source discharges on water quality. Each Catchment Enhancement Plan will be developed in consultation with resource users in the catchment and other affected parties.

Management of point source discharges to water

[RPS, R, C]

Policy 15.1.8 – Encourage the discharge of contaminants to land in preference to water.

The combination of favourable soil properties in many parts of Marlborough, along with Marlborough's dry climate, make the discharge of contaminants to land a viable option.

Discharging contaminants to land avoids the equivalent discharge to freshwater or coastal waters and therefore assists to maintain and enhance water quality in our rivers, lakes, wetlands, aquifers and coastal waters. For this reason, the policy states a preference for discharges to land. However, it is also acknowledged that there can be limitations to the capacity of soils to treat and/or absorb contaminants. Encouraging discharges to land where these limits would be exceeded may give rise to unsustainable outcomes. Chapter 16 - Waste contains provisions for managing the adverse effects of discharging contaminants to land.

[R, C]

Policy 15.1.9 – Enable point source discharge of contaminants or water to water where the discharge will not result:

- (a) **in any of the following adverse effects beyond the zone of reasonable mixing:**
 - (i) **the production of conspicuous oil or grease films, scums, foams or floatable or suspended materials;**
 - (ii) **any conspicuous change in the colour or significant decrease in the clarity of the receiving waters;**
 - (iii) **the rendering of freshwater unsuitable for consumption by farm animals;**
 - (iv) **any significant adverse effect on the growth, reproduction or movement of aquatic life; or**
- (b) **in the flooding of or damage to another person's property.**

The purpose of this policy is to set criteria for authorising discharges to surface waterbodies or coastal waters as permitted activities. In the absence of a regional rule, these discharges would require a discharge permit. These discharges, provided they meet certain conditions, should not cause any of the adverse effects identified in this policy or Section 70 of the RMA. The matters specified in (a) are the statutory tests for permitted activity rules from Section 70 of the RMA. There is little justification for requiring a discharge permit for an activity that has little or no adverse effects. If state of the environment monitoring indicates that the cumulative effects of permitted activities are adversely affecting water quality, then it is appropriate to review the status of those rules. (Refer to Policy 15.1.14 for the criteria for a zone of reasonable mixing.)

[RPS, R, C]

Policy 15.1.10 – Require any applicant applying for a discharge permit that proposes the discharge of contaminants to water to consider all potential receiving environments and adopt the best practicable option, having regard to:

- (a) **the nature of the contaminants;**
- (b) **the relative sensitivity of the receiving environment;**
- (c) **the financial implications and effects on the environment of each option when compared with the other options; and**
- (d) **the current state of technical knowledge and the likelihood that each option can be successfully applied.**

Reflecting the preference for discharges to land expressed in Policy 15.1.8, it is important that any applicant applying for a discharge permit to water has thoroughly considered all potential land or water receiving environments. The applicant will have to demonstrate that the option of discharging to water is the best practicable option given the alternative receiving environments available. Even if the discharge of contaminants to water is the best practicable option, it does not necessarily mean that the discharge permit application will be granted; the remainder of the policies will also be relevant to determining the application. In particular, it is expected that discharges to water will be treated to the highest practicable levels to meet the management purposes set out in Policy 15.1.1.

This policy assists to give effect to Policy A3 of the NPSFM and Policy 23 of the NZCPS.

[RPS, R, C]

Policy 15.1.11 – When considering any discharge permit application for the discharge of contaminants to water, regard will be had to:

- (a) **the potential adverse effects of the discharge on spiritual and cultural values of Marlborough’s tangata whenua iwi;**
- (b) **the extent to which contaminants present in the discharge have been removed or reduced through treatment; and**
- (c) **whether the discharge is of a temporary or short term nature and/or whether the discharge is associated with necessary maintenance work for any regionally significant infrastructure.**

In order to protect the mauri of nga wai, it is essential to have regard to the potential adverse effects on the spiritual and cultural values of Marlborough’s tangata whenua iwi when considering any discharge permit application for the discharge of contaminants to water. The relevant iwi will be those who are kaitiaki for the receiving waters or those who have a statutory acknowledgement with respect to the waterbody. The position of iwi will inform the decision making process about the resources or values of significance to tangata whenua, the potential adverse effects of the discharge on these resources and values, and appropriate measures necessary to avoid, remedy or mitigate any adverse effects. The position of iwi would preferably be established by the resource consent applicant in consultation with the iwi as part of the process of assessing environmental effects. The outcome of this consultation would then be reflected in the subsequent resource consent application.

The adverse effects of any discharge on water quality can depend on the level of contaminants present in the discharge. It is therefore appropriate that decision makers have regard to whether the discharge is treated and the extent of treatment. They can use this information to determine whether the applicant has reduced the level of contaminants sufficiently in the context of the actual or potential adverse effects. It is also important that decision makers have regard to any practical or technological limitations to further treatment. The policy assists to avoid and mitigate the adverse effects of point source discharges on water quality by encouraging dischargers to minimise the level of contaminants present in discharges to water.

The anticipated duration of the discharge and the purpose for which it is undertaken are relevant to the consideration of the adverse effects of any discharge requiring a permit. This is particularly the case for discharges that do not comply with the water quality classification standards set for the receiving waters. In such situations, a discharge undertaken for a short or temporary period(s) may still be appropriate, depending on the significance of any adverse effects that result from the non-compliance. Similarly, discharges associated with the maintenance of regionally significant infrastructure may be appropriate when the importance of the ongoing function of the infrastructure is weighed against the adverse effects of non-compliance.

This policy assists to give effect to Policy D1 of the NPSFM and Policy 23 of the NZCPS.

[RPS, R, C]

Policy 15.1.12 – After considering Policies 15.1.10 and 15.1.11, approve discharge permit applications to discharge contaminants into water where:

- (a) **the discharge complies with the water quality classification standards set for the waterbody, after reasonable mixing; or**
- (b) **in the case of non-compliance with the water quality classification standards set for the waterbody:**
 - (i) **the consent holder for an existing discharge can demonstrate a reduction in the concentration of contaminants and a commitment to a staged approach for achieving the water quality classification standards within a period of no longer than five years from the date the consent is granted; and**

- (ii) **the degree of non-compliance will not give rise to significant adverse effects.**

If discharge to water is the best practicable option, compliance with the specified water quality classification standards will ensure that the quality of water is sufficient to sustain the natural and human values currently supported by the waterbody or coastal waters. Any point source discharge requiring a discharge permit will generally only be approved if the applicant has demonstrated that the effects of the discharge will comply with the specified water quality classification standards beyond a zone of reasonable mixing. There are limited circumstances where non-compliance with water quality classification standards will result in the approval of the discharge permit application; these circumstances are identified in (b) of the policy.

In some circumstances, it will be necessary to take into account other influences on water quality upstream of the discharge point in applying this policy. For example, the receiving waters may already be in a state in which means the water quality standards are not being met. This is reflected in the ability to take into account the degree of additional adverse effect created by the discharge in (b)(ii).

There is an expectation that the effects of the discharge on the quality of the receiving waters will be monitored to establish compliance with the water quality classifications standards over the life of the discharge permit. Compliance will be established by sampling/measuring relevant water quality parameters beyond the zone of reasonable mixing. In rivers, the parameters should also be measured upstream of the zone of reasonable mixing to establish background water quality.

This policy assists to give effect to Policy A3 of the NPSFM and Policy 23 of the NZCPS. Policies 15.1.14 and 15.1.15 provide guidance on determining the size of an appropriate mixing zone.

[R]

Policy 15.1.13 – Where it is proposed to discharge contaminants to water upstream of any registered community drinking water supply providing for more than 501 people, have regard to the effect of the proposed discharge on the quality of water within the river and its subsequent suitability for human consumption after existing treatment.

The NES for Sources of Human Drinking Water introduced requirements for the consideration of discharge permit applications upstream of abstraction points for community water supplies registered in accordance with Section 69J of the Health Act 1956. Regulations 7 and 8 of the NES specify circumstances when resource consent must not be granted. This policy compliments the regulations by ensuring regard is had to the effect of the proposed discharge on the suitability of the water for human consumption following existing treatment. Regulations 7 and 8 of the NES must still be used to determine whether any application should be granted.

[R, C]

Policy 15.1.14 – Except as provided for by Policy 15.1.15, apply a zone of reasonable mixing to the receiving waters for all point source discharges to water. The zone shall not exceed (as measured from the discharge point):

- (a) **For rivers and streams, the lesser of:**
 - (i) **a distance downstream equal to seven times the width of the river (allowing for low flows); or**
 - (ii) **200 metres downstream.**
- (b) **For rivers subject to tidal influence at the point of discharge:**
 - (i) **as for rivers in 15.1.14(a), plus a distance upstream equal to half of that allowed downstream.**
- (c) **For lakes and wetlands (with open standing water):**
 - (i) **within a radius of 100 metres of the discharge point.**

- (d) **For coastal waters, limited to the extent necessary to achieve effective mixing, having regard to:**
 - (i) **the characteristics of the discharge, including the contaminant type, concentration and volume;**
 - (ii) **the coastal processes that exist at and near the point of discharge; and**
 - (iii) **the nature, sensitivity and use of the coastal waters.**

Discharges of contaminants to water authorised under discharge permit must meet water quality classification standards set for the receiving waters after “reasonable mixing”. Reasonable mixing is the process of wastewater dispersing through the receiving waters and this occurs in a mixing zone, an accepted area of non-compliance. The policy establishes how to size the mixing zone. In the case of discharges into freshwater, a prescribed formula ensures a consistent and equitable approach. Such an approach is not possible for coastal water due to variation in the coastal environment caused by (among other things) tides and currents. Instead, the policy provides criteria for determining the size of an appropriate mixing zone.

This policy assists to give effect to Policy 23 of the NZCPS.

[R, C]

Policy 15.1.15 – With the exception of stormwater discharges, the water quality classification standards will be met at the point of discharge, where a discharge is:

- (a) **within one kilometre upstream of an intake for a registered drinking water supply from a river; or**
- (b) **to a river where the receiving waters are to be maintained in a natural state; or**
- (c) **within 500 metres of any marine farming activity in freshwater or coastal waters.**

Some waterbodies and coastal waters are particularly sensitive to the point source discharge of contaminants. In these circumstances, a zone of reasonable mixing will generally be incompatible with the values supported by the waterbody or coastal waters. The policy identifies those circumstances where a zone of non-compliance should not be established.

This policy assists to give effect to Policy 23 of the NZCPS.

[R, C]

Policy 15.1.16 – The duration of any new discharge permit will be either:

- (a) **Up to a maximum of 15 years for discharges into waterbodies or coastal waters where the discharge will comply with water quality classification standards for the waterbody or coastal waters; or**
- (b) **up to ten years for discharges into rivers identified in Policies 15.1.4, 15.1.5, 15.1.6 or 15.1.7 (where the water quality is to be enhanced) and the discharge will comply with water quality classification standards for the waterbody or coastal waters; or**
- (c) **no more than five years where the existing discharge will not comply with water quality classification standards for the waterbody or coastal waters.**

With the exception of regionally significant infrastructure, no discharge permit will be granted subsequent to the one granted under (c), if the discharge still does not meet the water quality classification standards for the waterbody or coastal waters.

To provide greater certainty to resource users, the policy identifies the appropriate duration for discharge permit applications if they are to be granted. The duration varies depending on compliance with water quality classification standards and the state of water quality in the waterbody or coastal waters. Longer durations are warranted where compliance with water quality classification standards will be achieved and there is currently no water quality issue, while

short term consents will occur where water quality classification standards cannot be met. In the latter case, Policy 15.1.12 identifies that consent holders only have five years to achieve compliance with water quality classification standards, hence the requirement in (c) above.

This policy gives effect to Policy A3 of the NPSFM.

[R, C]

Policy 15.1.17 – Review, where appropriate, the conditions of existing discharge permits to impose new conditions requiring the monitoring of the discharge effects to determine compliance with the water classification standards.

It may not be known whether existing discharges comply with the water quality classification standards where there is no requirement in the conditions of consent to monitor effects relative to the standards. As this information will be critical to the consideration of any new discharge permit applications to continue discharging the contaminants, the policy can be used to require the consent holder to commence monitoring the effects of the discharge. This will be achieved through Section 128(b), reviews of discharge permit conditions.

This policy gives effect to Policy A3 of the NPSFM.

[R, C]

Policy 15.1.18 – Avoid the discharge of untreated human sewage to waterbodies or coastal waters.

The discharge of untreated human sewage to water has the potential for significant adverse effects on the life supporting capacity of freshwater and marine ecosystems as well as the recreational and commercial use of the waters. Such discharges are also culturally offensive to Marlborough's tangata whenua iwi and the wider community. For these reasons, it is appropriate to avoid any discharge of untreated human sewage to waterbodies or coastal waters through prohibited activity rules.

This policy gives effect to Policy 23 of the NZCPS.

[C]

Policy 15.1.19 – Progressively work toward eliminating the discharge of human sewage to coastal waters in the Marlborough Sounds, with the exception of regionally significant infrastructure.

The Marlborough Sounds are one of the District's significant natural resources and as a predominantly coastal environment, the quality of coastal waters is paramount to their ongoing use and enjoyment by the community and visitors. There is therefore a strong community desire to eliminate the discharge of all human sewage to coastal waters in the Marlborough Sounds. A policy of progressively eliminating discharges over time recognises that those discharging human sewage will need time to find alternative receiving environments.

An exception has been made for regionally significant infrastructure in recognition of the fact that the discharges from Council operated, reticulated community sewerage systems act to maintain public health standards in the towns of Picton and Havelock. However, the remainder of the policies in this chapter do apply to the discharges. This means that the Council will have to consider alternative receiving environments when new resource consents are sought for these existing discharges and if discharge to coastal water is the best practicable option, the effects of the discharge will still be considered in accordance with Policy 15.1.12.

The Resource Management (Marine Pollution) Regulations 1998 control the discharge of human sewage from ships into coastal waters. Policy 15.1.20 provides further direction on the discharge of untreated human sewage from ships in the Marlborough Sounds.

This policy assists to give effect to Policy 23 of the NZCPS.

[C]

Policy 15.1.20 – Except for Grade A or Grade B treated sewage, control the discharge of human sewage from ships in the Marlborough Sounds.

The Marlborough Sounds are a popular destination for local and visiting boats. Larger ships, especially those with live-on facilities, have holding tanks for human sewage. The discharge of human sewage from ships is regulated by the Resource Management (Marine Pollution) Regulations 1998. However, the combination of the enclosed nature of the Marlborough Sounds and the prevalence of marine farming throughout this area mean that there are limited opportunities to discharge sewage to coastal waters in a manner that complies with the Regulations. In addition, in many locations there is limited movement of water that would provide for mixing of the contaminants with the receiving waters.

The continuation of discharging human sewage into such valued and significant enclosed waters has been questioned by the community. The Regulations do allow for more stringent rules than those prescribed in the Regulations to be included in a regional coastal plan in certain circumstances. The policy signals that the Council is to utilise this ability to manage the adverse effects potentially created by the discharge of untreated human sewage from ships.

This policy assists to give effect to Policy 23 of the NZCPS.

[R, C, D]

Policy 15.1.21 – Manage the adverse effects of urban stormwater discharges on water quality by applying management to activities within each urban stormwater catchment in order to reduce the potential for stormwater to become contaminated at source.

The Council does not regulate individual inputs into the Council's reticulated stormwater infrastructure, as these inputs do not constitute a discharge under the RMA. (The Council can exercise its enforcement powers when contaminants - as opposed to stormwater - are discharged into the stormwater infrastructure and subsequently contaminate a waterbody.) However, the discharge provisions of the MEP do apply where the collected stormwater is discharged into receiving waters. The volume of stormwater generated during rain events and the rate of discharge make treating stormwater prior to discharge difficult. For this reason, the policy emphasises that the Council will focus on managing the potential for stormwater to become contaminated at source before it enters the reticulated system.

Stormwater quality at the point of discharge reflects land use activities and land management practices within the catchment serviced by the stormwater infrastructure. A catchment approach to managing stormwater quality enables a focussed investigation of potential sources of contaminants within the catchment to be undertaken. The benefit is that the most appropriate and cost effective solutions can then be identified and implemented. It is expected that these actions will be set out and detailed in Stormwater Management Area Plans. The Plans will ensure that there is a co-ordinated and integrated approach to managing stormwater quality within each urban stormwater catchment and any adverse effects on receiving waters. Over time, the policy will reduce the contamination of stormwater from industrial, commercial and residential activities and assist to improve water quality in urban areas.

This policy assists to give effect to Policy 23 of the NZCPS.

[R, C]

Policy 15.1.22 – Recognise that the Taylor, Ōpaoa and Waitohi rivers, Waikawa Stream (and some of their tributaries) and coastal waters at Havelock, Picton and Waikawa will continue to receive urban stormwater for the foreseeable future and, with limited options to treat urban stormwater, may on an episodic basis experience reduced water quality to the extent that the management purposes in Policy 15.1.1 are not achieved.

The waterbodies listed in the policy have historically received stormwater from the towns of Blenheim, Havelock, Picton and Waikawa. Given the reliance of those towns on the stormwater systems, these waterbodies will continue to receive urban stormwater for the foreseeable future. Once collected, due to volume of runoff and peak flows there is limited ability to treat this

stormwater to reduce the level of contamination. This means that the Taylor, Ōpaoa and Waitohi rivers, Waikawa Stream (and relevant tributaries) and coastal waters will experience reduced water quality during and after rainfall events. Although there may be community concern at this outcome, it is important to recognise the role that these waterbodies play in enabling ongoing residential, commercial and industrial activity in each of the towns. Without the ability to discharge stormwater to these waterbodies, land utilised for these activities would be subject to surface flooding during rainfall events. However, efforts should still be made to reduce the level of stormwater contamination over time. Policy 15.1.21 identifies other initiatives that will be utilised in this regard.

[R]

Policy 15.1.23 – Avoid the discharge of animal effluent to fresh waterbodies and stock disturbance of river beds to the extent necessary to meet the management purposes established by Policy 15.1.1, by:

- (a) preventing the direct discharge of collected animal effluent to water; and
- (b) avoiding the access of intensively farmed stock to rivers.

Animal effluent can be discharged directly into rivers and wetlands through either the point source discharge of collected animal effluent (e.g. farm dairy effluent) or through stock access to waterbodies. At the date of notification of the MEP, there were no authorised discharges of animal effluent into water. This policy seeks to avoid the significant risk posed to surface water quality by discharges of collected animal effluent. This will be implemented through a prohibited activity rule.

Stock can also access rivers when grazing riparian margins. In such circumstances, it is likely that there will be a discharge of animal effluent to water and the river bed will be physically disturbed. The resulting increase in bacteria and turbidity in the receiving waters have the potential to reduce water quality. The adverse effects of casual access on water quality are dependent on a number of factors, including the type and density of stock. Intensively farmed stock such as dairy cattle, pigs, or cattle or deer grazed on irrigated pasture or breakfed on winter crops create a significant risk of adverse effects on water quality. For this reason, the policy seeks to avoid stock access where stock is farmed intensively.

Due to the practical difficulties in some situations of fencing stock out of waterbodies, particularly where stock are grazed extensively, the Council has also adopted an approach of using permitted activity rules for managing the adverse effects of stock access not covered by this policy. The permitted activity rules will require compliance with any relevant water quality standard set for the affected waterbody.

[R, C]

Policy 15.1.24 – Establish a response capability to deal with spills of hazardous substances that enter waterbodies or coastal waters.

In the event that hazardous substances are accidentally or deliberately released into the environment, it is important that there is the capability to contain the extent of the spill and subsequently clean-up the site. Several agencies are potentially involved in any spill event, including the Council, Fire Service, Police and (in the coastal marine area) Maritime Safety. An ad hoc response from each agency creates the potential for ineffective containment and for soil contamination to occur over a wider area than if the spill was effectively contained. It is important therefore that the actions of each agency in responding to a spill are co-ordinated. This is especially the case considering the risks posed by the volume of goods transported to and through Marlborough on the Cook Strait ferries.

Methods of implementation

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

[R, C]

15.M.6 Regional rules

Set appropriate water quality standards that reflect the physical, chemical and biological characteristics required to maintain the uses and values supported by the waterbody.

Apply regional rules to allow point source discharges to land (see Chapter 16 - Waste for further details).

Permitted activity rules will enable the discharge of contaminants or water to water where the discharge will not give rise to adverse effects on natural and human use values supported by the waterbody or coastal waters.

Apply regional rules to regulate and in some instances prohibit point source discharges to water. This will allow the management framework established by the MEP to be applied. Prohibitions apply to the discharge of human sewage from ships in the Marlborough Sounds, the discharge of untreated human sewage and the discharge of collected animal effluent from dairy sheds.

In the case of discharge of human sewage from ships, a prohibition will be placed on the activity six years from the date of notification of the MEP. It will not apply to the discharge of Grade A or Grade B treated sewage.

Apply regional rules to control the use of land in close proximity to rivers for stock grazing. This includes rules to control intensively-farmed stock from entering onto or crossing the bed of a lake or flowing river. A prohibition will be placed on this activity as from 9 June 2022.

Where resource consent is required for discharges to water, conditions may be imposed to ensure that the operator of any treatment system manages and maintains the system appropriately.

Review discharge permit conditions to ensure water quality standards apply to all discharges and that compliance with these standards is monitored.

[D]

15.M.8 Bylaw

Use bylaws to control the disposal of trade and industrial waste into the Council's reticulated sewerage system, especially the type and characteristics of the waste, to minimise the adverse effects of the subsequent discharge into water.

[R, C, D]

15.M.9 Stormwater Management Area Plans

The Council will investigate the nature, extent and sources of contamination of urban stormwater discharges and consider possible means of reducing contaminant levels. This will be achieved through the development and implementation of Stormwater Management Area Plans. These Plans will be developed progressively and implemented for each urban stormwater catchment. It is expected that Stormwater Management Area Plans will form the basis of discharge permit applications to continue discharging stormwater into water.

[C]

15.M.10 Community facilities

Facilitate the provision of further pump-out facilities for ships in the Marlborough Sounds in a manner that ensures that pump-out facilities are accessible for boaties throughout the Sounds.

[R, C]

15.M.11 Liaison

Liaise with iwi, Nelson Marlborough Fish and Game Council, Department of Conservation, water users and the community to determine the uses and values supported by rivers, lakes, wetlands, aquifers and coastal waters.

Liaise with Port Marlborough New Zealand Limited, the Department of Conservation and resort owners to establish accessible pump-out facilities for boaties and public toilets at strategic locations in the Marlborough Sounds.

Work with the Marine Farming Association and other organisations collecting coastal water quality information to establish a representative coastal water quality monitoring network, including the sharing of information.

[C]

15.M.12 Information

Provide educational material to boating clubs and boaties to inform them of the controls on discharges of human sewage from ships and on alternative methods of disposal.

Share coastal water quality monitoring information with the Marine Farming Association and Marlborough Sounds communities.

[R, C]

15.M.13 Cultural impact assessment

A cultural impact assessment is an assessment of the potential effects of an activity on resources and values of significance to tangata whenua. Such reports document iwi values within an area and provide appropriate measures to avoid, remedy or mitigate any adverse effects on those values. A report is prepared to document the assessment and can form part of the Assessment of Environmental Effects submitted as part of any discharge permit application. Given Policy 15.1.11, it would be preferable if applicants approached the iwi traditionally associated with the receiving waters (as recognised via statutory acknowledgement) for a cultural impact assessment as part of pre-lodgement consultation.

[R, C]

15.M.14 Codes of practice and industry guidelines

Advocate to industry groups that they, locally or nationally, prepare and/or adopt codes of practice or other guidelines (where not already in place) aimed at reducing the effects of discharges to water.

[R, C]

15.M.15 Spill Response Contingency Plan

A Spill Response Contingency Plan will be developed collaboratively by the Council, Fire Service, Police and (in the coastal marine area) Maritime Safety. The Plan will identify the methods to be used to contain and clean up any spill of hazardous substances, the role of each agency in implementing these methods, and communication between the agencies. In this way, the Plan will ensure that response actions are effective and the potential for soil contamination caused by spills is minimised.

Management of non-point source discharges

[RPS, R, C]

Policy 15.1.25 – Recognise that, in many situations, non-regulatory methods will be an effective method of managing the adverse effects of non-point source discharges.

Non-point source discharges are diffuse in nature as they do not enter the environment at a discrete point. Most non-point source discharges are the result of run-off where rain water picks up contaminants such as sediment, nutrients, toxicants and pathogens from land. It is also possible for some of these contaminants to leach into underlying groundwater through infiltration. As such, any non-point source discharge (effectively contaminated runoff) is a consequence of particular land use activities.

The diffuse nature of non-point source discharges means that they are inherently more difficult to manage as there is no particular point such as an outfall to which treatment or management can be applied. For this reason, the main approach to addressing the adverse effects of non-point source discharges over the life of the MEP will be to work with landowners to improve land use practices to minimise the potential for run-off.

In time and as signalled in Policy 15.1.3, the Council will establish cumulative contaminant limits to assist with the effective management of the adverse effects of all discharges to freshwater within a catchment. These limits will be established as regional rules and will establish a maximum amount of resource use within a catchment for water quality outcomes.

[R, C]

Policy 15.1.26 – Encourage, in close association with rural industry groups, the use of sustainable rural land management practices.

All of Marlborough's established rural land uses have industry groups to represent the interests of their members. The Council's focus on implementing non-regulatory methods will be to work with and through these established industry groups to co-operatively promote and encourage sustainable rural land use practices. The Council may also undertake joint investigations with rural industry groups to gain a better understanding of the impact of particular rural land use activities on water quality.

[R, C]

Policy 15.1.27 – Promote the retirement and planting of riparian margins in rural areas to intercept contaminated runoff, especially where water quality is degraded or at risk of degradation.

Riparian margins are those areas of land adjoining surface waterbodies or coastal waters. The retirement of riparian margins from productive use creates a physical buffer between the effects of rural land uses and adjoining rivers, lakes, wetlands and coastal waters. This buffer reduces the potential for contaminated runoff to reach these waterbodies and coastal waters. On properties where stock is intensively grazed, riparian retirement may require fencing to prevent stock entry to the riparian margin. The effect of riparian retirement is enhanced when the retired margin is planted, as vegetation will intercept many contaminants present in runoff (e.g. nutrients and sediment). Tall riparian vegetation further improves water quality by reducing water temperature and algal growth. For these reasons, the Council will actively promote the retirement and planting of riparian margins as a sustainable rural land management practice. Note that Policy 8.2.11 of Chapter 8 - Indigenous Biodiversity promotes the planting of indigenous vegetation in riparian margins and other areas.

The positive effects of retiring and planting riparian margins will be greatest where the quality of water in rivers that flow through rural environments is degraded or at risk of degradation. These rivers are identified in Tables 15.1 and 15.2.

The Council operates and maintains an extensive drainage network on the Lower Wairau Plains that acts to reduce water table levels over what is now some of the most productive land in

Marlborough. Riparian planting along these drains needs to be undertaken carefully to ensure that the effectiveness of the drainage network is not adversely affected.

[D]

Policy 15.1.28 – To require where appropriate (as part of the subdivision consent process) the creation of esplanade reserves and esplanade strips to maintain or enhance water quality.

Esplanade reserves or esplanade strips can be taken for the purposes set out in Section 229 of the RMA, including where this will contribute to the protection of “conservation values” by maintaining or enhancing water quality. This policy signals that where conservation values are known to exist in surface waterbodies and those values are at risk due to degraded water quality or the potential for reduced water quality, then land may be taken or set aside upon subdivision. The resulting esplanade reserve or esplanade strip would act as a buffer between the waterbody and adjoining land use, reducing the potential for land use to adversely affect water quality.

Tables 15.1 and 15.2 identify rivers that could benefit from the establishment of either an esplanade reserve or esplanade strip for water quality reasons. There may also be other circumstances where the application of the policy is relevant.

[R, C]

Policy 15.1.29 – To control land disturbance activities in order to:

- (a) **mitigate the effects of increased sediment runoff to fresh waterbodies or coastal water; and**
- (b) **avoid the potential for direct entry of contaminants into groundwater.**

Controls will be applied to cultivation, excavation, filling and vegetation clearance to minimise the potential for sediment to reach rivers, lakes, wetlands and coastal waters. These controls will include the way in which the activity can be undertaken and the proximity of the activity to waterbodies or coastal water. Where there is certainty that activities undertaken in a particular way will not adversely affect water quality, the control can take the form of enabling rules. However, where there is uncertainty about the effect of the land disturbance activity on water quality and it is considered necessary to exercise discretion, then a discretionary activity rule will be used.

Where excavations intercept groundwater at the time of the works (or thereafter), there is a possibility of aquifer contamination. Controls will be applied to excavation to minimise the potential for any contaminant to reach groundwater. This includes the drilling of a well and the management of the well head once it is commissioned.

This policy assists to give effect to Policy 22 of the NZCPS.

[R]

Policy 15.1.30 – Protect groundwater sources of community drinking water by identifying land overlying groundwater vulnerable to leachate contamination. Manage, with respect to this land:

- (a) **change in land use to activities that have the potential to result in leachate discharges so that activities are, where practicable, located elsewhere or the contaminants are contained;**
- (b) **existing land use activities so that any potential for groundwater contamination is monitored and, where necessary, corrective action is taken;**
- (c) **point source discharges of contaminants to land; and**
- (d) **excavation.**

Groundwater is the source of drinking water for most of Marlborough's towns and small settlements. This policy establishes controls on activities that could result in groundwater becoming unsafe for consumption as a result of the leaching of contaminants into groundwater. The vulnerability of aquifers to leachate contamination is determined by the depth of the aquifer and the permeability of the overlaying soil. Any area of land above an aquifer considered to be high risk has been mapped in the MEP as a Groundwater Protection Area. Within this area, change of land use to activities likely to generate leachate should, where practicable, be avoided. Where it is not considered possible to do so, provision must be made to contain the leachate generated. The groundwater beneath existing land uses will also be monitored. Where land use in the area is observed to be adversely affecting groundwater quality, actions may be required to avoid the effect in the future. The discharge of contaminants and excavation within groundwater protection areas will also be regulated to avoid any adverse effect on groundwater quality. Collectively, the controls implemented through this policy will assist to protect the health and wellbeing of communities that rely on groundwater as a source of drinking water.

[R, C]

Policy 15.1.31 – Recognise that disturbing the seabed or the wet bed of a lake or river results in a discharge of sediment that has the potential to cause adverse effects on water quality.

Sections 12 and 13 of the RMA regulate the activity of disturbing the seabed and the bed of lakes and rivers, respectively. This disturbance usually releases sediment into water, effectively a non-point source discharge of contaminants. To ensure integrated management of the effects of bed disturbance, this policy signals that any water quality effects caused by such a discharge also need to be managed.

[R, C]

Policy 15.1.32 – In considering any resource consent application for the disturbance of a river or lake bed, or the seabed, or land in close proximity to any waterbody, regard will be had to:

- (a) whether the disturbance is likely to result in non-compliance with the clarity standards set for the waterbody, after reasonable mixing;
- (b) in the event of possible non-compliance with the clarity standards set for the waterbody, after reasonable mixing:
 - (i) the purpose for undertaking the disturbance and any positive effects accruing from the disturbance;
 - (ii) the scale, duration and frequency of the disturbance;
 - (iii) the extent to which the bed disturbance is necessary and adverse water quality effects caused by the disturbance are mitigated; and
 - (iv) for freshwater, the potential effects of increased turbidity on the values of the waterbody set out in Schedule 1 of Appendix 5 of the Marlborough Environment Plan or on the natural character values of the coastal environment in relation to water quality as set out in Appendix 2 of the Marlborough Environment Plan.

The construction, placement, maintenance and repair of structures and the installation and maintenance of water intakes, gravel extraction, dredging, flood and coastal protection works activities can all result in disturbance of river, lake and seabed. As well as bed disturbance, activities along the margins of waterbodies can generate sediment that has the potential to enter the water and adversely affect water quality. Water quality standards for turbidity and clarity established throughout this chapter for waterbodies are the appropriate starting point for the consideration of any adverse effects of disturbance on water quality. Where these water quality standards are not likely to be met, it is important that all of the circumstances of the disturbance be considered. Matters under (b) of the policy provide guidance on these circumstances, allowing the relative significance of any adverse effects on water quality to be assessed when determining

land use consent or coastal permit applications. Application of the policy could be influenced by background levels of suspended sediment in the waterbody.

This policy assists to give effect to Policy 22 of the NZCPS.

[R]

Policy 15.1.33 – Require land use consent for the establishment and operation of any new dairy farm.

The policy identifies that land use consent will be required to convert rural land for dairy farming. This will allow the Council to evaluate the extent to which the proposed farm operation is to be set up to avoid or mitigate adverse effects of the operation on ground or surface water resources in the surrounding environment, including significant wetlands. This evaluation is assisted by Policy 15.1.34 below. This policy helps to implement the Council's Progressive Implementation Plan developed to give effect to the NPSFM.

[R]

Policy 15.1.34 – Approve land use consent applications for new dairy farms where the proposed farming would have no more than minor adverse effects on ground or surface water quality or on significant wetlands. A land use consent application must identify the risks of new dairy farming and provide measures to address those risks, including as a minimum:

- (a) measures (including fences, bridges or culverts) to prevent stock entering onto or passing across the bed of any river or lake, significant wetland, or any drain or the Drainage Channel Network;
- (b) provision of an appropriate, non-grazed buffer along the margins of any river, lake, significant wetland, drain or the Drainage Channel Network, to intercept the runoff of contaminants from grazed pasture, with reference to the values of fresh waterbodies as identified in Appendix 5;
- (c) provision for storage of dairy effluent, with all storage ponds sufficiently sized to enable deferral of application to land until soil conditions are such that surface runoff and/or drainage do not occur;
- (d) demonstration of appropriate separation distances between effluent storage ponds and any surface waterbodies to ensure contamination of water does not occur (including during flood events); and
- (e) a nutrient management plan that includes nutrient inputs from dairy effluent, animal discharges, fertiliser and any other nutrient input.

This policy defines the test for securing land use consent for a new dairy farm operation. It also describes the measures that the applicant can utilise to manage the adverse effects of the operation on ground or surface water quality, and significant wetlands. The measures set out in (a) to (e) are the minimum expected to be utilised by the applicant. The way in which these measures are to be implemented should be set out in the application.

Methods of implementation

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

[R]

15.M.15 Groundwater Protection Areas

Identify land in the vicinity of community drinking water supply bores as Groundwater Protection Areas. The spatial extent of the area will be determined by the vulnerability of the underlying groundwater to leachate contamination.

[D]

15.M.16 District rules

Use permitted activity rules to enable the planting of appropriate riparian vegetation on land adjoining rivers, lakes, significant wetlands and coastal waters.

Apply permitted activity standards to require rural land uses with the potential to adversely affect water quality through non-point source discharges to be setback from rivers, lakes, significant wetlands and coastal waters.

Apply district rules within Groundwater Protection Areas to ensure that land uses with the potential to result in leachate discharges require resource consent. This will ensure that the potential adverse effects of the proposed activity on groundwater quality for the community water supply are appropriately assessed.

[R, C]

15.M.17 Regional rules

Apply regional rules to discharges to land and excavation activity within Groundwater Protection Areas. In most cases, resource consent will be required to discharge or excavate, in order to ensure that the potential adverse effects of the proposed activity on groundwater quality for the community water supply are appropriately assessed.

Apply regional rules to land disturbance activities for water quality outcomes. Standards will define the reasonable limits to avoid adverse effects on water quality, including the nature and scale of land disturbance activities and their proximity to waterbodies.

Apply regional rules to control disturbance to the seabed, river and lake beds.

[R, C]

15.M.18 Liaison

Work with established rural industry groups to develop and implement sustainable land management programmes. The initial focus will be on viticulture, pastoral farming (especially dairy and intensive beef farming), arable farming and forestry, but may be expanded to other rural activities if the need arises.

Rural land uses upstream of or adjacent to rivers that have degraded water quality and rural land uses in groundwater protection areas are a priority for sustainable land management programmes.

Work with landowners and community groups to establish and enhance riparian margins and improve water quality.

[R]

15.M.19 Incentives

Consider the use of incentives, such as rates relief and the provision of plant material and fencing at low cost to landowners for riparian management purposes.

[R]

15.M.20 Monitoring

Monitor groundwater within groundwater protection areas to establish the effect of existing land use activities on groundwater quality.

[R, C, D]

15.M.21 Information

Provide information, including guidelines, to landowners, resource users and the public:

- *to generally promote awareness of water quality issues; and*
- *to encourage the adoption of appropriate land management practices to minimise non-point source discharges.*

Although the focus of this method will be on rural resource users, the information will also be applicable to residential situations (in both rural and urban environments).

Provide information on the benefits of retiring and planting riparian margins. This will include information on the appropriate width of riparian margins and suitable plant species, taking into account the variation in the nature of waterbodies/coastal waters and the adjoining rural land uses. Information on options for formally protecting retired riparian margins can also be provided.

[R]

15.M.22 Research

Where appropriate, support research into the cumulative effects of land use (including land use intensification) on water quality and improved land management practices.

Undertake investigations to gain a better understanding of the impact of particular rural land use activities on water quality and encourage rural industry groups to participate in the investigations.

[R]

15.M.23 Advocate

Advocate to the manufacturers and suppliers of agrichemicals and fertilisers to strengthen the education and information provision role they play with a view to minimising the likelihood and potential effects of agrichemical and fertiliser application on water quality.

[R, C]

15.M.24 Codes of practice and industry guidelines

Advocate to rural industry groups that they, locally or nationally, prepare and adopt codes of practice or other guidelines aimed at reducing the effects of non-point source discharges where they do not already exist.

[R]

15.M.25 Management plans for dairy farming

Water Quality Management Plans can be used as a means of demonstrating on an ongoing basis that any adverse effects on water quality resulting from dairy farming will be avoided, remedied or sufficiently mitigated. They provide the ability to consider all farm management practices with the potential to adversely affect surface or groundwater quality or wetlands and manage these risks in an integrated way. This also enables the dairy farmer to progressively plan farm upgrades based on priority or in the case of new farms, at the time of establishment. Water Quality Management Plans can be used to support applications for land use consent to convert the use of land to dairying.

Nutrient Management Plans will be required as a means to demonstrate how nutrient inputs associated with dairy farming are to be managed to ensure any adverse effects on water quality will be avoided, remedied or mitigated. Nutrient Management Plans should be written documents that incorporate a nutrient budget developed by an accredited nutrient adviser using OVERSEER® or similar. This should describe how the major plant nutrients (nitrogen, phosphorus, sulphur and potassium) and any other nutrients of importance to specialist crops will

be managed (including all sources of nutrient - for example, discharges from farm dairy effluent systems, animal discharges and/or atmospheric nitrogen fixation.

Air

In general, Marlborough enjoys good air quality, due to the District's windy climate and low, dispersed population. However, air quality in some locations has been reduced due to human activities resulting in the discharge of contaminants into the air. These localised air quality problems impact on the amenity and health of the community.

National Environmental Standards for Air Quality (NESAQ) came into effect in 2004. These comprise of a range of ambient air quality standards applying to carbon monoxide, nitrogen dioxide, ozone, sulphur dioxide and particulate matter (PM₁₀). The air pollutant of most concern in Marlborough is particulate matter. Particles found in the air we breathe vary greatly in size and the greatest health hazard comes from the smallest particles (those less than 10 microns in diameter) as they are easily inhaled into our lungs). The NESAQ sets a threshold concentration for PM₁₀ of 50 microns. By 2016, in designated areas (called airsheds) the threshold concentration will only be allowed to be exceeded once in any 12 month period. From 2016, more than one such breach will mean that the Council is non-compliant with the NESAQ. There is currently one airshed in Marlborough, encompassing the urban area of Blenheim.

Other occasional air quality issues in Marlborough include smoke, which can affect the amenity values enjoyed on neighbouring or nearby properties, and spraydrift, resulting in complaints to the Council. Spraydrift occurs when the aerosols from the application of agrichemicals move beyond the boundary of the property on which the chemicals are used. Given the hazardous nature of agrichemicals, spraydrift creates a risk to human health on neighbouring properties and those in close proximity to the property.

The Council is responsible for the management of the discharge of contaminants into air. Unless expressly allowed by a rule in a regional plan or by resource consent, the discharge of contaminants into air is prohibited by the RMA. However, many activities result (either directly or indirectly) in the discharge of contaminants into air. One of the roles of the MEP is to identify which air discharges are appropriate, the circumstances in which they are appropriate, and which air discharges are not appropriate.

Although the discharge of greenhouse gases contributes to the global issue of climate change, this issue is being addressed by central government at an international and national level. The RMA effectively excludes regional councils from the role of regulating emissions for climate change purposes (Sections 70A and 104E of the RMA). For this reason, nothing in this chapter specifically deals with the discharge of greenhouse gases into air. However, Chapter 19 - Climate Change does contain provisions seeking more generally to mitigate and adapt to the adverse effects on the environment arising from climate change.

Issue 15D – The discharge of particulate matter into air has the potential to cause significant health effects in urban areas, particularly in Blenheim.

Clean, fresh air is an important and valued part of Marlborough's environment and the community's quality of life. Unfortunately, elevated levels of particulate can build-up over Blenheim during the winter months, especially during calm, cold evenings. The main source of this PM₁₀ is solid fuel burning, mainly from domestic home heating, which contributes up to 92 percent of the anthropogenic PM₁₀ measured. Other sources include backyard burning of waste and discharges associated with industrial activities.

During winter, concentrations of PM₁₀ measured in Blenheim have exceeded the NESAQ concentration of 50 micrograms per cubic metre (24 hour average). During these peak periods, almost one tonne of PM₁₀ can be discharged per day and results in common health effects, including irritation of the eyes, throat and lungs. For people with existing respiratory conditions such as asthma or bronchitis, breathing in particles can make their conditions much worse.

Achieving compliance with the NESAQ will require a 38 percent reduction in PM₁₀ emissions. Even if the Council relies on home owners replacing polluting heating methods with modern solid fuel burning appliances (or other heating methods) at the end of their useful life, PM₁₀ emissions will fall by only 10 percent. In other words, some form of intervention is required to achieve compliance with the NESAQ and ensure a safe living environment over the winter months.

Though Picton and Renwick have also been monitored (and currently been found to comply with the NESAQ), Blenheim is the only airshed within Marlborough. Other urban areas within the District may also have elevated PM₁₀ levels, but monitoring has not been undertaken in those areas.

[RPS, R]

Objective 15.2 – Improve the ambient air quality of Blenheim by reducing PM₁₀ concentrations.

Monitoring has shown that Blenheim's air quality during the winter months needs to improve to protect the health and wellbeing of the urban community. This can be achieved by reducing the ambient level of PM₁₀, most of which is sourced from home heating. The following policies and methods are targeted at reducing PM₁₀ discharges at source to improve air quality. This will ensure that the current health effects of high PM₁₀ levels, which range from minor irritation through to significant respiratory conditions, are minimised.

[RPS, R]

Policy 15.2.1 – Prohibit the use of open fires and the outdoor burning of organic and inorganic waste within the Blenheim airshed.

It is estimated that 11 percent of the PM₁₀ released from home heating in Blenheim is sourced from open fires. Emissions from open fires are between two and fourteen times greater than those from appliances meeting the 1.5 grams of particles per kilogram of dry wood burnt criteria established by the NESAQ (open fires using wood, 12g/kg; open fires using coal, 21g/kg; modern enclosed burner 3g/kg). Based on these emissions, the policy recognises that open fires are not an appropriate means of home heating if winter air quality is to be enhanced. As the use of open fires is not decreasing at significant rates in Blenheim, a prohibition is necessary. A transition period will be provided to enable homeowners time to source and finance alternative heating sources. Note that Regulation 24A of the NESAQ also prohibits the use of domestic open fires in new homes.

Outdoor burning of organic and inorganic waste in Blenheim is also another source of PM₁₀ that should be avoided. Outdoor burning is controlled through the Forest and Rural Fires Act 1977 and a system of fire permits. Due to Marlborough's dry climate, total fire bans are often in place over summer, which can mean that burning occurs during periods when the risk of non-compliance with the NESAQ is higher. The health risks posed by outdoor burning increases if the waste contains wood treated with preservatives, painted or stained wood, metals, rubber, synthetic materials, plastics or waste oil. The resulting smoke is also likely to have a considerable nuisance effect given the close proximity of neighbours on urban properties. It is therefore appropriate to prohibit the outdoor burning of waste in Blenheim with immediate effect.

[RPS, R]

Policy 15.2.2 – Phase out small scale solid fuel burning appliances older than 15 years of age within the Blenheim airshed.

This policy recognises that the efficiency of solid fuel burning appliances decreases with time and ceases to be efficient after 15 years. Modelling has shown that the NESAQ will be achieved by

2016 if, in conjunction with the prohibition on open fires and outdoor burning of rubbish, older style enclosed burning appliances are replaced at the end of their 15 year life. This policy seeks to ensure that this phase out occurs by encouraging people to either replace existing solid fuel burning appliances with modern and compliant solid fuel burning appliances or install other clean forms of heating (e.g. electric). The Council retains records of the installation of fuel burning appliances and the priority for action will be those solid fuel burning appliances installed prior to 2001 (i.e. 15 years prior to 2016).

Measures included in Chapter 18 - Energy in promoting and encouraging energy efficient dwellings, including passive heating, will also assist in this regard.

[RPS, R]

Policy 15.2.3 – Require all new multi-fuel burning appliances to comply with the National Environmental Standards for Air Quality design standard for wood burning appliances.

The NESAQ contains regulations for wood burning appliances, including Regulation 23 which sets a design standard requiring wood burning appliances to discharge less than 1.5 grams of particles for each kilogram of dry wood burnt. The Council is aware that multi-fuel burning appliances exist that can burn wood as well as other fuels. Currently there are no standards in the NESAQ that apply to multi-fuel burning appliances. However, to ensure that new residential developments and the replacement of existing burning appliances do not reduce air quality in the Blenheim airshed any further, it is appropriate to require any new multi-fuel burning appliances to comply with the NESAQ design standard on an ongoing basis.

[R]

Policy 15.2.4 – Refuse discharge permit applications to discharge PM₁₀ into air within the Blenheim airshed if the discharge is likely to increase the concentration of PM₁₀ by more than 2.5 micrograms per cubic metre (24 hour average) in any part of the airshed, unless:

- (a) the Blenheim airshed average exceedance is less than 1 per year; or
- (b) the applicant offsets the proposed PM₁₀ discharge by reducing PM₁₀ discharges from another source(s) in the airshed by the same or greater amount.

At present, non-residential (e.g. commercial, industrial and public health) emissions represent less than 10 percent of PM₁₀ emissions in Blenheim ambient air. There is the potential for total PM₁₀ emissions from this source to increase as a result of growth. To achieve reductions in ambient PM₁₀ concentrations in the Blenheim airshed, it is important that non-residential sources do not significantly increase their emissions as this would compromise the gains achieved by reducing emissions from the domestic sector. The policy therefore establishes a threshold for acceptable increase in PM₁₀ concentration. The threshold reflects Regulation 17 of the NESAQ and applies to discharges requiring discharge permit only. Regulation 17 also provides for the exemptions in (a) and (b) of the policy.

Methods of implementation

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

[R]

15.M.26 Regional rules

Maintain a Blenheim airshed and establish other airsheds as necessary to allow the application of regional rules to achieve compliance with the NESAQ.

Apply regional rules to prohibit the outdoor burning of organic and inorganic waste and the discharge of contaminants from open fires within the Blenheim airshed. An exception applies to open fires in scheduled heritage resources included in the MEP.

Set threshold levels for non-residential fuel burning devices (based on energy output) to establish the need for discharge permits.

Permitted activity rules will allow the discharge of contaminants to air from NESAQ compliant wood burning appliances and other appropriate solid fuel burning appliances. These include new multi-fuel burning appliances, which although not covered by the NESAQ, comply with the design standard for wood burning appliances and for existing burning appliances that are less than 15 years in age.

[R]

15.M.27 Monitoring

In accordance with Regulation 15 of the NESAQ, the Council will continue to monitor within the Blenheim Airshed for compliance with ambient air quality standards established by the NESAQ and any other airshed established in the future.

[R]

15.M.28 Incentives

Consideration will be given to assisting landowners to replace open fires and older style enclosed burning appliances and to make energy efficient improvements. This may require approaches to central government and the Energy Efficiency and Conservation Authority for greater financial assistance with offering incentives.

[D]

15.M.29 Recycling services and facilities

Use of facilities that can be used to dispose of organic and inorganic waste that cannot be burnt.

[R]

15.M.30 Information

Ensure that the community is well informed about:

- *alternative means of managing waste and the facilities that can be used/accessed to dispose of waste that can no longer be burned;*
- *the choices of heating and heat conservation methods;*
- *the incentives available to the public to change to cleaner, more efficient methods of home heating and fuel use; and*
- *the need to use dry firewood to reduce PM₁₀ emissions.*

Issue 15E – The discharge of contaminants into air that reduce the amenity of the surrounding area or create an undue risk to human health.

The most common sources of air contaminants in Marlborough are smoke and spraydrift. These have the potential to adversely affect the ability of people living in close proximity to the source to enjoy their own property. Smoke and spraydrift can also cause adverse health effects for residents or workers.

Smoke is most commonly created as a result the burning of vegetation or waste and the inefficient operation of boilers. This can occur in both urban and rural environments. Outdoor burning of household, garden and farm rubbish can cause localised nuisance problems and generate potentially hazardous compounds, depending on what is being burnt. The nuisance effects

resulting from “backyard burning” of rubbish are the main source of air quality complaints received by the Council.

Agrichemicals that spread beyond the property boundary can cause adverse environmental effects. Spraydrift has the potential to cause adverse health effects and damage in non-target areas, especially where the property adjoins residential areas or spaces frequented by the public (e.g. schools and reserves). Other adverse effects include damage and contamination of crops, waterbodies and sensitive flora and fauna outside the target area.

A variety of small and medium sized industrial and commercial processes are located in Marlborough, including spray painting, abrasive blasting, food and beverage manufacture and processing timber mills that have the potential to have localised impacts on air quality. Disposal of organic waste arising from human and farming activities and industries processing agricultural products can also affect air quality. These impacts must be weighed against the need for these activities to occur. It is recognised that in many cases there are few alternatives.

In some areas, “reverse sensitivity” issues may be a problem. Reverse sensitivity situations arise where lawfully established activities that have addressed offsite effects as far as practicable and reasonable are sought to be constrained with new and often incompatible land uses locating nearby, including residential development.

[R]

Objective 15.3 – Reduce the potential for nuisance and health effects from the discharge of contaminants into air.

People should be able to enjoy their own property without the nuisance or potential health effects caused by smoke, spraydrift and other discharges to air from nearby properties. These effects can usually be minimised through appropriate management practices. The use of such practices should ensure that the potential for these contaminants to move beyond the property boundary and adversely affect others is reduced. Smoke, spraydrift and other discharges to air are usually created in association with particular uses of land. The following provisions aim to allow the continued use and development of natural and physical resources while ensuring that any adverse effects on air quality are avoided, remedied or sufficiently mitigated.

[R]

Policy 15.3.1 – Prohibit the discharge of contaminants into air resulting from the combustion of materials that will give rise to concentration of contaminants likely to be dangerous or toxic.

This policy recognises that some people choose to burn inappropriate materials and that this practice contributes to excessive concentrations of air contaminants, resulting in objectionable or offensive smoke and odour and associated health and nuisance problems. Those materials inappropriate for burning are listed in the MEP zone rules. The policy implements Regulations 4 to 10 of the NESAQ.

[R]

Policy 15.3.2 – Require all discharges to comply with the ambient air quality standards established by the National Environmental Standard for Air Quality.

The NESAQ sets ambient air quality standards that apply to both airsheds and open air. The standards include threshold concentrations for carbon monoxide, nitrogen dioxide, ozone, PM₁₀ and sulphur dioxide, and specify the number of exceedances allowed (if any) within a certain timeframe. All discharges are required to comply with the ambient air quality standards in order to protect the health and wellbeing of people in close proximity to any proposed discharge. This policy will be implemented through the assessment of discharge permit applications, the imposition of resource consent conditions and the establishment of permitted activity rule standards.

[R]

Policy 15.3.3 – Control emissions from large scale fuel burning devices outside the Blenheim airshed and approve discharge permit applications where the discharge will not be dangerous or noxious, or cause an offensive or objectionable effect beyond the boundary of the site(s) from where the discharge originates.

Many of the large scale fuel burning devices in Marlborough are located in rural and industrial environments outside the Blenheim airshed. These devices will inevitably discharge contaminants, especially those devices burning solid fuel, and the policy seeks to prevent nuisance effects beyond the site. Good practice can minimise emissions so that neighbours do not experience significant nuisance effects. For example, good maintenance and operation of industrial boilers can reduce visible smoke emissions to brief periods. Good practice can prevent objectionable or offensive dispersal of smoke or deposition of particles beyond the boundary of the property the discharge originates from. The policy uses the standards provided by Section 17 of the RMA.

[R]

Policy 15.3.4 – Manage the use of agrichemicals to avoid spraydrift. The boundary of the property on which the application of agrichemical occurs is the point at which management applies, as follows:

- (a) any agrichemical should not move, either directly or indirectly, beyond the property boundary of the site(s) where it is or has been applied; and
- (b) agrichemical users will be required to utilise best practice and exercise reasonable care to achieve (a).

The use of agrichemicals is an important management tool, especially in rural environments where they contribute to the control of animal and plant pests and help to minimise crop diseases. Use of agrichemicals in the environment is controlled under the Hazardous Substances and New Organisms Act 1996. Each agrichemical must be approved for use by the Environmental Protection Authority. The Authority can also impose specific controls on the application of agrichemicals to ensure safe use. The policy signals that the Council's role in controlling the discharge of contaminants to air is restricted to ensuring there are no off-site adverse effects. The property boundary is therefore established as the point to which management is applied, as agrichemicals have the potential to cause health effects and other unintended consequences once they move beyond the boundary of the property on which they are being used. Spraydrift usually occurs as a result of inappropriate application methods and practices (e.g. applying agrichemicals in windy conditions). The Council will rely on agrichemical users applying best practice and exercising reasonable care to avoid spraydrift beyond their property boundary.

[R]

Policy 15.3.5 – Manage discharges of contaminants to air not specifically provided for in Policies 15.2.1 to 15.2.3 or 15.3.1 to 15.3.4 by:

- (a) allowing, as permitted activities, discharges of contaminants into air from industrial or trade premises or industrial or trade processes that have no more than minor adverse effects on the environment;
- (b) avoiding or mitigating adverse effects of localised ground level concentrations of contaminants, including cumulative effects on:
 - (i) human health; and
 - (ii) amenity values; and
- (c) avoiding or mitigating adverse effects on any other values.

A wide range of contaminants are discharged to air as a result of day-to-day activities, especially from industrial or trade premises and processes. Provided they are properly managed, many of these discharges can occur without the risk of significant adverse effects on the environment. Permitted activity rules can be used to enable these discharges, subject to appropriate standards.

Those discharges not covered by the permitted activity rules developed under (a) and not otherwise covered by Policies 15.2.1 to 15.2.3 or 15.3.1 to 15.3.4 will require resource consent. Ground level concentration of contaminants will be used to assess the actual or potential effects of the discharge and its impact on human health and amenity values. The Council can also have regard to any other impact of the discharge on the wider environment, including on water quality and biodiversity.

[R]

Policy 15.3.6 – Promote measures to avoid or mitigate the effects of the discharge of contaminants to air at their source.

Consistent with the waste management provisions of the MEP, it is appropriate to minimise contaminants present in discharges to air at their source. The Council will work with resource users and groups representing resource users to ensure that best practices are developed and implemented to reduce the discharge of contaminants to air. For example, waste may be able to be re-used, recycled or disposed of through alternative methods, rather than being burned. Where the discharge of contaminants to air cannot be avoided (e.g. in an industrial or trade process for which there are no alternatives), then the Council will encourage resource users to minimise the concentration of contaminants in the discharge through good management (whether a discharge permit is required or not).

[R]

Policy 15.3.7 – Having adequate information about the state of Marlborough’s air quality to enable the Council to assess the cumulative effects of discharges to air on amenity values and human health.

The Council’s knowledge about the state of air quality in Marlborough is not perfect or complete. This means that the air quality policies may not be effective in achieving Objective 15.3. For this reason, the Council will seek to identify information gaps, either in terms of contaminants monitored or the location of monitoring, and adjust or expand the state of the environment monitoring programme as resourcing and priorities allow. The information gathered may inform the next review of the MEP or even require a plan change if the adverse effects are significant enough.

Methods of implementation

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

[R]

15.M.31 Regional rules

Use regional rules to establish standards for the discharge of contaminants to air that adequately protect human health and amenity values.

Standards will be imposed through regional rules requiring dischargers to keep accurate records of the discharge of particular contaminants to air, including agrichemicals.

Apply a prohibition to the discharge of contaminants to air by the combustion of materials that result in significant adverse effects on the environment.

[R]

15.M.33 Monitoring

In addition to monitoring within airsheds, particulate levels will be monitored in areas not covered by airsheds and where location specific issues arise. This may result in the addition of further airsheds in the event of non-compliance with the NESAQ. Monitoring of other air contaminants, including those specified in the NESAQ, may occur from time to time.

[R]

15.M.34 Information

Ensure that the community is aware of prohibited materials that cannot be burned and why these prohibitions exist. Also ensure that alternative options to the burning of waste are well publicised.

Consider including information on LIMs advising prospective purchasers of rural land of the possible presence of activities that may affect amenity values (reverse sensitivity) through effects such as smoke and spraydrift.

[R]

15.M.35 Codes of practice and industry guidelines

Advocate to resource user groups that they, locally or nationally, prepare and/or adopt codes of practice or other guidelines aimed at reducing the effects of the discharge of contaminants to air. This will include NZS8409:2004 Management of Agrichemicals (or its successor), which provides specific guidance on the safe, responsible and effective management of agrichemicals.

[R]

15.M.36 Advocate

Communicate to manufacturers and suppliers of agrichemicals and application machinery the role they have in education and providing information on the use of agrichemicals, with a view to minimising the likelihood and potential effects of spraydrift beyond property boundaries.

[R]

15.M.37 Liaison

Work with Sustainable Winegrowers and other industry groups that collect information on agrichemical use to monitor the nature (including methods of application) and extent of agrichemical use in Marlborough.

Work with industry groups and individuals undertaking discharges to air to develop and implement measures to reduce contaminant concentrations in discharges to air.

Soil

Soil is the upper most layer of material that covers much of the earth's land surface. It consists of different elements including minerals, rock fragments, dead and decaying organic matter and living organisms. Soil is comprised of more than the top 20 centimetres of earth cultivated by the farmer or gardener before sowing crops or pasture; it includes soil horizons (layers) that extend down to the mineral rock material (parent material) from which the soil has developed.

Soils evolve over time through the additions and losses of materials. Such changes can be influenced by climate, living organisms, topography and original rock forms. Soils are therefore highly variable in their composition, appearance and importantly, use.

There are over 87 different soil types in Marlborough, each reflecting variation in parent materials, age of soil development, climate and topography. Collectively, these diverse soils are one of our most important natural resources. Marlborough's social and economic development has historically been based on its strong primary production sector, including farming, forestry, food (and supplementary feed) crops, horticulture and most recently, viticulture. The ability to grow pasture and a wide variety of crops relies upon the health of our soil resources.

We also depend on soil resources to treat and contain many of the contaminants we deliberately or inadvertently release into the environment. In doing so, soil helps to maintain community health standards and protect water resources from contamination. Soil also acts to absorb, channel and store water, a particularly important function in Marlborough's dry climate.

Though it is easy to take for granted, we depend on our soil resource, particularly its quality. Soil quality refers to the biological, chemical and physical state of the soil and the maintenance of soil ecosystems. A range of factors contribute to soil quality, including soil structure, water holding capacity, soil fertility and organic matter content. Deteriorating soil quality will adversely affect the productive capacity of the soil and all of the other important functions currently performed by soil resources. Maintaining and enhancing soil quality is therefore a significant issue.

Issue 15F – Some land use activities or practices have the potential to adversely affect soil quality.

Soil quality is fundamental to the environmental and economic wellbeing of Marlborough. It is therefore important that land use activities are undertaken in a manner that does not degrade soil quality. Land use activities, or land management practices associated with particular activities, can change the biological, chemical and physical state of the soil and in doing so may adversely affect soil quality and productivity. Degradation of the soil resource is not always obvious and can occur progressively over a long period of time. It is difficult to establish the extent and severity of soil degradation in Marlborough as limited soil quality monitoring has been carried out. There are considered to be some major problems relating to soil quality and what monitoring that has been done indicates that in some cases primary production has resulted in soil compaction and elevated levels of nutrients/trace elements.

Soil compaction and changes to the nutrient status of soils are of particular concern. Heavier clay-based soils are more vulnerable to soil compaction than alluvial soils, particularly when they are heavily stocked or worked under wet conditions. Frequent use of heavy vehicles/machinery in the same location is also likely to cause soil compaction. Soil compaction increases soil bulk density, reduces aeration and decreases infiltration. In turn, these changes adversely affect pasture and crop growth and lead to increased water and nutrient runoff. Increased water runoff can have significant drainage implications, especially if existing drainage infrastructure is unable to manage the increased volume and rate of runoff.

Soil organic matter is central to many functions in soils. It is an important source of nutrients, contributes to a stable soil structure, helps retain and store water and nutrients added to soil, and provides a source of energy for soil microbes. The maintenance of organic matter in soils therefore makes a significant contribution to soil quality. Activities such as frequent cultivation of soils and the removal of vegetation can result in low organic matter status in soils. A low organic matter status puts soils at risk of poor aeration, poor drainage and soil structure degradation, all of which can potentially negatively affect crop productivity and predispose soil to a range of environmental issues (such as erosion loss).

Soil contains essential mineral elements required by plants and animals. An inevitable consequence of the productive use of soil is that, at some time in the future, soils will become unable to sustain high levels of production unless those nutrients are replaced. Soil depletion refers to the reduction of soil nutrients to a level where their potential to sustain primary production is adversely affected. Although fertiliser use has decreased over time in Marlborough, many primary producers still apply it to maintain the nutrient status of the soil and therefore soil productivity. Excessive fertiliser application creates the potential for nutrients such as nitrogen and phosphate to runoff into adjoining rivers and wetlands or leach into underlying groundwater.

Other elements may also be added to the soil, especially through the application of liquid wastes and in some cases the irrigation of water. For example, sodium can be a significant component of wastewater. Soils with elevated sodium concentrations have the potential to cause a range of adverse effects, including soil structural deterioration (which can reduce water infiltration and hydraulic conductivity) and reduction in plant growth.

As land use change occurs and our understanding of the soil resource improves, there is the potential for other soil quality issues to emerge. For example, a trend toward re-contouring of

land as viticulture has expanded onto rolling or hill country may change soil in those areas. However, the effects of re-contouring are currently largely unknown.

The discharge of contaminants such as plant, animal and human wastes into or onto the soil can also adversely affect soil quality variables. The potential for these adverse effects is covered in Chapter 16 - Waste.

Topsoil is the most productive part of the soil profile and any erosion of topsoil adversely affects soil quality. Erosion can occur naturally as a result of normal geologic processes and/or as a result of extreme weather events. However, activities that disturb the topsoil can accelerate soil erosion processes. Excavation, filling, cultivation and vegetation clearance all have the potential to expose bare soil, which in turn creates conditions conducive to accelerated soil erosion, especially on steep slopes. Some soils, such as loess soils, are more susceptible to soil erosion.

Eroded soil usually moves downhill (unless eroded by wind) and eventually enters a river or the sea. Once in these waterbodies, the finer soil will settle, a process called sedimentation. Sedimentation can cause damage to marine and freshwater ecosystems and may reduce the quality of the water for instream values and uses such as drinking or irrigation. Larger soil particles, including gravel and cobbles can similarly be eroded and deposited in downstream river channels, thus reducing the waterway area and leading to flood overflows.

[RPS, R]

Objective 15.4 – Maintain and enhance the quality of Marlborough’s soil resource.

The social and economic wellbeing of Marlborough relies on the productive potential of the soil resource, which has been described in Chapter 4 - Use of Natural and Physical Resources as a regionally significant resource. To ensure that this continues, it is important that soil quality is maintained and enhanced.

[RPS, R]

Policy 15.4.1 – Improve our understanding of the effect of land use on soil quality.

Despite the importance of the soil resource, to date only limited soil quality monitoring has been undertaken. This makes it difficult to establish the impact of various land use activities and practices on soil quality. The Council will therefore undertake greater monitoring of the biological, chemical and physical state of soils across the District as part of its state of the environment monitoring. This will include investigating the extent of accelerated soil erosion. It is important that the monitoring is undertaken at locations that reflect the diversity of soil types and land uses across Marlborough. The findings can then be applied to determine whether existing or emerging land management practices should be continued or altered to minimise impact on the quality of Marlborough’s soil resource.

The Council will continue to monitor land use changes in the Marlborough environment as it may need to respond quickly to identify any potential adverse effects of the change on soil quality.

Often rural resource users themselves are best placed to monitor the condition of the soil resource on their property. The Council will encourage rural resource users to undertake monitoring through the provision of appropriate tools and information. The application of the tools or information may help land owners and resource users to recognise soil quality issues, allowing for modification of land management practices to avoid adverse effects on the soil resource.

[R]

Policy 15.4.2 – Encourage land management practices that:

- (a) maintain soil structure by:**
 - (i) avoiding or remedying soil compaction;**
 - (ii) avoiding the loss of soil organic matter; and**

- (iii) **avoiding or remedying the effects of increased sodium levels;**
- (b) **maintain nutrients at appropriate levels; and**
- (c) **retain topsoil in situ.**

This policy recognises that while soil structural degradation, nutrient depletion/enrichment and accelerated soil erosion are not of widespread concern in Marlborough, there is a long term risk that irreversible degradation in soil quality may occur if appropriate land management practices are not used. The Council will work with rural industry groups to ensure that land management practices address the potential for unnecessary soil compaction, accelerated soil erosion, retention of organic matter and increased soil sodium concentrations and nutrient levels. Subsequently, some existing land uses may continue while elsewhere adjustments and changes to land management practices may be required. The Council may also undertake joint investigations with rural industry groups to gain a better understanding of the impact of particular rural land use activities and land management practices on the soil resource.

[R]

Policy 15.4.3 – Control land disturbance activities to retain topsoil and minimise the potential for eroded soil to degrade water quality in lakes, rivers, significant wetlands and coastal waters.

Land disturbance is any activity that involves excavation, filling, cultivation or vegetation clearance. Each of these activities has the potential to expose bare soil to the elements. This policy signals that these activities are to be controlled in the rural, coastal and urban environments. The controls will be used to ensure that the potential for accelerated soil erosion and water quality degradation created as a result of land disturbance is minimised. Where there is certainty that activities undertaken in a particular way will protect the soil and water resource, control can take the form of enabling rules. However, where there is uncertainty about the effect of the land disturbance activity, a discretionary activity rule will be used.

The use of these rules reflects the importance of the soil resource to the social and economic wellbeing of Marlborough, particularly for retaining primary production options for rural resource users. The policy also recognises the potential for runoff contaminated with sediment to adversely affect water quality and seeks to manage the effects of land disturbance on water quality in an integrated manner. The use of the controls detailed here will ensure that soil and water resources are conserved for current and future generations.

Land disturbance is also controlled through the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011, where there is a risk that the soil is contaminated to the extent of being a risk to human health. In these circumstances, the NES sets out the status of disturbing contaminated soil through rules and allows consideration of the appropriateness of the disturbance, given the amount and kind of soil contamination. The rules of the NES provide procedures to manage the risk of disturbing contaminated soil on human health only, and do not extend to the purpose of soil conservation.

[R]

Policy 15.4.4 – In considering any land use consent application to undertake land disturbance, regard shall be had to:

- (a) **the physical characteristics of the site, including soil type, slope and climate;**
- (b) **any industry standards that are relevant to the activity;**
- (c) **sediment and erosion control measures required to reasonably minimise adverse effects caused by rainfall events, including the use of setbacks from waterbodies;**
- (d) **the proximity of the land disturbance to any fresh waterbody or coastal water and the potential for eroded soil to reach the waterbody or coastal waters;**

- (e) where it is possible for eroded soil to reach any fresh waterbody or coastal water:
 - (i) the objectives and policies of this chapter under Issues 15A to 15C; and
 - (ii) the likely degree of compliance with water quality standards set for the waterbody;
- (f) any potential adverse effects on community water supplies; and
- (g) whether the land disturbance is necessary for the operation or maintenance of regionally significant infrastructure.

This policy identifies the matters that the Council must have regard to when considering any land use consent application to undertake land disturbance. These matters will ensure that any adverse effects of land disturbance on soil and water resources are avoided, remedied or mitigated.

For clarity, the policy also applies to activities identified as discretionary by the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.

[R]

Policy 15.4.5 – Control of animal pests will be a significant focus in maintaining and enhancing soil quality, particularly in the hill and high country of the Wairau, Waihopai, Taylor, Awatere, Ure/Waima and Clarence river catchments.

Pest animals can have a significant impact on soil resources. For example, feral rabbits are a historic threat to the soil resource in southern Marlborough. Their browsing reduces vegetation cover and scratching/borrowing exposes the soil to the elements. Through the Regional Pest Management Plan, the Council and landowners will manage those pest animals that have the potential to accelerate soil erosion, where these pests fulfil the requirements of the Biosecurity Act 1993.

[R]

Policy 15.4.6 – Manage the erosion risk associated with loess soil by:

- (a) continuing to maintain the Wither Hills Soil Conservation Reserve;
- (b) controlling the discharge of liquid waste onto or into loess soils; and
- (c) controlling the excavation of loess soil on slopes.

Loess soil consists of accumulated wind-blown silt prone to tunnel gully erosion as it is held together weakly and tends to disperse or "melt away" if it becomes excessively wet. There are significant areas of loess soil in the rural environment of south Marlborough and a long history exists of managing these soils to reduce the extent of tunnel gully erosion, particularly on the Wither Hills Conservation Reserve.

This reserve comprises 1,100 hectares of hill country that extends the length of the southern boundary of the Blenheim urban area. Eroded material from the reserve has the potential to fill stream channels at the base of the Wither Hills and create a flood risk for the Blenheim urban area. Despite these serious soil erosion issues, the reserve remains a working sheep and cattle farm. It is also unique due to its proximity to Blenheim and its considerable recreational and amenity value. This policy signals that soil conservation management will continue for the foreseeable future.

The policy recognises that the discharge of liquid waste onto loess soil has the potential to increase the risk of tunnel gully erosion by adding to the hydraulic loading on the soil. For this reason, the discharge of liquid waste onto or into loess soils will require a discharge permit so that this risk can be appropriately managed through the resource consent process. Other provisions in Chapter 16 - Waste guide the consideration of any discharge permit application.

Excavation of loess soil on slopes is also controlled under the policy. Such excavation can create preferential flow paths and concentrate runoff and drainage. If not well managed that runoff and drainage has the potential to cause tunnel gully erosion.

Methods of implementation

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

[R]

15.M.38 Regional rules

Apply regional rules to land disturbance activities for soil conservation outcomes. Standards will define the reasonable limits, including the nature and scale of land disturbance activities, to avoid adverse effects on the soil resource and adjacent waterbodies. This will include the use of setbacks to create a buffer between land disturbance activities and waterbodies. Where the standards are exceeded, resource consent will be required before the land disturbance can be undertaken.

Where appropriate, use regional rules to enable pest management activity for soil conservation outcomes.

Apply regional rules to manage the risk of tunnel gully erosion by requiring a discharge permit for the discharge of liquid contaminants onto or into loess soil.

[R]

15.M.39 Liaison

To work with established rural industry groups to develop and implement sustainable land management programmes. The initial focus will be on viticulture, pastoral farming (especially dairy and beef farming), arable farming and forestry, but may extend to other rural activities if the need arises.

Encouraging group members to practice nutrient budgeting (with the exception of the forestry industry) will be a priority.

Farm management plans may assist rural property owners to identify appropriate responses to soil erosion issues on their land. The Council may help to develop such plans if requested.

Liaise with the Department of Conservation regarding any soil erosion issues on Crown land managed for conservation purposes.

[R]

15.M.40 Information

Provide information to landowners and resource users to promote recognition of soil quality issues, encourage the adoption of practices and techniques for avoiding unnecessary damage to soil structure and maintain soil nutrients at appropriate levels. Information could be prioritised so that information is provided to those landowners and resource users on the most vulnerable soils.

The Council will promote the use of the Visual Soil Assessment tool to enable resource users to monitor soil quality on their own properties.

[R]

15.M.41 Advocate

Communicate to the manufacturers and suppliers of fertilisers the role they have in strengthening education and providing information on nutrient budgeting, with a view to minimising the likelihood and potential effects of excessive fertiliser application on soil and water quality.

[R]

15.M.42 Codes of practice and industry guidelines

Advocate to rural industry groups that they, locally or nationally, prepare and/or adopt codes of practice or other guidelines, where not already in place, aimed at reducing the effects of rural land uses on soil quality. This could include the Code of Practice for Nutrient Management developed by the New Zealand Fertiliser Manufacturers' Research Association.

[R]

15.M.43 Reserve management plans

The Council will continue to manage farming and other activities on the Wither Hills Soil Conservation Reserve through a management plan prepared under the Reserves Act 1977. This plan clearly sets out soil conservation objectives that influence the nature of any lease to use the land for farming purposes through lease conditions.

[R]

15.M.44 Works

The Council will continue to maintain soil conservation works within the Wither Hills Soil Conservation Reserve, in accordance with Rivers and Land Drainage Asset Management Plan.

[R]

15.M.45 Monitoring

Continue to undertake a regional monitoring programme to gather information on soil quality variables. This will enable the Council to identify the effects of land use activities and practices on soil quality. The monitoring programme is designed to ensure that information is gathered from representative soil types across Marlborough and reflects the nature and intensity of the predominant land uses. The programme includes soil intactness monitoring to establish the extent of accelerated soil erosion. The results will help the Council to identify those soils most vulnerable to degradation and allow the application of the above methods to be prioritised.

Undertake monitoring of the effect of specific land disturbance activities and land use changes on the soil resource. This can be implemented through monitoring required as a condition of resource consent or through state of the environment monitoring. Monitoring the effects of forest harvest activities in the coastal environment of the Marlborough Sounds is a priority.

Issue 15G – The use, storage, transportation and disposal of hazardous substances creates the potential for the contamination of soil if the hazardous substances are released into the environment.

Hazardous substances are a part of our everyday lives. Activities that use, store or transport hazardous substances include:

- manufacturing or processing industries (e.g. timber treatment, dry cleaning, spray painting, engineering, boat building and repair);
- rural industries (e.g. pest control);
- domestic activities (e.g. household cleaning, house construction, maintenance and repair); and
- transport related activities (e.g. storage, handling and movement of hazardous substances).

Common examples of hazardous substances are: petroleum products, such as petrol, diesel, LPG, oils and solvents; household chemicals such as bleaches, pesticides, paints, adhesives and fuels; and chemical products such as acids, alkalis, pesticides and herbicides.

Due to the risk they pose to the environment, hazardous substances are usually carefully stored, transported and used in a manner consistent with manufacturer directions. However, there is a risk that inappropriate use, storage, transportation or disposal of hazardous substances can result in them being released into the surrounding environment. That environment is usually (at least initially) the surrounding soils.

In a limited number of instances, soil contamination has already occurred due to the historic use or disposal of hazardous substances. Examples include old sheep dip sites, sites at which fuel has been stored in underground tanks, areas where persistent pesticides have been used intensively (e.g. orchards) and the uncontrolled disposal of coal ash from boilers. Contaminated sites create a significant risk to the environment and community health.

Soil contamination can severely limit the ability to safely use a piece of land and therefore it is important to manage the risk of adverse effects on the soil resource arising from past inappropriate use, storage, transportation and disposal of hazardous substances. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS) provides a comprehensive response to managing the risk to human health through the use and development of contaminated sites. The following provisions are designed to complement the NESCS and focus on the provision of information to allow the NESCS to operate efficiently and effectively.

[RPS, R]

Objective 15.5 – Existing and foreseeable uses of the soil resource are not reduced as a result of soil contamination.

Direct or indirect exposure (e.g. through the consumption of crops and grazing animals) to a hazardous substance that has contaminated the soil has the potential to cause adverse health effects. Soil contamination can therefore restrict the use of soils for productive and residential purposes both now and into the future. This objective recognises the significant constraint to resource use that soil contamination creates and seeks to retain the potential for current and future generations to use the land.

[RPS, R]

Policy 15.5.1 – Primarily rely on regulations promulgated under the Hazardous Substances and New Organisms Act 1996 to ensure hazardous substances are used, stored and transported in an appropriate manner.

The Hazardous Substances and New Organisms Act 1996 (HSNO) states the minimum controls for the use, storage, transportation and disposal of all hazardous substances throughout New Zealand. Although the Council is able to impose additional and/or more stringent requirements, it is satisfied that the requirements imposed by HSNO regulations are sufficient to minimise the potential for inadvertent release of hazardous substances into the environment.

Exceptions to this policy include:

- (a) the use and storage of hazardous substances in groundwater protection areas and on river beds, due to the vulnerability of the aquifers and rivers to contamination; and
- (b) the discharge of hazardous waste to land or water.

In these circumstances, the Council will use its powers under the RMA to impose controls more stringent than the HSNO regulations.

[RPS, R]

Policy 15.5.2 – Record known contaminated sites and other sites that may be contaminated due to past land use management practices, and make this information available to the public.

Soil contamination creates a risk to human health and can therefore constrain development options on land and properties. It is important that current or potential owners are made aware of any known or potential soil contamination. To assist this process, the Council maintains a “Listed Land Use Register” (the Register), which records known or potentially contaminated sites. Such awareness by the Council does not extend to all historic land use activities and management practices due to the passage of time and incomplete records. Other potentially contaminated sites will be added to the Register as the Council becomes aware of them.

The Ministry for the Environment’s Hazardous Activities and Industries List (HAIL) is used as the basis for determining the potential for a piece of land to be contaminated by past land use activities and/or management practices. The information on the Register is made available to the public so that individuals can make informed decisions about the ongoing use of the land or any proposed new use of the land. The Register can also be used as a basis for applying Clause 6(2) of the NESCS. Any site included on the Register can be considered a “piece of land” for the purpose of the NESCS.

[RPS, R]

Policy 15.5.3 – Screen all sites on the Listed Land Use Register for the risk they pose to human health and/or the surrounding environment.

A majority of the sites on the Register are identified as potentially contaminated and are included on the basis of HAIL. However, the risk of human health effects or adverse effects on the environment is unclear. For this reason, the Council will progressively screen those sites on the Register to determine the likely risk that the contaminants pose to human health and/or the surrounding environment. The degree of risk and the reasons will be recorded on the Register.

[RPS, R]

Policy 15.5.4 – Investigate sites assessed through Policy 15.5.3 as being of high risk to community health and/or the surrounding environment and, depending on the outcome of those investigations, consider the need for site management.

Although the NESCS manages the human health effects of contaminated sites in the event of changes in land use, the current policy also recognises that the Council can assist in managing sites that create a high risk to human health or the environment in other circumstances. The Council will progressively investigate sites on the Listed Land Use Register screened as high risk to substantiate (to the extent that it can) the nature and degree of contamination and the potential for adverse effects. The information collected will be shared with landowners and resource users so that there is a clear understanding of the risks to human health and the surrounding environment.

In circumstances where the NESCS does not apply, the Council will take a lead role in co-ordinating any site management, including landowner liaison. This role is important given the potential costs associated with management for landowners and given that the contamination is often a legacy of historic activities undertaken by previous landowners.

Management will be specific to the site and will be determined by the following factors:

- (a) the type of contaminants;
- (b) the degree of contamination;
- (c) the availability and practicality of appropriate technology for management, including recognition of technical and financial constraints;
- (d) existing and likely future uses of the site;

- (e) surrounding land uses;
- (f) national standards, guidelines, or both; and
- (g) the potential for adverse environmental and public health effects, including the potential for off-site or downstream effects.

In the worst case scenario, where the nature of the soil contaminants represents a significant hazard, where there are pathways for the contaminants to enter into the surrounding environment and where there are sensitive receptors in that environment, remediation of the site may be required.

[R]

Policy 15.5.5 – Establish a response capability to deal with spills of hazardous substances.

In the event that hazardous substances are accidentally or deliberately released into the environment, it is important that there is the capability to contain the extent of the spill and subsequently clean-up the site. Several agencies are potentially involved in any spill event, including the Council, Fire Service, Police and (in the coastal marine area) Maritime Safety. An ad hoc response from each agency creates the potential for ineffective containment and for soil contamination to occur over a wider area than if the spill was effectively contained. It is important therefore that the actions of each agency in responding to a spill are co-ordinated. This is especially the case considering the risks posed by the volume of goods transported to and through Marlborough on State Highway 1.

Methods of implementation

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

[RPS, R]

15.M.46 Listed Land Use Register

The Council maintains a register of all known contaminated sites and other sites that may be contaminated due to historic land use management practices. All sites on the Register have been classified as unverified HAIL, verified HAIL, acceptable, contaminated or remediated/managed. Additions will be made to the Register over time as further information is received as a result of Council and private investigations.

The Register assists with the implementation of the NESCS, especially in terms of establishing whether land subject to land use change is a “piece of land” to which the NESCS applies (in terms of Clause 5(7) of the NESCS). However, the Register is not definitive in this regard and a preliminary site investigation may still be required to establish the potential for historic contamination of site soils (and whether the NESCS applies).

[RPS, R]

15.M.47 Information

Property specific information held on the Register will be available to the public through the issue of LIMs, the creation of new titles (i.e. through consent notice), inclusion of the Register on the Council website or general enquiry.

The Council will make available the HAIL List on the Council website to assist resource users in establishing the potential for historic contamination of site soils. Other Ministry for the Environment publications relevant to the implementation of the NESCS will also be available via the Council website.

[R]

15.M.48 Investigations

The Council will screen sites on the Listed Land Use Register (the Register) to determine the risk to community health and the surrounding environment. High risk sites will then be investigated further. Given the number of sites on the Register, this assessment work will occur progressively over time.

Any detailed investigations for contaminated land must be undertaken by a qualified and experienced practitioner, in accordance with Contaminated Land Management Guidelines No. 5 published by the Ministry for the Environment.

[RPS, R]

15.M.49 Management plans

The Council will take the lead role in co-ordinating the management of high risk contaminated sites, including any remediation efforts. This may involve further site investigation to establish the nature and extent of contamination, identifying and applying for central government funding sources for remediation, management of remediation efforts and monitoring of relevant environmental parameters. The nature of the management of any high risk contaminated site will be documented in a management plan.

[R]

15.M.50 Spill Response Contingency Plan

A Spill Response Contingency Plan will be developed collaboratively by the Council, Fire Service, Police and Marlborough Roads. The Plan will identify the methods to be used to contain and clean up any spill of hazardous substances, the role of each agency in implementing these methods and communication between the agencies. In this way, the Plan will ensure that response actions are effective and the potential for soil contamination caused by spills is minimised.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results of the water, air and soil quality provisions of the MEP. Unless otherwise specified, the anticipated environmental results are ten year targets. A series of indicators that will used to monitor the effectiveness of the water quality provisions for each anticipated environmental result.

Anticipated environmental result	Monitoring effectiveness
<p>15.AER.1</p> <p>Water quality in Marlborough's rivers, lakes and wetlands is suitable to support and sustain swimming, fishing, aquatic ecosystems and customary harvesting.</p>	<p>The quality of water in all surface waterbodies routinely monitored is classified as good, very good or excellent.</p> <p>The annual median nitrate concentration in each Freshwater Management Unit is <1 milligram nitrate-nitrogen per litre and the annual 95th percentile concentration is <1.5 milligrams nitrate-nitrogen per litre.</p> <p>The annual median ammonia concentration in each Freshwater Management Unit is <0.03 milligrams ammoniacal nitrogen per litre and the annual maximum concentration is <0.05 milligrams ammoniacal nitrogen per litre.</p> <p>The annual median <i>E. coli</i> level in each Freshwater Management Unit is <260 per 100 ml.</p> <p>The 95th percentile <i>E. coli</i> level in waterbodies valued for primary contact recreation is <540 per 100 ml.</p> <p>All freshwater bathing sites are graded either good or very good, in accordance with the Ministry for the Environment's Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas.</p> <p>The annual median values for nitrate in the Wairau Aquifer and in groundwater upstream of the Waihopai River confluence do not exceed 7.2 parts per million.</p> <p>Water quality which was degraded is enhanced so that the waterbodies can support natural and human use values. Catchment enhancement plans are developed and implemented.</p> <p>The number of point source discharges directly to freshwater, other than stormwater discharges, do not increase.</p> <p>No discharges into water that breach water quality standards set in the MEP.</p> <p>Stormwater Management Area Plans are developed for all stormwater catchments that discharge into waterbodies and coastal waters with degraded water quality.</p>

Anticipated environmental result	Monitoring effectiveness
<p>15.AER.2</p> <p>Water quality in Marlborough's coastal waters is suitable to support and sustain swimming, food gathering and marine ecosystems.</p>	<p>All coastal water bathing sites are graded either good or very good, in accordance with the Ministry for the Environment's Microbiological Water Quality Guidelines for Marine and Freshwater Recreational Areas.</p> <p>With the exception of regionally significant infrastructure, there are no discharges of human sewage into the coastal waters of the Marlborough Sounds.</p> <p>The number of point source discharges directly to coastal water, other than stormwater discharges, do not increase.</p> <p>No discharges into water that breach water quality standards set in the MEP.</p>
<p>15.AER.3</p> <p>Water quality in Marlborough's aquifers is suitable for drinking.</p>	<p>The annual median values for the following parameters comply with the New Zealand Drinking Water Standards 2005 (Revised 2008) for each aquifer routinely monitored:</p> <ul style="list-style-type: none"> • nitrate • <i>E. coli</i> <p>No discharges into groundwater that breach water quality standards set in the MEP.</p>
<p>15.AER.4</p> <p>The quality of air is safe to breath.</p>	<p>Compliance with the ambient air quality standards of the NES.</p>
<p>15.AER.5</p> <p>Measured downward trends in the winter concentration of PM₁₀ in Blenheim.</p>	<p>The average winter concentration of PM₁₀ at Redwoodtown is 37 mg/m³ or less.</p> <p>The average winter concentration of PM₁₀ at Middle Renwick Road is 27 mg/m³ or less.</p> <p>Numbers of open fires and wood burning appliances being replaced with cleaner heating methods.</p> <p>The number of illegal fires.</p>

Anticipated environmental result	Monitoring effectiveness
<p>15.AER.6</p> <p>A reduction in the nuisance and health effects resulting from the discharge of contaminants to air.</p>	<p>A reduction in the number of complaints regarding smoke and spraydrift.</p>
<p>15.AER.7</p> <p>An increase in knowledge of the state of Marlborough's air quality.</p>	<p>Ambient monitoring of air pollutants throughout Marlborough, including:</p> <ul style="list-style-type: none"> • background concentrations of PM₁₀ in Picton are established; • records of agrichemical use allow the cumulative effects of agrichemical use to be established through modelling; and • a monitoring programme to determine the extent of agrichemical spraydrift is established.
<p>15.AER.8</p> <p>The biological, chemical and physical state Marlborough's soils enables safe and productive use of the soils on an ongoing basis.</p>	<p>The values of the following soil parameters for soils routinely monitored fall within target ranges, as defined by Landcare Research (Landcare Research, 2003):</p> <ul style="list-style-type: none"> • total carbon; • total nitrogen; • minerisable nitrogen; • soil pH; • Olsen phosphorus; • bulk density; • macro porosity; • aggregate stability; and • trace elements. <p>All potentially contaminated sites recorded on the Listed Land Use Register as at 9 June 2016 are screened for risk within 5 years of the MEP becoming operative.</p> <p>All high risk sites on the Listed Land Use Register identified as a result of screening are investigated.</p> <p>A spill response contingency plan is completed within one year of notification of the MEP.</p>

Anticipated environmental result	Monitoring effectiveness
<p>15.AER.9</p> <p>Increase in knowledge of Marlborough's soil resource.</p>	<p>A soil intactness report is produced every seven years or when new aerial photography is available across the District.</p> <p>The state of Marlborough's soil resource is reported on an annual basis.</p> <p>The number of soil monitoring sites and land uses covered by the soil quality monitoring programme increases.</p> <p>A targeted monitoring programme to assess the adverse effects of forest harvest activities is completed.</p> <p>More is known about the risk of soil contamination across Marlborough.</p>

16. Waste

Introduction

Wastes are unwanted solids and liquids that are to be discarded or discharged. The amount of waste disposed of in Marlborough has steadily increased, mostly due to an increasing population, economic growth and increasing consumer demand. Disposing of waste uses land and resources that would otherwise be available for other purposes. Waste disposal also incurs a cost to communities and the environment.

When an item enters the waste stream, the environmental effects vary depending on the nature of the waste, the method of disposal and the nature of the receiving environment. Effects previously experienced include localised contamination of soil and water resources and nuisance problems, such as litter and odour. Uncontrolled waste disposal also has significant health implications for people and communities.

Avoiding waste altogether would be the best way to avoid the costs to people and the environment. However, not all waste can be avoided and management of waste is necessary to ensure that the costs and effects on the environment are minimised. The Council exercises waste management functions under multiple pieces of legislation. The focus of this chapter of the Marlborough Environment Plan (MEP) is to set a framework for addressing Marlborough's significant waste management issues under the Resource Management Act 1991 (RMA). In addition to waste minimisation, the chapter focusses on the way in which the Council exercises its function of controlling the discharge of contaminants into the environment.

Issue 16A – Large quantities of solid waste are generated in Marlborough.

Solid waste is made up of materials and resources that are no longer wanted or needed and volumes have continued to rise in Marlborough due to increases in population, growth in local industries and the production of more packaging and single use items. Approximately 40,000 tonnes of solid waste is disposed of annually at the regional landfill. The large quantity of solid waste produced in Marlborough represents an inefficient use of natural and physical resources.

Unmanaged, this volume of solid waste also has implications for the environment in terms of contaminating land, water and air resources. For this reason, the Council provides waste collection services (through kerbside waste collection in urban areas and transfer stations) and a regional landfill for safe disposal. Even when solid waste is managed in this co-ordinated and centralised way, it is still necessary to collect and manage the gas and leachate caused by the decomposition and breakdown of waste within the landfill.

The Council has invested heavily in alternatives to landfill over the past decade, for example by establishing a hazardous waste collection facility (2004), recycling facilities at the transfer stations (2008), the Resource Recovery Centre in Blenheim (2009), a reuse centre in Blenheim (2010), a salvage yard and e-waste collection facility in Blenheim (2012) and the expansion of recycling and reuse options across the transfer stations (2014). Further work is underway to establish a commercial and industrial sorting facility. These waste minimisation initiatives have extended the life of the regional landfill. This is particularly relevant given the difficulties in finding suitable sites for (and the costs of) establishing new landfills.

The regional landfill cannot take all solid wastes and was deliberately designed not to cater for many forms of hazardous waste. Given the threat to human health and the environment posed by

such solid wastes, it is important that there other options are available for safe disposal of such solid wastes.

Waste management in the Marlborough Sounds and in isolated parts of South Marlborough presents a considerable challenge. Providing opportunities to minimise solid waste and offering a collection and disposal service for residual solid waste to those who reside or holiday in more remote locations (in many cases, without road access) is difficult, due to the cost and practicality of providing these services. Solid waste is also generated on the considerable number of boats using the Marlborough Sounds. Some people have responded to these challenges of isolation by disposing of their solid waste on-site, especially where the waste is generated on farms (e.g. rubbish and offal pits). There is also the risk of illegal dumping of solid waste on river reserves and roadsides. Illegal dumping has significant environmental implications and can result in the contamination of land and water resources (creating a public health hazard) and the potential for the spread of plant pests from green waste. It is also unsightly in areas that are usually visually appealing.

[RPS, R]

Objective 16.1 – Reduce the amount of solid waste generated in Marlborough.

The obvious response to Issue 16A is to reduce the amount of solid waste generated in Marlborough. Reducing wastage and/or treating waste as a potential resource for reuse, recycling or recovery are ways in which patterns can be changed. Reducing the amount of waste that needs to be disposed of in the environment also reduces the potential for adverse effects on the quality of our land, water and air resources.

[RPS]

Policy 16.1.1 – Encourage waste minimisation practices by establishing a waste management hierarchy that ensures waste is managed in the following order of priority:

- (a) promoting lower levels of solid waste generation; then**
- (b) promoting higher levels of reuse, recycling and recovery of solid waste; then**
- (c) disposal of residual solid waste.**

The Council places priority on reducing waste at source, as this is the most efficient and effective way of minimising waste. This priority is reflected in the hierarchy of actions within the policy. Successful waste minimisation relies on households, businesses and industries all actively participating in community efforts to reduce the amount of solid waste produced in the first place and then, in terms of the solid waste that is produced, reusing, recycling and recovering as much of that as possible. The Council seeks to take advantage of changing community attitudes by making it easier to reduce, reuse, recycle and recover solid waste.

To do so, it is important that there are good systems in place to help people to reduce, reuse, recycle and recover the solid waste currently generated in homes, businesses, industries and on rural properties. Waste minimisation initiatives may vary depending on the waste and the community being served. People need to be informed about how to access and utilise each initiative. Education on waste minimisation is therefore important for all sectors of the community.

There is limited ability for the Council to influence production processes, as most consumer goods are imported into Marlborough, so promotion efforts will focus instead on influencing consumer choice. Packaging is an issue in terms of waste generation, but so too is the ease of replacing products. By making people aware of the consequences of their purchasing choices in terms of waste generation, it is hoped that people will subsequently make better choices.

[RPS, R]

Policy 16.1.2 – Encourage the diversion of inert waste and putrescible waste from the waste stream disposed of at the regional landfill.

Historically, a large proportion of the solid waste disposed of at the regional landfill has been either inert (e.g. construction and demolition waste) or putrescible (e.g. green and kitchen waste). These wastes can be converted into useful products such as compost, or disposed of in a manner that avoids the need to use the regional landfill, such as cleanfilling or on-site disposal. Such diversion of inert and putrescible waste will be encouraged to extend the operational life of the regional landfill.

Inert wastes are now disposed of at suitable cleanfill operations, where there is some reuse activity being undertaken. As a consequence, disposal of inert material at the regional landfill is now minimal. The reduction of putrescible material at a household level and the increased reuse of green waste through composting are key drivers for the Waste Management and Minimisation Plan that will run from 2015 to 2021.

Methods of implementation

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

[RPS, R]

16.M.1 Regional rules

Permitted activity rules will enable the discharge of inert and appropriate putrescible wastes to land. This will assist in the diversion of waste from disposal in the regional landfill.

[RPS, R]

16.M.2 Waste Management and Minimisation Plan

Maintain, implement and review the Waste Management and Minimisation Plan for Marlborough as required under the Waste Minimisation Act 2008. The Plan sets out goals, objectives and targets for minimising waste in Marlborough and has taken account of the New Zealand Waste Strategy.

[RPS, R]

16.M.3 Information

Provide information on the types of solid waste that can be reduced, reused, recycled and recovered, including household, business, industrial and rural solid waste, and how this can be achieved.

Record the types and quantities of solid waste being disposed of at the regional landfill (in accordance with the Solid Waste Analysis Protocol) and undertake surveys of domestic, commercial and industrial solid waste generation. The information collected will help to determine the effectiveness of waste minimisation programmes and whether the objective of waste minimisation is being achieved.

Continue to support at a local level the implementation of national programmes aimed at encouraging more environmentally sound living practices through, amongst other things, waste minimisation. These include programmes aimed at changing attitudes and behaviour in school children and providing information and materials to encourage more sustainable practices in households.

[RPS, R]

16.M.4 Sorting and recycling services/facilities

Continue to operate a Resource Recovery Centre to provide a 'one-stop shop' for recycling operations.

Maintain a kerbside recycling service for Blenheim and Picton.

Develop recycling options for other parts of the region that do not have direct access to recycling facilities.

Establish and operate a sorting facility to provide for the receipt, sorting and processing of commercial and industrial waste. This will provide businesses with an opportunity to have their mixed containers of waste (excluding putrescible) diverted from landfill.

[RPS, R]

16.M.5 Composting operations

Support, where appropriate, the composting of organic wastes, especially where those wastes would have otherwise been disposed of in the regional landfill.

[RPS, R]

16.M.6 Incentives

Continue to charge waste disposers for the collection and disposal of solid waste to encourage waste minimisation. The charge will provide an incentive to recycle or reuse solid waste instead of disposing of it. Variable charges will also be used, e.g. lower charges for green waste disposal will encourage diversion of organic material from the waste stream. Discounts will apply to the purchase from the Council of household composting systems such as worm farms.

The potential introduction of a commercial and industrial sorting facility will provide the region with a more cost effective option for dealing with selected skip and transfer station waste other than landfill disposal.

[RPS, R]

16.M.7 Advocacy

Advocate to central government that it establish and support accessible reuse and recycling programmes for recoverable solid waste types such as glass, agrichemicals and agrichemical containers, agricultural plastic wraps, plastics, papers, tyres, treated timber and metals.

Advocate to central government for extended producer responsibility for particular solid waste types, including computers and compact fluorescent light bulbs.

Continue to work with businesses and industry groups to assist efforts to reduce the amount of commercial and industrial waste generated and where appropriate, to increase the level of reuse, recycling and recovery. Advocacy will aim to identify opportunities for businesses to reduce the amount of solid waste (including hazardous waste) produced as part of business operations.

[RPS, R]

16.M.8 Central government initiatives

Apply to the Waste Minimisation Fund and Community Environment Fund managed by the Ministry for the Environment for financial support as and when suitable waste diversion projects are developed.

[RPS, R]

Objective 16.2 – Avoid, remedy or mitigate actual or potential adverse effects arising from solid waste management activities.

Despite an objective of waste minimisation, there is still a need to dispose of the solid waste that remains once reuse, recycling and recovery efforts have been exhausted (“residual waste”). Given the nature of solid waste, its disposal in the local environment has the potential to create significant adverse effects. Contaminants present in the waste, or produced by the breakdown of the waste material, could adversely affect the soils at the site of the disposal and leach through these soils to underlying groundwater or to nearby surface water bodies. The breakdown of waste could also produce gases and create odour. It is therefore necessary that solid waste management activities be undertaken in a way that minimises the potential for such adverse effects.

[RPS, R]

Policy 16.2.1 – Continue to centralise solid waste disposal activities through the operation of a regional landfill and associated transfer stations.

Inappropriate disposal methods or locations can give rise to significant adverse effects on the surrounding environment through odour, the discharge of contaminants to air, water and land, noise and traffic. Centralising solid waste management at a regional landfill avoids the need for disposal elsewhere in the Marlborough environment and helps to minimise the potential for these adverse effects.

[RPS, R]

Policy 16.2.2 – All residual waste shall be stored and disposed of in a manner that avoids or mitigates actual or potential adverse environmental effects.

It is important that all storage and disposal of residual waste is managed in a manner that reflects best practice and minimises the impacts of the operations on the surrounding environment. This will see the Council, as a provider of waste collection and disposal facilities, and private operators complying with national guidelines for the storage and disposal of solid waste. As solid waste breaks down it produces gas and leachate, potential contaminants that can disperse into the surrounding environment. The Council will use regional rules to ensure that the actual or potential effects of these discharges are avoided or appropriately mitigated.

[R]

Policy 16.2.3 – Require resource consent for the establishment of cleanfills to ensure the appropriate disposal of waste.

The nature and volume of waste disposed of in cleanfills can potentially have adverse environment effects on soils, water quality, amenity and cultural values. There are also concerns that cleanfills are seen as an ‘end-of-pipe’ solution to disposing of construction and demolition waste that could instead be reused or recycled. Requiring consent for this activity means the types and volumes of materials to be disposed of and the need for setbacks, soil sampling and erosion control measures can be assessed and regularly monitored.

[R]

Policy 16.2.4 – Enable the application of solid waste to land from the processing of primary products, the disposal of animal waste in offal pits, the disposal of biodegradable material in farm rubbish pits or the processing/storage of compost or silage, where:

- (a) this does not occur within a Groundwater Protection Area or into or onto soils identified as a Soil Sensitive Area as being at risk; and
- (b) standards for permitted activities are met.

Marlborough’s economy is based on primary production activities, as reflected in Chapters 4 and 14 of the MEP. Much of the product generated from these activities is processed within Marlborough and there is a resultant production of organic waste material. In many cases, this

waste is disposed of through a variety of means as set out in the policy. Primary production waste disposal has the potential to create adverse environmental effects if undertaken in a certain location or in an uncontrolled manner. Potential adverse effects include degradation of surface and groundwater quality through infiltration and runoff, soil contamination, disruption to land ecosystems and reduction of amenity values. Therefore, the policy states that standards have been set to provide thresholds at which the adverse effects from a discharge to land must be avoided or mitigated. Additionally, there are some identified locations where groundwater and soil resources are potentially at risk. In these areas a resource consent will be required to assess the risk.

[R]

Policy 16.2.5 – Where resource consent is required for the discharge of solid waste to land from primary production activities, decision makers shall consider the following matters in deciding whether or not to grant consent and whether conditions can be imposed to avoid or mitigate any adverse effects on the environment:

- (a) the soil characteristics at the discharge location and whether the nature and volume of waste to be discharged will adversely affect soil structure;
- (b) where the discharge is within a Groundwater Protection Area or into or onto soil identified as a Soil Sensitive Area, the risks to groundwater, surface waterbodies or soil quality;
- (c) contamination of freshwater resulting from nutrient (nitrogen and phosphorus) and organic nutrients (BOD) through leaching, runoff and/or direct discharge;
- (d) the proximity of the discharge location to waterbodies with a high natural character or to waterbodies identified as having degraded water quality that needs to be enhanced through Policies 15.1.4 to 15.1.7 in Chapter 15 - Resource Quality (Water, Air, Soil); and
- (e) the potential for reduced amenity values due to odour, vermin or visual effects from the discharge, particularly where this occurs in close proximity to residentially zoned land.

While the organic material generated from primary production activities can be used for a variety of beneficial purposes such as stock feed, soil conditioners and composting, it is still important that this is undertaken at appropriate locations and within appropriate limits.

When different types of waste are discharged to land, the soil effectively becomes part of the treatment system, with contaminants in the waste being broken down or absorbed as the leachate passes through the soil. Marlborough's soil is diverse, resulting in a variation in the treatment capacity across the District. Understanding this variation is critical in avoiding the adverse effects of discharging contaminants to land. This is why discharges to land for areas identified as a Soil Sensitive Area require resource consent to enable a detailed assessment of the appropriateness of the discharge in these locations.

There is also potential for the discharge of contaminants to have significant adverse environmental effects over the unconfined Wairau Aquifer, where contaminants within leachate can more easily enter the aquifer. Given the significance of the Wairau Aquifer for the supply of community drinking water, it is important that activities located over the unconfined Wairau Aquifer are subject to more detailed assessment, which is why there are specific resource consent requirements for areas identified as Groundwater Protection Areas. Discharges close to waterways can also create the potential for leachate to enter waterways, affecting water quality and instream habitats. Activities located adjacent to high value surface water resources or surface water resources that require enhancement will also attract greater consideration to enable water quality to be maintained or enhanced.

[R]

Policy 16.2.6 – In deciding whether to grant resource consent for any discharge of solid waste to land and the need to impose conditions to avoid, remedy or mitigate adverse effects, decision makers need to determine whether there will be:

- (a) **soil contamination from the accumulation of heavy metals and other hazardous substances;**
- (b) **contamination of waterbodies through runoff of sediment or leachate;**
- (c) **erosion, land instability and/or run-off of sediment into waterbodies due to land disturbance activities associated with the activity;**
- (d) **reduced amenity values due to disposal of unauthorised material resulting in odours, rubbish accumulation and vermin; or**
- (e) **adverse effects to the mauri of ecosystems, waahi tapu sites and other sites of cultural significance by discharges of sediment or leachate onto or into land.**

Policy 16.2.6 includes the criteria by which a decision can be made about whether to grant consent in respect of the discharge of solid waste to land, including for cleanfills and other activities where permitted activity standards are not met. Discharges of solid waste to land can provide a useful means to dispose of uncontaminated waste material and reduce the amount of material potentially disposed of in the regional landfill. However, if not appropriately managed significant adverse environmental effects can arise, including soil contamination, contamination of waterbodies, erosion or land instability, reduced amenity values or effects on the values of Marlborough's tangata whenua iwi. The policy therefore provides guidance about the matters to be considered in any resource consent application, as well as whether there is a need to impose conditions to avoid, remedy or mitigate adverse effects if consent is to be granted.

[RPS]

Policy 16.2.7 – Avoid the disposal of hazardous waste in Marlborough, except where the hazardous waste can be safely accepted at the regional landfill.

Hazardous substances are used every day in manufacturing, industrial, agricultural, horticultural and viticultural activities. Hazardous substances are those that readily explode, burn, oxidise (accelerate the combustion of other material), corrode (metals or biological tissue) and/or are toxic to people and ecosystems. When these substances are no longer wanted or are no longer economically usable, they become hazardous waste. Hazardous wastes may form only a small part of the general waste stream in Marlborough, but by their very nature they have the potential to do the most damage to people and the environment. Given this significant risk, any disposal of hazardous waste in the Marlborough environment should be avoided. This will make it necessary to have alternative arrangements for the management of hazardous waste. The only exception to the policy is when hazardous waste can be accepted for disposal within Marlborough at the regional landfill, providing the integrity of the landfill liner is protected.

[RPS, R]

Policy 16.2.8 – Encourage the responsible disposal of solid waste from remote locations.

It is difficult to apply the waste minimisation hierarchy set out in Policy 16.1.1 to those parts of Marlborough that are a great distance from transfer stations and/or do not have road access. This is particularly the case for large parts of the Marlborough Sounds and remote rural locations in South Marlborough. These factors make it difficult to take advantage of reuse, recycling and recovery opportunities already provided to the remainder of the community through transfer stations or kerbside collection.

Disposal is often the only management option available to isolated communities or those visiting remote areas. However, isolation creates economic and logistical barriers to the provision of facilities for the collection or disposal of solid waste. This situation could potentially worsen if visitor numbers to the Marlborough Sounds continue to increase. The policy therefore seeks to ensure that disposal is undertaken in a manner that avoids adverse environmental effects. It will

be important to work with communities within the Marlborough Sounds and remote rural locations in south Marlborough to determine how their waste disposal needs are best served.

Methods of implementation

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

[RPS, R, D]

16.M.9 Regional and district rules

Standards for the discharge of contaminants to land, water and air from waste management facilities and for the monitoring of any such discharges will be established through regional rules. These standards will apply to community infrastructure, such as the regional landfill and transfer stations. Rules enabling discharges to land resulting from primary production activities are provided for, subject to meeting standards.

Resource consents will be required for cleanfills and for the discharge to land of organic waste material from primary production activities where the discharge occurs in a Groundwater Protection Area or in a Soil Sensitive Area. Resource consent will also be required where permitted activity standards cannot be met.

Prohibited activity rules will prevent the disposal of hazardous waste into the environment, except at the regional landfill.

[RPS, R]

16.M.10 Provision of waste collection and disposal facilities

Continue to provide the community with a centralised waste disposal facility for residual waste and waste collection facilities, including for the collection of hazardous waste, at transfer stations in accordance with the provisions of the Local Government Act 2002.

Continue to provide waste collection facilities (e.g. coin operated skips) at strategic locations in the Marlborough Sounds for the collection of residual wastes from local residents and visitors.

Consider the need for waste collection programmes for particular hazardous wastes to ensure quantities of hazardous waste that exceed household levels are also removed from the environment.

All hazardous waste collected at transfer stations will be stored and arrangements made for periodic removal to licensed recycling or disposal facilities outside of Marlborough.

The regional landfill will be operated in accordance with the Ministry for the Environment landfill guidelines.

[RPS, R]

16.M.11 Bylaws

Maintain (and review) bylaws to prohibit the disposal of solid wastes that cannot safely be accepted at the regional landfill. The bylaws will be used to assist the ongoing, day-to-day operation and management of the regional landfill.

[RPS, R]

16.M.12 Information

Information that clearly identifies the types of waste that can and cannot be safely disposed of on land and at the regional landfill.

Information on the impacts of illegal dumping on the environment will be provided to the community. The information can be provided by a variety of means, including signage in public areas.

[RPS, R]

16.M.13 Advocacy

Advocate for national funds to support initiatives to better manage solid waste in remote locations.

[RPS, R]

16.M.14 Community support

Support community initiatives to remove solid waste that has accumulated in remote locations, especially the Marlborough Sounds and remote rural locations in South Marlborough.

Issue 16B – The discharge of liquid wastes onto or into land has the potential to adversely affect the surrounding environment.

Note that the discharge of contaminants to water is dealt with in Chapter 15 - Resource Quality (Water, Air, Soil).

A strong rural economy and a prevalence of residential living in rural and coastal environments mean that a wide variety of liquid wastes are created in Marlborough. These include:

- domestic wastewater;
- dairy shed effluent;
- winery wastewater; and
- vegetable and shellfish processing wastewater.

These liquid wastes contain a variety of potential contaminants including solids, nutrients, bacteria, viruses and substances that change soil properties.

Fortunately, the combination of favourable soil properties and the dry climate in Marlborough make the discharge of liquid wastes to land a viable option. For this reason, the provisions of the water quality chapter strongly encourage the discharge of these and other contaminants to land in preference to water, in order to maintain and enhance water quality in our rivers, lakes, wetlands, aquifers and coastal waters. When this happens, the soil resource effectively becomes part of the treatment system, with contaminants in the liquid waste being broken down or absorbed as the wastewater passes through the soil.

The capacity of the soil resource to treat or absorb contaminants is determined by the physical, chemical and biological properties of the soil. As Marlborough's soil resource is diverse, there is variation in treatment capacity across the District.

Understanding this variation is critical to avoid the adverse effects of discharging contaminants to land. If the rate of discharge exceeds the hydraulic capacity of the soil, then wastewater will pond on the ground surface and, if on a slope, potentially run off. This creates an obvious health hazard and a risk of contamination of nearby surface water bodies. Discharges to steeper slopes, especially slopes already prone to instability, can increase instability and threaten people and property. The substances and solids present in wastewater can accumulate in soil and increase to levels that adversely affect soil quality. In turn, this can affect the ability of the soil to continue to be used as a land application area or for productive purposes in the future. Shallow soils and soils with high gravel/sand content have limited capacity to treat bacteria, viruses and some nutrients present in wastewater, creating the risk of contamination of groundwater beneath or surface water in close proximity to the land application area. Liquid waste also has the tendency to become anaerobic (lacking in oxygen), which can cause odours around the treatment system or land application area.

There are currently a large number of discharges to land in Marlborough and this will only increase in the future given the ongoing regional growth and preference for discharges to land as opposed to water. It seems sensible to utilise the land resource to treat liquid wastes in Marlborough, but it is essential that discharges to land are well managed as they could, in isolation or in combination, give rise to adverse effects of similar magnitude or greater than those caused by discharges to water.

[RPS]

Objective 16.3 – The discharge of liquid wastes onto or into land is managed in a way that avoids adverse effects on water and soil quality, land and water ecosystems, slope stability and cultural and amenity values.

The water quality provisions of the MEP encourage the discharge of contaminants to land in preference to water. This policy position recognises that we live in an environment well suited to using soil as a treatment medium. However, it is possible for discharges to land to adversely affect soil quality and the surrounding environment. Consistent with other provisions in the MEP, the objective seeks to avoid such adverse effects. This can be achieved by carefully designing, constructing, managing and maintaining systems for the discharge of liquid waste to land so that they reflect environmental constraints.

[RPS, R]

Policy 16.3.1 – Ensure that wastewater management systems are designed, located and installed to effectively treat and/or contain the contaminants present in wastewater.

It is important that the discharge of contaminants onto or into land is undertaken in a manner compatible with the ability of the land resource to treat and/or contain contaminants present in the wastewater. If this is not achieved, the discharge will adversely affect the immediate and surrounding environment. This policy targets the critical role that wastewater management system designers and installers have in avoiding the potential for adverse effects. It is essential that the design of any wastewater management system recognises and provides for the characteristics and constraints of the site (especially the area to be used as a land application area) and that the system is installed according to the design.

[RPS, R]

Policy 16.3.2 – Require discharge permits for the discharge of contaminants onto or into land where there are significant environmental constraints to effective wastewater management.

Chapter 15 - Resource Quality (Water, Air, Soil) encourages the discharge of contaminants to land in preference to water. This is achieved through permitted activity rules. However, not all Marlborough soils are well suited to receiving and treating contaminants present in wastewater. Of particular note are:

- Soils in the Marlborough Sounds. These soils tend to have a high proportion of clay and corresponding low permeability rates. Furthermore, in many areas the soil is also of inadequate depth to provide sufficient treatment of bacteria and the underlying geology can be prone to instability.
- The gravel/sand soils on the coastal margin of Cloudy Bay, which have extremely high permeability, limited ability to provide treatment/containment of bacteria and nutrients and a high groundwater table.
- The poorly drained soils of the Lower Wairau Plain, which because of low permeability rates are prone to ponding wastewater.
- The loess hills soils to the south of the Wairau Plain have a high potential for tunnel gully erosion.
- Any land in close proximity to surface water bodies has the potential for runoff and surface water contamination.

- Land over aquifers used for municipal water supply.

In these environments, the risk that the contaminants present in wastewater will not be effectively treated and/or retained is greater. This risk also exists where there is a significant volume of wastewater to be discharged. In these circumstances, discharge permits will be required for the discharge of wastewater to land. This will enable the Council to exercise its discretion to determine whether the proposed wastewater management system is suitable given the volume of wastewater, site conditions and constraints.

[RPS, R]

Policy 16.3.3 – Approve discharge permit applications to discharge contaminants onto or into land where:

- (a) **the discharge is within the ability of the land to treat and/or contain contaminants present in the liquid waste, taking into account:**
 - (i) **the rate of discharge (including variability in the rate of discharge);**
 - (ii) **the nature and concentration of contaminants within the liquid waste;**
 - (iii) **the hydraulic properties of the soil within the land application area and any relevant physical, chemical or biological soil properties;**
 - (iv) **any other discharge of contaminants to the same land or to land in close proximity to the discharge;**
- (b) **the discharge does not adversely affect the drinking water quality of groundwater adjacent to or down gradient of the discharge, either alone or in combination with any other discharge;**
- (c) **the land application area is located as far as practicable from any surface waterbody or coastal water;**
- (d) **it is inappropriate (due to the potential impact on the performance of treatment plants and associated infrastructure) or impracticable to discharge the liquid waste into reticulated sewerage system;**
- (e) **the discharge will not initiate instability or make existing instability worse; and**
- (f) **the treatment unit and land application area are accessible for servicing.**

The policy provides the criteria for determining whether discharge permit applications should be granted or not. Any applicant will have to demonstrate that the design of the proposed wastewater management system can satisfy all of the identified requirements on an ongoing basis.

[RPS, R]

Policy 16.3.4 – When considering discharge permit applications to discharge contaminants onto or into land, have regard to:

- (a) **the extent of treatment prior to discharge;**
- (b) **the method of distribution to and within the land application area following treatment;**
- (c) **alternative options for managing the contaminants, including discharge to an alternative location or to a reticulated community sewerage system;**
- (d) **the need for reserve land application areas;**
- (e) **site constraints, including geology, topography, slope, climate and presence of waterbodies or structures;**
- (f) **relevant guidelines and standards; and**
- (g) **potential cumulative effects.**

The matters listed in this policy are relevant to the consideration of any discharge permit application under Policy 16.3.3 above. Each matter can influence the design of a wastewater management system and the suitability of the system to the site conditions and constraints. In this way, (a) to (g) help to ensure that land application areas are sized to accommodate the volume of liquid waste to be discharged and that the liquid waste is discharged evenly over the land application area. A variety of standards and guidelines exist for the discharge of contaminants to land, providing a useful reference to help assess the appropriateness of proposed wastewater management systems.

[RPS, R]

Policy 16.3.5 – When considering discharge permit applications to discharge contaminants onto or into land, have regard to the cultural values of Marlborough’s tangata whenua iwi.

This policy will ensure that any adverse effects of discharging contaminants to land of spiritual and/or cultural significance to Marlborough’s tangata whenua iwi are identified and considered in determining any discharge permit application. Places of significance to Marlborough’s tangata whenua iwi are identified in the MEP.

[RPS, R]

Policy 16.3.6 – Avoid the use of soak pits for the disposal of contaminants in liquid waste.

The Council is aware that soak pits are not an effective method of managing the discharge of wastewater to land. They result in a concentrated discharge of contaminants into the environment as the wastewater receives little or no treatment as it passes through the soak pit. The solids present in wastewater also tend to clog the soak pit in time, creating the potential for ponding. For these reasons, the use of soak pits as part of any wastewater management system is to be avoided. Any existing soak pit should be replaced with a land application area that is consistent with Policy 16.3.1.

[RPS, R]

Policy 16.3.7 – Promote good practice in the use of wastewater management systems.

The policy targets the important role that operators of wastewater management systems have in avoiding the adverse effects of discharges to land on an ongoing basis. Once installed, it is essential that any wastewater management system is operated correctly and is well maintained. This is because inappropriate use and/or a lack of maintenance can affect the performance of the system, despite it being properly designed and installed in the first place. It is important that the landowner and/or system operator is aware of the actions required for effective performance and that those actions are undertaken. This can be achieved through the preparation and provision of operation and maintenance guidelines when new wastewater management systems are designed. However, alternative methods may have to be used for existing wastewater management systems.

[RPS, R]

Policy 16.3.8 – Monitor the operational performance of existing wastewater management systems and require poorly performing systems to be upgraded to or replaced with systems that effectively treat and contain all wastewater to the discharge site.

Existing wastewater management systems will be proactively monitored on an ongoing basis to ensure they are performing as designed and are being correctly operated and well maintained. Where inspections show that any system is performing poorly, enforcement action will be taken requiring the system to be upgraded (so that it performs according to the original design) or replaced. Upgrade could include maintenance that has previously been neglected. Not all wastewater is discharged on the site where it is produced; for example, agricultural waste may be discharged off-site. In such situations it remains important that systems are appropriately monitored and maintained to ensure they perform appropriately to effectively treat the wastewater discharged.

[RPS, R]

Policy 16.3.9 – Encourage artificial wetlands as a means of managing the discharge of contaminants.

The use of wetlands can provide an effective method of reducing the level of contamination in water, stormwater or wastewater prior to discharge into the environment. Wetland processes filter out and retain contaminants on a passive and ongoing basis. This may help the discharger to meet the objectives and policies that apply to the subsequent discharge of contaminants to land or water. For this reason, the Council will encourage the use of artificial wetlands. Wetlands may also create biodiversity benefits by creating new habitat.

Methods of implementation

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

[RPS, R]

16.M.15 Identification

Identify in the MEP those areas with soils most susceptible to the adverse effects of the discharge of contaminants to land.

[RPS, R]

16.M.16 Regional rules

Permitted activity rules will enable the discharge of contaminants to land in environments where there is a low risk of adverse effects. Standards for the discharge of contaminants onto or into land and for the monitoring of any such discharges will be established, including standards for:

- *domestic wastewater discharges from on-site wastewater management systems;*
- *dairy shed effluent;*
- *vegetable, fish and shellfish processing wastewater; and*
- *leachate from composting operations.*

All permitted activity rules will require the preparation and provision of operation and maintenance guidelines for the operator of the wastewater management system.

Where the conditions of the permitted activity standards cannot be met, a resource consent will be required and conditions will be imposed to ensure that the operator of the system is well informed about the appropriate operation and maintenance of the system.

Where there is a greater potential for adverse effects on the receiving environment, discharges to land will require a resource consent.

In some instances, discharges to land will be prohibited. A prohibited activity status will apply to the use of soak pits and will have effect within five years of the MEP becoming operative. This will allow time for replacement with appropriate land application areas to occur.

[RPS, D]

16.M.17 District rules

Apply district rules to industrial and trade activities requiring them to connect to Council-operated reticulated trade waste infrastructure within industrial zonings and requiring resource consent to establish in areas not zoned industrial.

[RPS, R]

16.M.18 Certification

To ensure that any on-site wastewater management system is installed according to design, the designer will be required to certify the installation of the system and provide that certification to the Council.

[RPS, R]

16.M.19 Information

Provide information, including guidelines, to landowners, resource users, wastewater management system designers and the public:

- *to ensure there is greater awareness of the advantages and disadvantages of different wastewater management systems and their suitability for different environments;*
- *to improve the standard of design and installation of waste management systems by helping designers to appropriately assess site characteristics and constraints;*
- *to promote an awareness of the importance of ongoing management and maintenance to the performance of wastewater management systems and the factors that can affect performance;*
- *to encourage improved management and maintenance of wastewater management systems; and*
- *to report on monitoring of discharges to land.*

On-site wastewater management systems to be targeted by the method include:

- *wastewater management systems;*
- *farm waste management systems; and*
- *winery wastewater management systems.*

Establish a register to record the details of all on-site wastewater management systems in the Marlborough Sounds.

[RPS, R]

16.M.20 Warrant of Fitness

Develop and implement, within five years of the MEP becoming operative, a Warrant of Fitness scheme for existing on-site wastewater management systems not authorised by resource consent in the Marlborough Sounds and in Groundwater Protection Areas. This scheme will require an initial inspection of the adequacy and effectiveness of existing on-site wastewater management systems and subsequent re-inspections every five years. The inspections will include an assessment of the capacity and integrity of the treatment unit (e.g. septic tank) and an assessment of the condition of the means of distribution and land application area(s).

[RPS, R]

16.M.21 Provision of waste collection and disposal facilities

Provide a means of effective collection and disposal of sludge from septic tanks in the Marlborough Sounds within five years of the MEP becoming operative.

Anticipated environmental results and monitoring effectiveness

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

Anticipated environmental result	Monitoring effectiveness
<p>16.AER.1</p> <p>A decrease in the quantity of solid waste disposed of in Marlborough.</p>	<p>27% growth in diverted material throughput at the Resource Recovery Centre.</p> <p>17% growth in materials diverted from regional transfer stations.</p> <p>20% increase in kerbside recyclable collection volume going to Resource Recovery Centre.</p> <p>More than 16,000m³ of organic material composted.</p>
<p>16.AER.2</p> <p>Responsible management of residual solid waste.</p>	<p>Monitoring shows that the regional landfill complies with the Ministry for the Environment landfill guidelines.</p> <p>No incidences of disposal of hazardous waste in the Marlborough environment.</p> <p>A reduction in the number of complaints of illegal dumping of solid waste.</p> <p>Increased community programmes for and participation in managing solid waste in remote locations.</p>

Anticipated environmental result	Monitoring effectiveness
<p>16.AER.3</p> <p>There are no significant adverse effects on receiving environments as a result of the discharge of liquid wastes to land.</p>	<p>The annual median values of the following soil parameters for soils within land application areas routinely monitored will fall within target ranges, as defined by Landcare Research (Landcare Research, 2003):</p> <ul style="list-style-type: none"> (a) soil pH; (b) SAR ratio <p>There is no major non-compliance with permitted activity rules or discharge permit conditions for dairy shed effluent and winery wastewater discharges in any year.</p> <p>The rate of minor non-compliance for dairy shed effluent and winery wastewater discharges will not exceed 15 percent in any milking season or vintage in any year.</p>
<p>16.AER.4</p> <p>All non-reticulated households, holiday homes, visitor accommodation and rural industries are effectively serviced by on-site wastewater management systems.</p>	<p>A warrant of fitness scheme is established and operated for all on-site wastewater management systems.</p> <p>A reduction in the number of complaints of failing on-site wastewater management systems.</p>

17. Transportation

Introduction

Transport plays a key role in our lives and in the economic and social development of Marlborough, providing us with significant benefits and opportunities. It enables us to travel to work, shops and schools easily and helps us to enjoy many recreational and social opportunities. It is therefore important to ensure transport systems within Marlborough are effective and efficient.

Like much of regional New Zealand, Marlborough is dependent on transport links for moving people and goods to, from and within the District. Marlborough's location in central New Zealand makes it part of nationally important transport routes and links. These include the interisland water transport route through the Marlborough Sounds, State Highway 1, the main trunk rail and Blenheim Airport.

Within Marlborough there is a tendency for people to rely heavily on motor vehicle transport. Additionally, the extensive nature of the Marlborough Sounds and the various activities that occur there means that water transport is also a fundamental part of Marlborough's overall transport network. Air transport from Omaka Airfield near Blenheim and Picton Airport at Koromiko is also of local and regional importance to the community.

Transport infrastructure is a significant component of the physical resources of Marlborough. The community's reliance on transport infrastructure and networks to provide for their social and economic wellbeing means that it is important to enable their continued use. On the other hand establishing, maintaining and using transport infrastructure and networks can have adverse effects on the environment. The resource management issues in this chapter therefore focus on the sustainable management of the physical infrastructure of transport networks, the services that use them and the adverse environmental effects that arise from operation of the networks.

(Note that the provisions for water transportation in Marlborough's coastal marine area have been included within Chapter - 13 Use of the Coastal Environment.)

Air Transportation

Issue 17A – There are significant positive effects arising from the operation of Marlborough's airports/airfield. It is important that these resources are recognised and provided for so that they can continue to serve the wider community now and in the future.

Marlborough is served by three airports/airfields: Blenheim Airport, some six kilometres east of Blenheim; Omaka Airfield, also on the outskirts of Blenheim; and Picton Airport, located at Koromiko near Picton. Collectively, these airports/airfields contribute significantly to the social and economic wellbeing of the people and community of Marlborough and are important for both passenger and freight transport. Blenheim Airport also contributes to the wider New Zealand community as part of a national network of airports for both passengers and freight.

Blenheim Airport is unique in that it is both a military and civilian airport. The civilian operation is undertaken by Marlborough Airport Limited through a licence from the New Zealand Defence Force (NZDF). Commercial operations include commuter flights between Blenheim and Wellington, Christchurch and Auckland as well as scenic flights. Other air-related activities

carried out at the airfield include aircraft engineering (Safe Air Ltd), a NZ Post mail and distribution centre for the upper South Island and some limited commercial activities within the civilian passenger terminal.

The airforce base (RNZAF Base Woodbourne) makes an important contribution to the NZDF effort through providing ground training facilities for RNZAF personnel and depot level maintenance for military (and civilian) aircraft (provided through a contract with Safe Air Ltd). Although not strictly a transportation issue, the continued operation of the RNZAF Base Woodbourne is important because of its integration with the operation of Blenheim Airport. Collectively, RNZAF Base Woodbourne, Blenheim Airport and other licence holders are the single largest employer in Marlborough, maintaining around 1,000 permanent employees. These operations make an important contribution to sustaining local housing markets and businesses as well as community, social and personal services.

The Crown is required to comply with the provisions of the Resource Management Act 1991 (RMA), although there are a number of exceptions to this requirement, which are set out in Section 4 of the RMA. One of these exceptions is where the Minister of Defence certifies the work or activity is necessary for reasons of national security. However, in relation to RNZAF Base Woodbourne, NZDF activities are provided for by a 'Defence Purposes' designation in the Marlborough Environment Plan (MEP). The designation allows the NZDF to carry out activities in support of the purposes of Section 5 of the Defence Act 1990. The NZDF manages the environmental effects of its activities in accordance with the RMA and in compliance with the MEP.

Omaka is a public airfield situated approximately 500 metres from the south western boundary of Blenheim. The home of the first aero club in the country, the airfield is used extensively for gliding, general aviation (including private pilot training) and as a base for agricultural aviation within Marlborough. The airfield is open seven days a week, with more commercial flying activities occurring during the week and recreational flying during the weekend. Significant seasonal and weekend/public holiday aviation activities also occur, usually in relation to specific events. These events include the biannual Easter Airshow, summer recreation flying events (gliding, etc) and night time helicopter operations for vineyard frost protection. One other significant feature of Omaka has been its development as an aviation heritage centre. The airfield is the venue for the biennial Omaka Airshow and attracts strong visitor interest with displays of vintage and antique aircraft. The Aviation Heritage Centre itself is located east of the airfield.

Picton Airport is privately owned and located within the Koromiko Valley, approximately 20 kilometres from Blenheim. A scheduled air service operates daily to and from Wellington. In addition, the airport provides access to properties in the Marlborough Sounds and is used for scenic flights and general aviation, including tandem parachuting. A helicopter service also operates from Picton Airport, while a float plane servicing the Marlborough Sounds operates from Picton Harbour.

Collectively, these airports contribute directly and indirectly to the local, regional and national economy. It is important therefore to ensure their long-term viability as strategic physical resources.

[RPS]

Objective 17.1 – The use of Marlborough’s airports/airfield continues to contribute to the social and economic wellbeing of Marlborough.

Marlborough’s airports and airfield are a significant physical resource and contribute to the social and economic wellbeing of the people and community of Marlborough. Blenheim Airport has been specifically recognised in Chapter 4 - Use of Natural and Physical Resources as regionally significant infrastructure because of its contribution to the social and economic wellbeing of a large proportion of Marlborough’s population as well as its strategic importance nationally. (RNZAF Base Woodbourne has also been identified as regionally significant infrastructure.) Omaka Airfield and Picton Airport have also been identified as being regionally significant infrastructure as they are regionally important for general aviation, agricultural aviation, aviation

heritage, tourism and the provision of air access to the more remote areas of Marlborough, including to the Marlborough Sounds. It is essential for the continued development of industry, commerce and tourism activity in Marlborough that a high level of air transport access is maintained, which will continue contributing to Marlborough's overall economic and social wellbeing.

[RPS]

Policy 17.1.1 – Recognise the importance of Blenheim Airport, Omaka Airfield and Picton Airport as transportation nodes for Marlborough's residents, local businesses and visitors.

A specific zoning has been used to recognise and provide for the ongoing use and development of Blenheim Airport, Omaka Airfield and Picton Airport. The zoning, which enables the application of specific rules for airport related activities, will effectively provide for the continued development, improvement and operation of the airports, subject to measures to avoid, remedy or mitigate any adverse effects.

[RPS, D]

Policy 17.1.2 – To protect the commercial operational capability of Blenheim Airport through to 2040.

Based on current projections, it is unlikely that the main runway at Blenheim Airport will reach capacity in the foreseeable future. The commercial airport operator, Marlborough Airport Limited, currently has no plans to extend the existing runway. However, to protect the ability of the runway to be extended in the future, the Airport Zone extends over land to the west of the current runway.

Issue 17B – Operation of airports and associated aircraft activities can be affected by various land use activities and generate effects that impact upon surrounding environments.

Urban encroachment is a significant threat to the future sustainability of airports. Increases in population in areas affected by aircraft noise can result in public pressure to modify airport operations, for example by altering flight tracks or introducing curfews. This may result in reverse sensitivity conflicts between peoples' expectations of residential amenities and noise generated from airports. This type of conflict can have significant adverse effects on the operation and viability of airports. In addition, some land uses could affect the safe operation of airports, especially activities that involve structures (e.g. aerials) or attract birds (e.g. landfills or open ponds).

Blenheim Airport is currently separated from the western boundary of Blenheim by approximately four kilometres of open land and from the eastern boundary of Renwick by approximately two kilometres. While there are currently no significant proposals to extend Blenheim or Renwick towards the airport, it must be recognised that there are no significant natural constraints on the expansion of these settlements in that direction either.

Omaka Airfield is situated approximately 500 metres from the boundary of Blenheim and is reasonably constrained within its present boundaries. Rezoning of land to the south west of Blenheim from rural to residential use prior to notification of the MEP will result in residential development occurring close to Omaka Airfield.

The area surrounding the Picton Airport is predominantly rural in nature and urban encroachment is unlikely to be a problem, although the airport is located in close proximity to several houses and a primary school. Complaints have been received by the Council in the past regarding noise arising from the operation of the aircraft.

Each of Marlborough's airports/airfields has the potential to cause significant environmental effects, including traffic generation, chemical/fuel hazards, landscape impacts and most significantly, noise pollution. The operational efficiency and functioning of Blenheim Airport, Base

Woodbourne and Omaka Airfield requires continual on-site maintenance and servicing of aircraft, often associated with significant noise generation (engine testing in particular).

[RPS, D]

Objective 17.2 – A balance is achieved between the operational needs of Marlborough’s airports and the amenities and wellbeing of the community.

Although Marlborough’s airports/airfields are important for strategic transportation purposes, their operation does have the potential to have adverse effects on amenity values for the community, particularly noise effects. Additionally, there are a range of activities that can affect the safe operation and viability of airports/airfields. Therefore the objective seeks a balanced approach to allowing aircraft to operate effectively and efficiently while at the same time safeguarding the amenity values of local communities and individuals.

[D]

Policy 17.2.1 – Provide for the operational needs of airports by the protection of air corridors through restrictions on height and land use.

For safety purposes it is critical to provide protection for air corridors used in approaches to and departures from the airports. Certain flight path air spaces (referred to as Obstacle Limitation Surfaces) have been defined around Blenheim Airport, Omaka Airfield and Picton Airport for planes approaching and departing airfields. Height restrictions and land use controls are used to ensure these flight paths remain clear from such obstructions as trees, aeriels and buildings. In certain cases these Obstacle Limitation Surfaces extend beyond the Airport Zone.

[D]

Policy 17.2.2 – The potential incompatibility between airports and residential living in nearby rural environments should be managed through land use controls to:

- (a) **avoid new noise-sensitive activities being located within the Inner Noise Control Boundary; and**
- (b) **mitigate the effects of noise from airport activity between the Outer Noise Control Boundary and the Inner Noise Control Boundary.**

People's reactions to levels of aircraft noise can vary. Although there have not been a high levels of complaints about the level of noise generated from airports in Marlborough, there is recognition that aircraft noise can cause a significant nuisance and detract from the amenity values and quality of the environment. Aircraft movements at the airports are also likely to increase over time. It is appropriate therefore to control land use development to ensure any adverse effects of aircraft noise on health and amenity are minimised. This can be achieved through permitted activity rules regulating residential activity and other noise-sensitive activities likely to suffer adverse effects from aircraft noise. Effects may also be mitigated by the installation of acoustic insulation and ventilation systems, but in some circumstances there may be a need for assessment by way of resource consent.

[D]

Policy 17.2.3 – Establish maximum acceptable levels of aircraft noise exposure around Marlborough’s airports for the protection of community health and amenity values.

Although Policy 17.2.2 is aimed at avoiding reverse sensitivity conflicts arising through the establishment of noise sensitive activities close to airports, it is important that noise from airport activities such as engine-testing and ground running activity are appropriately managed. (Note that in terms of the provisions of the RMA, the Council has no ability to control aircraft noise once aircraft are airborne.)

Methods of implementation

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

[D]

17.M.1 Zoning

Blenheim Airport, Picton Airport and Omaka Airfield will be zoned as Airport Zones. For Blenheim Airport, the extent of the zone reflects the existing and possible future extension of main runway to the west.

[D]

17.M.2 District rules

Airport Zone rules will see priority given to airport related activities, though in order to reflect differences in scale, type and frequency of activity, some rules will be specific to a certain airport.

District rules in zones adjoining the airports will effectively provide for the continued development, improvement and operation of the airports subject to measures to avoid, remedy or mitigate any adverse effects, including from noise. Rules will define the extent of airport protection corridors through height controls and restrictions on land use activities surrounding the airports.

An assessment of noise from Blenheim Airport and Picton Airport has been undertaken in accordance with NZS 6805:1992 'Airport Noise Management and Land Use Planning'. Noise control boundaries (noise contours that describe aircraft movements) are prescribed on the MEP overlay maps in Volume 4 of the MEP. Within these boundaries, district rules will require resource consent for land use activities to enable the effects of noise on those activities to be assessed, or for permitted activities will require additional noise insulation in new residential units and extensions to existing dwellings.

For Omaka Airfield an assessment of where the inner and outer noise control boundaries should be located was incomplete at the time of notification of the MEP. Further monitoring of existing aircraft movements along with an assessment of future aircraft movements will be undertaken. Once this has been completed rules for Omaka Airfield will be included within the MEP by way of variation or plan change through the First Schedule process of the RMA.

[R]

17.M.3 Regional rules

Regional rules will set standards for the management of discharges to air or land within each of the Airport Zones.

[D]

17.M.4 Designation

Activities of the RNZAF Base Woodbourne are enabled by designation, as described in a schedule in Appendix 14 of Volume 3 of the MEP and as shown on the planning maps in Volume 4. The operational area of the RNZAF Base Woodbourne is covered by a designation, which coincides with the Airport Zone. This designation is for defence purposes in terms of Section 5 of the Defence Act 1990 and includes storage facilities for explosives. A second designation provides for the protection of the airspace above Base Woodbourne and the surrounding area. The activities of the civilian airport are not provided for within the designation purpose.

[D]

17.M.5 Noise Management Plan

Work with the Marlborough Aero Club to develop a noise management plan to address noise generated as a result of aviation activities at Omaka Airfield. The implementation of the plan will assist in managing the actual and potential adverse effects on surrounding residential properties

from aircraft using the airport. The noise management plan will include, as a minimum, a contact for receiving and co-ordinating responses to aircraft related noise complaints, a complaints register, the establishment of an independently chaired Airport Noise Committee and a methodology for resolving aircraft related noise complaints.

Land Transportation

Issue 17C – The land transport network is an important regional resource, providing for the movement of people, goods, services and resources. It is important to ensure an efficient infrastructure is maintained to enable people and communities to provide for their economic and social wellbeing.

Marlborough's land transport network is a significant component of the physical resources of the District and has been identified in Chapter 4 - Use of Natural and Physical Resources as regionally significant infrastructure. This reflects the Council's function under Section 30 of the RMA regarding the strategic integration of infrastructure with land use. The network of roads, rail, cycleways and pedestrian pathways and the movement of vehicles, goods and people through that network are essential to the District's economic activity and the convenience and wellbeing of the people of Marlborough.

Marlborough's road network connects settlements in Marlborough with other regions and connects the other key transport modes of air, rail and water transport. The road network is strategically important, both regionally and nationally, with State Highway 1 running through the District. Due to Marlborough's extensive land area, relatively low population base and a resulting lack of alternative forms of transport, Marlborough is heavily reliant on private motor vehicle transport. This has resulted in an extensive rural road network where state highways form connections between other districts, major arterial routes within Marlborough, local sealed roads and many kilometres of metalled roads extending far into rural areas.

The arterial road network hierarchy includes State Highways 1, 6, 62 and 63, primary arterial routes along Queen Charlotte Drive and Kent Street, Picton, as well as a number of secondary arterial roads in the urban environs of Blenheim. Existing access points from private property onto these state highway and arterial routes are numerous. On some sections of Marlborough's state highways, 'limited access roads' have been declared, meaning that properties can only be accessed from 'authorised crossing points' determined under the provisions of the Government Roadway Powers Act 1989.

Most of the current road transport issues have arisen from the pressures of growth and development, which includes servicing expanding vineyards, marine farming traffic and increased logging traffic sharing roads with an expanding number of residents and visitors, particularly in the Marlborough Sounds. Factors originating outside of Marlborough can also have implications (for example, increasing tourist numbers and greater volumes of freight being transported through the District).

Due to the nature of existing development adjoining and surrounding roads (for example, in locations such as Blenheim and the Wairau Plain), it is extremely difficult physically, legally and economically to develop new or alternative roads, or even in some locations to widen existing road reserves. With this in mind, the existing land transport network resource must be managed in a way that ensures its ability to operate efficiently, including for access to properties, is not undermined.

[RPS, D]

Objective 17.3 – An efficient land transport network that recognises and provides for different users.

The transportation of nearly all goods and people within Marlborough is undertaken by road users using the land transport network and this situation is unlikely to change significantly in the medium term. It is therefore important to plan and manage the land transport network efficiently to enable people to access different parts of the District at the same time as providing for through traffic.

[RPS, D]

Policy 17.3.1 – Recognise the importance of the land transport network in providing linkages with other districts, regions and transport modes in Marlborough.

The road network in Marlborough is nationally important, with State Highway 1 (New Zealand's main north-south transport link) running through the District. This highway and others (including State Highways 6, 62 and 63) are therefore important in connecting other districts with Marlborough. The road and rail network also connects with other transport modes of national importance in Marlborough: for example, the link with the interisland ferry and shipping services that operate from the Port of Picton. This policy helps give effect to Policy 9 of the New Zealand Coastal Policy Statement 2010 (NZCPS), which requires in part recognition of efficient links between ports and other transport modes as contributing to a sustainable national transportation system. The road network also connects with air transport opportunities and connects settlements in Marlborough. While Marlborough's transport needs are provided for by the entire transport network, road transport provides the significant link between the modes.

[RPS, D]

Policy 17.3.2 – Develop and maintain a hierarchy of roads to assist in achieving efficient use of the road network, with each road being classified based on its planned traffic function. The hierarchy of roads comprises the following:

National Routes	Form part of a network of strategic importance and are a significant element in the national economy, for which a high level of through service must be provided on a continuous basis. These routes are state highways.
Primary Arterial Routes	Of strategic regional importance and are a significant element in the regional economy. These roads also provide a high level of through service and include those roads giving access to important tourist areas and providing significant intra-urban links.
Secondary Arterial Routes	Of strategic district importance and are a significant element in the local economy. These roads will provide both a through function and an access function.
Collector Routes	Locally preferred roads between or within areas of population or activities, complementing arterial routes. These roads provide an access function.
Local Routes	Local A Roads are all other roads serving more than three residences. Local B Roads serve less than three residences and fewer than ten vehicles per day. These roads provide an access function.

The Council has established this hierarchy of roads to classify each road based on its planned traffic function and its use as access for adjacent land uses. The highest classified roads are intended to provide for the greatest level of through movement with a minimum access function, while local roads provide for very little through movement but have a major access function.

Overall, the various types of road combine to form a complementary network. Consistency of standards for upgrading and making new additions to this network is important to ensure all components continue to operate effectively together to maintain safety standards and amenity values.

The MEP categorises each of Marlborough's roads into one of the above classifications. Where resource consent is required for an activity or subdivision, the function of a road from which access will be obtained (if relevant) needs to be considered.

[D]

Policy 17.3.3 – Ensure the road hierarchy is periodically reviewed and where necessary amended to reflect on-going changes in land use, use of the coastal marine area and road access relationships.

Changes in long haul freight transport patterns, vehicle use and social patterns or in land and coastal marine area uses may require new transport infrastructure or changes to existing infrastructure. A periodic review of the road hierarchy will enable assessment of the impact of changes on the road network and will be undertaken through the First Schedule process of the RMA.

Issue 17D – Land use, water and subdivision activities can have adverse effects on the sustainable use of the land transport network.

The sustainability of the land transport system, especially in terms of the road network, can be adversely affected by adjacent land use activities (including subdivision of the land) and activities that occur in the coastal marine area. Changes in land use, such as an intensification of activities or a change from residential to business activity, can result in the creation of new accesses that are too close to intersections and to each other, or do not have adequate sight distance. These changes can result in activities that generate high volumes of traffic or increases in heavy traffic, for which the existing road network is unsuited. The intensification of land use and increases in traffic volumes can also have an impact on the movement of pedestrians and cyclists.

In rural areas, changes in land use and/or zoning of rural land to allow for growth of urban areas can mean that the rural road network is inadequate to deal with resulting traffic changes. Road-side sales (particularly on main routes) can create safety issues as people enter and leave the site. Increasing recreational activity can also place pressures on the road network. This is particularly an issue if the roads are not constructed for the increased traffic volumes. Activities on adjacent land (including signs, aerial distractions and glare from lighting) can also have adverse effects on the safety and efficiency of the road network if they are poorly located, distract drivers' attention, restrict visibility or cause confusion with "official" road information signs.

Road reserves are commonly occupied by other network utilities, such as sewer and water pipes and telecommunication cables. The need to enable installation of these services must be recognised, but they can also cause adverse effects on the operation of the road network on a temporary basis, e.g. during maintenance activity.

Impacts on the land transport network often focus on land use activities and subdivision. However, in the Marlborough Sounds there are well-established marine farming and forestry industries that have flow-on effects for the Sounds road network, especially when harvested produce is transported to processing facilities on narrow and windy roads, for example from Port Underwood to Picton or Elaine Bay to State Highway 6.

It is also important to recognise that the Council has a statutory function under the RMA for the strategic integration of infrastructure with land use through objectives, policies and methods (Section 30(1)(gb)). Infrastructure includes roads so it is necessary that the following provisions are consistent with the Council addressing its functions under this section of the RMA.

[D]

Objective 17.4 – Conflict in providing for subdivision, use or development activities and with use of the land transport network is minimised.

As the land transport network has been identified as a significant resource, it is important that it is able to function without being adversely affected by subdivision, use or development activities. The objective aims to ensure that any conflict arising from these uses is minimised in terms of the impacts on the land transport network. This objective is also relevant in the context of Policy 4.2.2 (Chapter 4 - Use of Natural and Physical Resources), which seeks to protect regionally significant infrastructure such as the district roading network from the adverse effects of other activities.

[D]

Policy 17.4.1 – Manage the density, scale and location of subdivision and/or activities to maintain the planned function of the roading network.

A major method in the MEP for managing the efficiency of the road network is through identification of a road's function, which is established by the road hierarchy. It is important that subdivision or activities that generate traffic (whether on land or in the coastal marine area) are managed so that their location, density and/or scale does not impair the function of a particular road. Management will occur through district rules that describe where there is a need to consider the impacts of activities on the function of a road through the resource consent process.

[D]

Policy 17.4.2 – Avoid the spread of residential, industrial or commercial development fronting national routes and arterial roads extending outwards from urban settlements or towns.

Avoiding the outward spread of urban areas (for residential, commercial or industrial development) along national or arterial routes and limited access roads will help protect the safety and efficiency of roading networks. In addition, this policy, together with others set out in Chapter 12 - Urban Environments, seeks to provide for the efficient use of energy, services and infrastructure by containing the outward spread of urban areas. This is an important aspect of the development of settlements as it focusses development around the areas that generally have the employment, community and infrastructural services able to sustain a growing population.

[D]

Policy 17.4.3 – Avoid development or subdivision where there would be significant adverse effects on social, cultural, economic or environmental values from extending or upgrading the road network.

If the resulting increases in vehicle use from subdivision or development are likely to be significant, it may be necessary in some locations to upgrade the road network away from the proposed site. The development or extension of a road could have significant environmental impacts and may also impact on existing development. This could be in situations where the development or subdivision is in a remote location and considerable investment is required in upgrading or extending the road network as well as ongoing maintenance. It may be appropriate in some circumstances to restrict or even prevent development or subdivision, particularly within the coastal environment where there is a statutory requirement to avoid adverse effects to preserve areas with outstanding natural character and to protect outstanding natural features and landscapes (Policies 13 and 15 of the NZCPS). (Where these outstanding values are not present, there may well be options to remedy or mitigate adverse effects and these would be appropriately considered through the resource consent process.)

[D]

Policy 17.4.4 - Ensure that the cost of new roading required to provide access to new subdivision or development is met by the developer and that upgrading of existing roads needed as a result of development is contributed to by the developer.

Access along public roads is unrestricted and provides community-wide benefit. That benefit is reflected in the funding of road maintenance from Council rates. However, where new roads are required to connect new subdivisions or developments to the existing road network, the capital cost of that construction should be met by the principal beneficiary of the access, i.e. the developer. Where roads need upgrading as a consequence of a development or subdivision, then the developer should also contribute to the costs of the upgrading.

[D]

Policy 17.4.5 – Commercial and industrial activities with potential to adversely affect the arterial road network should preferably be located on properties with access to secondary arterial and collector routes.

Development pressures, along with the aspirations of commercial or industrial operators to locate on high traffic routes, can threaten the functioning of national and arterial roads. While there is a need to provide for people's economic wellbeing, this should not be at the expense of the way in which the road network operates. To ensure potential conflicts with the functions of primary arterial and national routes are minimised, it is appropriate that commercial and/or industrial activities be located on secondary arterial and collector routes.

[D]

Policy 17.4.6 – Avoid the establishment of commercial or industrial activities attracting high traffic volumes in areas where there is a potential for conflict with residential uses.

Traffic associated with non-residential development has the potential to affect the residential amenity of the immediate area. While non-residential use is provided for as a permitted activity in residential areas, this is a limit to the intensity or level of traffic that can be absorbed by the surroundings. Other activities generating high traffic volumes should also be avoided in residential areas.

[D]

Policy 17.4.7 – Space should be provided onsite to accommodate manoeuvring, loading and parking of vehicles without creating congestion or conflicts with moving vehicles or pedestrians on adjacent roads.

The efficient use and capacity of a road can be reduced by parked or manoeuvring vehicles, particularly on roads where there is a predominance of through traffic. Public roads in urban areas do provide a certain amount of kerbside vehicle parking. However, it is important to maintain roads for the free movement of vehicles and cyclists and to ensure that parked vehicles do not compromise pedestrian safety. Where activities give rise to demand for vehicle parking they will be expected to make provision, away from public roads, for that parking. Public roads will continue to be available for supplementary parking, particularly where kerbside parking maximises convenience for visitors to premises without compromising road safety.

[D]

Policy 17.4.8 – Support and/or advocate for the use of rail corridors for alternative transport uses such as walking and cycling, where safe and practicable.

State Highway 1 dominates the towns and settlements north and south of Blenheim and although people do cycle this section of the state highway, the environment is not conducive to the activity. Opportunities exist for using railway designated land to develop new cycle/walkways, such as that between Blenheim and Riverlands. This would provide direct connections for local communities in an off-road environment with relatively high amenity and will help the Council encourage walking and cycling as safe, environmentally friendly, healthy and enjoyable travel options.

[D]

Objective 17.5 – The safety and accessibility of roads for pedestrians, cyclists and vehicle movement in general is maintained and/or improved.

Important components in a sustainable land transport network are ensuring it can be used safely and is accessible for a range of uses. The objective therefore seeks to ensure that these components are appropriately recognised and provided for.

[D]

Policy 17.5.1 – Maintain road safety and accessibility by ensuring that standards of road design, vehicle access, vehicle crossings, loading and parking are related to the intended function of the adjoining road in terms of the roading hierarchy in Policy 17.3.2.

The road hierarchy describes the intended function of a road. The intended function of a road must be designed to a standard that enables the road to operate in accordance with that function and to ensure safety and accessibility are maintained. Road design relates to a variety of elements and controls, including road width, pavement construction, street lighting, signage, parking restrictions, activities and access points.

[D]

Policy 17.5.2 – Encourage the development of pedestrian areas, footpaths, walking tracks and cycleways, especially on the approaches to all schools, to improve amenity and accessibility for residents.

People will be encouraged to walk or cycle rather than use motorised transport if they are provided with a safe and pleasant environment. The creation of pedestrian and cycle links can be an important part of improving safety and access. The subdivision and development process provides the opportunity to establish walking and cycling links, thereby enabling the transport network to be developed in an integrated manner.

[D]

Policy 17.5.3 – Avoid establishing activities that generate high levels of pedestrian movement across national and arterial routes.

To help maintain road safety it is important that activities likely to generate high levels of pedestrian movement are not located on national or arterial routes. The prime role of these routes is for through traffic and locating activities along them can result in safety hazards, creating potential conflict between motorised vehicles and pedestrians.

[D]

Policy 17.5.4 – Avoid the display of outdoor advertising that could adversely affect traffic safety by confusing, distracting or obstructing the view of motorists or pedestrians.

Signs and other forms of outdoor advertising are a necessary part of the community's social and economic activities. However, the potential adverse effects of outdoor advertising on traffic safety are of concern to the Council. Different environments within the district have different levels of sensitivity to the potential adverse effects of signs. In particular, careful consideration must be given to the location, design, size or type of signs along state highways and primary arterial routes, where the potential for conflicts with traffic safety are highest.

The erection of signs on the site where an activity is undertaken is accepted as part of that activity and will generally be a permitted activity, subject to meeting standards. Signs located off-site to attract customers to another site will need to be assessed through the resource consent process to determine whether there will be an adverse impact on traffic safety. In some situations there may be improved traffic safety outcomes through off-site location of signs.

[D]

Policy 17.5.5 – Ensure that convenient and accessible car and cycle parking is available for both staff and visitors for all activities.

The demand for parking generated by activities has the potential to adversely impact on the environment of an area. These adverse impacts are likely to occur when the demand for parking exceeds that provided onsite and there is an overspill of parking onto the adjacent roadside. Furthermore, the efficient use and capacity of a road can be reduced by parked or manoeuvring cars, particularly on main roads where there is a predominance of through traffic. The amenity of an area can also be changed by on-street parking resulting in a perceived loss of privacy and visual amenity.

To avoid or reduce these effects, adequate off-street parking for all activities will be necessary. It is considered that parking provision to meet normal generation demands will be primarily the responsibility of the property owner or occupier. The exception is within the Business 1 Zone, where the Council is responsible for providing public car parking space (both on and off street).

[D]

Policy 17.5.6 – Subdivision and land use activities shall avoid, remedy or mitigate adverse effects on the safety of and accessibility to the road network by ensuring:

- (a) buildings, vegetation and activities do not reduce clear sight lines for trains and road vehicles at level rail crossings or for vehicles at road intersections;
- (b) vegetation planted on land alongside rural roads is set back so that roads are not shaded and subjected to icing in winter;
- (c) adequate formal crossing facilities are provided where high levels of pedestrian activity are generated from an activity located adjacent to an arterial road or in a Business or Industrial zone;
- (d) activities do not create distractions for any road or rail users, including from glare, inappropriate lighting, smoke, discharges or other distractions;
- (e) vehicle crossing places and entrances from roads are constructed and maintained to standards appropriate to the circumstances of traffic volume, pedestrian and cycle movement and local traffic speed; and
- (f) new urban subdivisions and developments incorporate facilities for non-motorised transport users, including:
 - (i) footpaths or access ways intended to be used by both cyclists and pedestrians and their separation for safety reasons where practicable;
 - (ii) provision for cycle traffic within road carriageways in such a way that lane width, design and surface finish are adequate to safely accommodate both motorised vehicles and cycles; and
 - (iii) pedestrian access routes connecting residential areas, schools, shopping centres, recreation reserves and public transport collection points and terminals where appropriate.

The matters listed in the policy will in some circumstances be prescribed through standards on permitted activity rules. In other circumstances, where a resource consent is required, these matters will be considered, where applicable, in the assessment of resource consent applications. (Not all of these matters will be a relevant consideration in every application.)

Issue 17E – The land transport network can have adverse effects on Marlborough’s natural and physical resources and the wellbeing of the community.

Transport has a direct impact on the natural and physical resources of Marlborough. Contaminants from vehicles (e.g. from tyres, brakes and oil or fuel spills) enter runoff from road surfaces and parking areas, contributing to a reduction in water quality with potentially damaging effects on sensitive aquatic flora and fauna.

Earthworks associated with the construction and maintenance of roads can also be a source of sediment contamination of waterways if mitigation measures are not put in place. Development of the land transport network can affect areas of natural habitat or outstanding landscape value where these may need to be removed or severed to enable the construction of roads. Sites of significance to Marlborough’s tangata whenua iwi may also be affected by road construction, in particular archaeological sites that could be destroyed or damaged by earthworks.

Impacts from the land transport network can give rise to localised adverse effects on community health and wellbeing, including reduced safety, loss of amenity due to noise and dust and vehicle exhaust emissions (although because of Marlborough’s low population, there is currently no significant issue with exposure to transport pollutants). Road transport noise and vibration can be issues especially in urban areas. Noise levels can vary with the type of vehicle (for example, heavy vehicles are frequently noisier and generate more vibration) as well as the type of road surface and strength, with different seal types resulting in different noise levels. With State Highway 1 running through the middle of Seddon, Blenheim and Picton, people are also potentially exposed to significant noise from through traffic.

Increased traffic volumes can exacerbate existing safety concerns and generate new ones, especially where the road network is not designed to accommodate traffic increases (for example, unsealed roads). Changes in long-haul freight transport patterns and vehicles have also given rise to demands for new facilities within the land transport infrastructure, such as overnight parking areas for heavy goods vehicles and stock effluent disposal facilities. Increased traffic volumes occurring in or near residential areas can create inconvenience from congestion, making it difficult for people to access their properties and generally reducing the amenity values of the area. These effects can also diminish the amenity values of business areas, particularly retail areas where high quality environments are desirable.

Inadequate provision of parking and loading areas can create adverse effects on amenity values (including visual impacts) of an area. Parked vehicles can detract from scenic viewpoints and, where illegally parked, can obstruct footpaths, berms and access to adjacent properties. Additionally, while road networks provide connections between places, the construction of new roads (particularly major roads designed primarily for the passage of through traffic) may sever existing communities and make movement between the areas separated by the road more difficult.

[D]

Objective 17.6 – Development, maintenance and use of the land transport network in a way that Marlborough’s natural and physical resources and the health, safety, and wellbeing of the community are maintained.

Motorised transport has obvious advantages to the community in convenience and mobility. However, there are numerous environmental effects of the operation of transportation systems throughout Marlborough. Some of these impacts are of global significance, such as the emission of greenhouse gases associated with vehicle emissions. Other impacts are of more local significance, such as decreased accessibility to some areas or impacts on amenity values. The aim of this objective is to ensure that the development, maintenance and use of the land transport network does not cause adverse effects on natural and physical resources, community health, safety or wellbeing.

[D]

Policy 17.6.1 – Maintain amenity values in rural and urban areas by encouraging the use of national and arterial routes by high volumes of traffic and heavy vehicles and discouraging high volume and heavy traffic use of collector routes and local routes, particularly where these pass through residential areas.

The current state of vehicle technology in New Zealand means that noise and vehicle emissions can be expected from the operation of vehicles on roads. There is little the MEP can do to modify those conditions. However, the Council can control the extent of these effects by adopting a road hierarchy, which encourages higher volumes of traffic and heavy traffic movements on certain routes and discourages them on others. An exception is made for some primary production activities, which need to use collector and local routes to transport produce to processing facilities.

[D]

Policy 17.6.2 – The development, maintenance and use of the land transport network must be undertaken in a manner that protects natural and physical resources and the health, safety and wellbeing of the community through avoiding, remedying or mitigating:

- (a) **adverse effects on air and water quality, including from contaminated run-off from roads discharging into water or onto or into land;**
- (b) **effects on places of significance to Marlborough’s tangata whenua iwi;**
- (c) **loss of visual amenity in modifying the landscape;**
- (d) **loss of natural character in the coastal environment, wetlands, lakes, rivers and their margins;**
- (e) **destruction of areas of significant indigenous vegetation and significant habitats of indigenous fauna;**
- (f) **effects of severing communities and/or losing links between parts of settlements; and**
- (g) **adverse effects on local amenities, including from noise and vibration.**

It is important that where new roads or extensions or upgrading of existing roads are proposed that the effects identified in this policy are avoided, remedied or mitigated.

[D]

Policy 17.6.3 – Mitigate the adverse effects of vehicle and fossil fuel usage where practicable by reducing potential travel times to and from home, work, community and business places through consolidated development of Marlborough’s towns.

There is worldwide concern over the increasing use of non-renewable fossil fuels by all forms of transport. However, it appears that in the medium term the demand for fuel will continue to increase as independent mobility remains a major part of transportation. In Marlborough, this mobility is often necessary to ensure a basic level of accessibility (especially in rural areas) where, without a large population base, regular public transport systems are difficult.

The Council believes the best way to mitigate the effects of vehicle and fossil fuel usage is to consider the pattern and density of urban development and how these can influence transport demands. A compact urban area with increased densities can reduce the need for and length of trips by private motor vehicles. The location of employment in relation to where people live can also have an effect on trip generation and the type of transport used.

[D]

Policy 17.6.4 – Encourage and promote changes in movement patterns and travel habits that will lessen the pressures on the land transport network, reduce the extent of pollutants from motor vehicles and foster improved community health.

The Council can assist in helping to reduce fossil fuel emissions from private vehicles by promoting walking and cycling and encouraging the use of public transport where it is available. It is important to encourage walking and cycling as a healthy and environmentally friendly alternative form of transport. Being a medium sized town with (mostly) flat topography, cycling is a particularly important form of transport in Blenheim.

Methods of implementation

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

[D]

17.M.6 District rules

Rules will classify all of Marlborough's roads into one of the following classifications: national routes; primary arterial routes; secondary arterial routes; collector routes; and local routes. Land use and subdivision activities may be subjected to rules based on these classifications.

Rules will require every subdivision and development site to be connected to a public road by a suitable vehicle access way formed to a standard appropriate to the rural or urban circumstances (except for allotments that can only be accessed through the coastal marine area). Resource consent will be required for land use activities that generate high levels of traffic.

Rules will control signage on road reserve and land adjacent to roads for traffic safety reasons. Rules will also set standards for other safety related effects on transport routes, such as building setbacks, glare, night lighting, smoke and dust discharges, liquid discharges and shading from vegetation.

Provision will be required for non-vehicle land transport, including facilities for pedestrians, cyclists and people with disabilities. Rules will also establish requirements for parking, loading and access facilities for activities involving loading or delivery vehicles.

The use of zoning provisions will define appropriate areas for different types of activities in relation to their proximity to major through routes.

[R]

17.M.7 Regional rules

Transportation activities will be subject to the regional rules controlling discharges to land, water and air for activities in the beds of rivers such as bridges and culverts and for minor takes of water, such as for dust suppression.

[D]

17.M.8 Designations

The MEP provides for all public roads and parking areas to be designated and will enable usual works and activities associated with roads within their boundaries. The MEP recognises designated railway lines and rail facilities.

[D]

17.M.9 Marlborough Regional Land Transport Plan

The Marlborough Regional Land Transport Plan identifies the region's land transport needs, including roads, rail, public transport, cycling, walking and the movement of freight. This plan outlines how these needs will be met in a sustainable manner.

[D]

17.M.10 Walking and cycling

The Council will continue to maintain and extend the network of pedestrian and cycle routes and facilities throughout the District. The Council will also continue to work with other agencies, notably Department of Conservation, in maintaining and upgrading the network of recreational walkways, with the New Zealand Transport Agency to upgrade facilities and safety for cyclists on the state highways and with Kiwi Rail to explore opportunities for cycling and walking adjacent to the rail corridor. The Council will maintain a Walking and Cycling Strategy that outlines what the Council will do to make it easier and safer for people to walk and cycle. This strategy also explains why this is important for the future of Marlborough.

[D]

17.M.11 Information

The Council's website provides information on the location of cycling and walking opportunities. This information is updated regularly as new recreational facilities or opportunities become available. Much of this information is also available from visitor centres in map form.

[D]

17.M.12 Long Term Plan

Funding for the development and maintenance of the Council owned land transport network is provided for through the Long Term Plan. (State highways are the responsibility of the New Zealand Transport Agency.) As owner of the local road network, the Council provides and maintains roads to standards that achieve an acceptable balance between user levels of service and cost. In addition, the Council is responsible for all road related assets: footpaths, berms, street trees and plots, kerbs and channelling, street lighting and carparks.

Funding is also provided for the maintenance of a number of wharves located around the Marlborough Sounds that are owned by the Council. Funding is set aside for developing focus on alternate transport modes, such as walking and cycling, and for public transport.

[D]

17.M.13 Code of Practice

The Council has developed a Code of Practice for Subdivision and Development, which serves as a practical guideline for the construction of roads and other services infrastructure.

[D]

17.M.14 Affected party status

The New Zealand Transport Agency will be treated as an affected party in respect of certain resource consent applications for land use activities or subdivisions of land adjacent to state highways.

New Zealand Railways Corporation will be treated as an affected party in respect of any resource consent application for land use activities or subdivisions of land adjacent to the rail line.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results of provisions of the Marlborough MEP for air and land transport. The anticipated environmental results are ten year targets, unless otherwise specified and will be used as part of state of the environment monitoring to measure whether objectives are being achieved.

Anticipated environmental result	Monitoring effectiveness
<p>17.AER.1</p> <p>The effective and efficient operation of Marlborough's airports.</p>	<p>Airport operators do not complain about land use activities limiting or constraining airport operations.</p> <p>Monitor the number of aircraft movements at Blenheim Airport, Omaka Airfield and Picton Airport.</p> <p>Monitor complaints from land owners adjacent to airports and from the public about the operations of airports.</p> <p>Development of a noise management plan in association with the Marlborough Aero Club.</p>
<p>17.AER.2</p> <p>The land transport network operates safely and efficiently.</p>	<p>Monitor reported crashes involving vehicles, cyclists or pedestrians.</p> <p>Monitor the number and nature of complaints received in relation to the safety and convenience of motor vehicle routes, pedestrian routes and on- or off-street parking areas.</p> <p>Monitor implementation of the Marlborough Regional Land Transport Plan through the annual report of the Marlborough Regional Land Transport Committee.</p>
<p>17.AER.3</p> <p>There are no more than minor adverse effects of the road network operation on the environment and community amenity values.</p>	<p>Monitor the complaints received from landowners about impacts on amenity values (noise, dust, vibration) from adjacent roads.</p>
<p>17.AER.4</p> <p>Activities are able to safely and efficiently access the road network.</p>	<p>Review the road hierarchy five yearly to ensure long term future needs for access are regularly addressed.</p>

Anticipated environmental result	Monitoring effectiveness
<p>17.AER.5</p> <p>Ongoing development and improvement of walkways and/or cycleways and greater use made of cycling as a means of transport.</p>	<p>Monitor the outcomes of the Marlborough Walking and Cycling Strategy.</p> <p>Information is available on the Council's website and reviewed annually, about the location of walkways and cycling routes.</p> <p>Monitor data gathered through five yearly Census data on means of transport to work.</p>

18. Energy

Introduction

Energy is used to provide heat, light and transport and enables people to provide for their wellbeing, health and safety. Sufficient affordable energy is also a key factor in the health of the transport, primary production, industrial and commercial sectors and therefore the Marlborough economy. In short, energy is an essential part of our lives.

Energy is only a resource insofar as other natural and physical resources may have stored or potential energy released to do useful work. New Zealand's energy needs in terms of fuel and electricity have historically been met from oil, gas, coal, wood, hydro (water), geothermal and, more recently, wind energy resources. The majority of Marlborough's energy needs are met by out-of-district energy sources. The only significant sources of "domestic" energy are from wood used for domestic heating and from the Branch and Waihopai hydroelectric schemes, which supply approximately 18% of Marlborough's electricity needs.

Central government has historically had primary responsibility for energy resources. Through Central Government ministries and agencies, such as the Ministry of Business, Innovation and Employment, the Electricity Authority, the Commerce Commission, and the Energy Efficiency and Conservation Authority, there are a variety of statutes, regulations and strategies in place to manage energy resources and issues.

Central government has recognised the importance of renewable electricity generated through the National Policy Statement for Renewable Electricity Generation (NPSREG), which came into effect in 2011. The NPSREG defines the matters of significance relating to renewable electricity generation activities throughout New Zealand and these matters of national significance are strengthened in the objective to the NPSREG, which states its purpose as being:

"To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy resources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation."

The Council is required to give effect to the NPSREG in the Marlborough Environment Plan (MEP).

Local government has an important role in supporting central government, especially in the implementation of the New Zealand Energy Strategy. The Strategy proposes a target of generating 90 percent of electricity from renewable sources by 2025. Renewable energy is that which comes from a naturally replenished resource.

Section 7 of the Resource Management Act 1991 (RMA) requires the Council to have "particular regard" to the efficient use and development of the energy resource. As any non-renewable energy resource is essentially unsustainable, Section 7 requires the Council to have particular regard to the benefits to be derived from the use and development of renewable energy. The RMA also implicitly requires councils to avoid, remedy or mitigate the adverse effects of the use and development of energy resources. Therefore, although considerable positive effects may be created through the use of renewable energy resources, this use still needs to be sustainable in a wider environmental context. Other chapters of the MEP will therefore also be relevant to the consideration of any renewable energy developments.

As demand for energy changes, it is possible that further energy generation developments will occur within Marlborough. The effects of these developments, as well as energy conservation and the efficient use of energy, are important issues that must be addressed.

Issue 18A – Marlborough requires a secure and efficient supply of energy.

The majority of Marlborough's energy sources are imported into the District. The fossil fuels that sustain our transport needs and some of our commercial and industrial needs are brought into Marlborough by truck. Similarly, the majority of electricity demand is satisfied from the national grid, which runs through Marlborough.

Any disruption in supply caused by a fuel or electricity shortage or problems with the infrastructure required to deliver the fuel or electricity is a significant issue given the reliance on these out-of-district energy sources. Supply disruptions have the potential to increase in the future due to increased volatility in international oil markets and fluctuations in electricity generation capacity (especially hydro generation in dry years). Having resilient and diverse means of energy generation and transmission in Marlborough will be important in this regard.

Irrespective of their non-renewable character and their contribution to greenhouse gas emissions, it is likely that people and communities will continue to rely on fossil fuels for the foreseeable future for their transportation needs. For this reason, it is likely that Marlborough will remain vulnerable to supply disruptions for the life of the MEP.

In contrast, there is the ability to reduce dependence on imported electricity. This can be achieved by making use of the energy sources that exist within Marlborough. Reducing the demand for electricity through conservation efforts and making better use of electricity through efficiency gains will also assist in this regard.

[RPS, R, C, D]

Objective 18.1 – Optimise the use of Marlborough's energy resources.

Marlborough contains significant and diverse energy resources. These resources are almost exclusively renewable in nature and include hydro, wind, wave, tidal, photovoltaic, passive solar and biomass. Only a small proportion of these renewable energy resources are currently utilised.

Accessing local sources of energy at all scales would directly benefit Marlborough's communities by reducing our current vulnerability to supply disruptions. The greater the diversity of energy resources utilised, the more resilient the supply of energy will be. Generation schemes located close to where electricity is used would be most efficient, as less electricity would be lost in transmission compared to that experienced when electricity has to travel from a more distant generation source.

Realising the potential to generate electricity from some of these sources is readily available now, but others will require technological advances. As this happens and the balance of energy costs shift, there will be increasingly affordable opportunities for the generation of electricity. This type of energy generation will provide alternatives for remote communities and properties and it is anticipated that these will become increasingly viable in urban and industrial areas as well.

[RPS, R, C, D]

Policy 18.1.1 – Promote and encourage the use and development of renewable energy resources.

Local sources of renewable energy should be developed to maintain and enhance a secure supply of electricity for Marlborough. This policy expresses a clear preference for the use and development of renewable sources of energy, as opposed to non-renewable sources. Renewable sources of energy ensure that electricity can be sourced on an ongoing basis, improving the

security of supply and reducing stress on the National Electricity Grid. The preference for renewable sources of energy also assists in avoiding reliance on imported fuels for electricity generation.

It is acknowledged that yields from renewable energy resources can be variable as a result of climatic and other conditions. However, utilising the wide range of renewable energy resources available should spread that risk and improve the resilience of energy supply.

The implementation of the policy will have the effect of reducing greenhouse gas emissions and reducing electricity transmission losses. The policy reflects Section 7(j) of the RMA, which requires the Council to have regard to the benefits from the use and development of renewable energy. It will also assist in achieving central government's target of 90 percent of electricity generated from renewable sources by 2025, as well as giving effect to the objectives and policies of the NPSREG. There are various regulatory and non-regulatory methods for implementing the Council's policy and those of the NPSREG.

[RPS, D]

Policy 18.1.2 – Promote and encourage the wide utilisation of solar thermal energy.

This policy seeks to ensure that people make the most of solar radiation as a source of renewable energy in Marlborough. Blenheim consistently experiences high sunshine hours in comparison to other centres throughout New Zealand and the remainder of Marlborough also enjoys a sunny climate. Solar radiation is therefore an obvious and abundant source of renewable energy that can be used to generate electricity (via photovoltaic systems) and/or heat hot water (instead of electricity or gas).

Solar energy can also be used to passively heat homes and reduce the reliance of alternative forms of heating during the winter months, although this relies on the appropriate orientation of buildings relative to the sun. The effect of orientation is enhanced through the design of the building and the construction materials used.

The Council will implement methods to promote and encourage photovoltaic systems, solar water heating and passive heating. This will reduce the reliance of households and businesses on the local distribution network for electricity and other sources of energy. (The Council acknowledges that electricity and the means to convey electricity will still be required to heat water and homes during periods of low solar radiation.)

This policy assists to give effect to Policy E1 of the NPSREG.

[R, C, D]

Policy 18.1.3 - When considering the environmental effects of proposals to use and develop renewable energy resources, to have regard to:

- (a) the benefits to be obtained from the proposal at local, regional or national levels, including:
 - (i) maintaining or increasing security of renewable electricity supply by diversifying the type and/or location of electricity generation;
 - (ii) maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;
 - (iii) for economic, social or cultural wellbeing; and
- (b) effects on the immediate and surrounding environment, including effects on air quality, water quality, water quantity, ecosystems, natural character, outstanding landscapes, visual amenities and from noise;
- (c) the degree of effect (extent, magnitude) and the degree to which unavoidable adverse effects can be remedied or mitigated, including the relative degree of reversibility of the adverse effects associated with the proposed generation technologies;

- (d) where the adverse effects are significant, alternatives to the development in terms of either means, location or scale; and
- (e) the environmental values affected or enhanced and whether these are of local, regional or national significance.

When considering an application for resource consent(s) or notice of requirement for the use and development of renewable energy resources, the Council will have regard to the positive and adverse effects on the environment from developing renewable energy resources. An overall assessment of the costs and benefits will be required and this policy provides guidance on the matters that are relevant to this consideration. The costs can include opportunity costs associated with the loss in ability to use the same resource for different purposes.

The adverse effects described in the policy are not unique to the energy sector and have been addressed in other chapters of the MEP. The use of renewable energy resources should not compromise the achievement of other objectives or policies of this MEP. This may require on-site and/or off-site remediation or mitigation to occur, or avoidance altogether in a particular location. It is acknowledged that regard must be had to the objective and policies of the NPSREG.

Consideration can also be given to matters (a) to (e) when determining the status of activities involved in developing and operating renewable energy projects. For example, where domestic or small scale developments such as micro wind and hydro have minimal adverse effects on the environment, they can be enabled through permitted activity rules.

[R, C, D]

Policy 18.1.4 – When considering resource consent applications and plan changes, the extent to which any likely increase in energy consumption will be reduced through the use of local sources of renewable energy can be taken into account.

This policy can be applied where an activity requiring resource consent will result in an increased consumption of energy if the application is granted. The policy can also apply to any Council initiated or privately initiated plan change that would result in the same outcome. In these circumstances, the Council can take into account the extent to which the energy consumption will be reduced through the use of local sources of renewable energy. It is acknowledged that this policy will not apply to any permitted activities. Where permitted activity rules apply, the Council will utilise other methods to encourage the uptake of renewable energy.

Methods of implementation

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

[RPS, R, C, D]

18.M.1 Investigation

Consider undertaking a detailed and location specific stocktake of renewable energy resources in Marlborough. This would build on the assessment undertaken by the Energy Efficiency and Conservation Authority (EECA) in 2006. The investigation could extend to an assessment of the physical, technological and regulatory barriers to realising the potential renewable energy resources identified and how these barriers might be overcome.

[RPS, D]

18.M.2 Incentives

Provide incentives for the preferential uptake of renewable solar thermal technologies, including a payback scheme for the installation of solar water heating through a targeted property rate.

[D]

18.M.3 District rules

Enable the use of appropriate land resources for micro renewable energy developments through permitted activity rules (including standards) for small scale and domestic solar and wind generation installations. Where a proposal does not meet the standards specified for permitted activities, resource consent will be required. Wind generation installations are not considered appropriate in residential environments due to the potential for adverse noise effects.

Apply district rules to ensure that minimum building setbacks are sufficient to allow sunlight access to adjoining properties.

[R, C]

18.M.4 Regional rules

Enable the use of water resources for micro renewable energy developments through permitted activity rules for the taking, damming or diversion of water associated with small scale and domestic hydro-electric generation installations. Permitted activity rules will not be appropriate for some surface water bodies because they contain significant instream values.

Apply regional rules to larger scale renewable energy developments involving the use and occupation of the coastal marine area, the taking, damming or diversion of water or the discharge of contaminants to land, water or air.

[RPS]

18.M.5 Information

Work with supply and installation companies, interest groups and the Marlborough community to share and discuss information about solar energy and to generally advocate the opportunities for and benefits of using solar energy to the Marlborough community.

[RPS]

18.M.6 Liaison

Work with central government agencies, particularly EECA, to ensure that central government-led initiatives, particularly those around solar energy, are maximised in Marlborough.

Work with Nelson City Council and Tasman District Council to explore opportunities for collaboratively advancing the uptake of solar energy.

[RPS]

18.M.7 Advocacy

Advocate to Central Government that, along with the private sector, it support innovation and research into renewable energy technologies. This could include the provision of a fair sell-back pricing policy for surplus electricity from micro generation.

Encourage building companies to showcase best practice methods in terms of energy efficiency, micro renewable generation and passive solar design.

[RPS, D]

Objective 18.2 – Increased efficiency in the use of energy.

Section 7(ba) of the RMA requires regard to be had to the efficiency of the end use of energy. Efficient use of energy is consuming the minimum amount of energy for the maximum desired output. Increasing demand for energy at a local or individual level has an impact on the resources needed to provide energy, as well as infrastructure such as roads and generation schemes. A reduced demand for energy as a result of more efficient use will reduce demand on these resources in the short term.

EECA is the main body responsible for supporting, promoting and encouraging energy efficiency and conservation in New Zealand. It is appropriate that the Council supports the Authority, as energy saving behaviour reduces the possibility of energy demand exceeding the economically and physically available supply of energy. The Council also recognises that regardless of the efficient use of energy, there will still be growth in demand for energy in the long term as a result of economic growth. This is why provisions have been included in the MEP to guide the use of renewable energy resources.

[RPS, D]

Policy 18.2.1 – Promote and encourage the efficient use of energy, having particular regard to:

- (a) **energy requirements of subdivision location and patterns and land use activities;**
- (b) **the orientation, design and operation of buildings;**
- (c) **transport modes and patterns; and**
- (d) **the proximity of subdivision and development to existing towns and small settlements.**

The main way in which the Council can promote energy efficiency is through its management of new subdivision and development. The form and layout of subdivisions and development and their proximity to existing towns and small settlements can all play a significant role in reducing the demand for energy. Appropriately orientated sections enable new homes and other buildings to be designed to take advantage of the sun, resulting in warmer, drier homes and buildings that are less expensive to heat. This has economic as well as health benefits for individuals and communities. Location is important as the greater the distance of new development from established service centres, the greater the consumption of fossil fuels and the costs of transportation.

There is considerable potential to save energy through behavioural change and the adoption of energy efficient technologies and practices at domestic, commercial and industrial scales. However, due to a general lack of knowledge and complacency among energy consumers, this potential has not been realised, despite the fact that energy efficient practices would postpone or even avoid economic and environmental costs associated with the additional energy generation and transmission systems. There is a need, therefore to increase community awareness and commitment to the benefits of energy efficiency and conservation measures.

Methods of implementation

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

[RPS, D]

18.M.1 Participation

Participate as appropriate in central government initiatives in the formulation and implementation of the New Zealand Energy Strategy. This may include supporting the provision of information to landowners, resource users and the public to promote the conservation and efficient use of energy.

[RPS, D]

18.M.2 Liaison

Liaise with and work in conjunction with central government, particularly the Energy Efficiency and Conservation Authority, to secure current information, direction and guidance about energy efficiency and conservation.

[RPS, D]

18.M.3 Advocacy and information sharing

Advocate energy efficiency in the orientation, design and operation of new residential, commercial and industrial buildings and of extensions and alterations to existing buildings to the extent that the Building Act 2002, or its successor, allows. This method can be implemented through sharing information with the community. The following areas will be targeted through this method:

- *lighting;*
- *cladding materials;*
- *insulation;*
- *heating and ventilation;*
- *passive solar design;*
- *orientation; and*
- *appliances.*

Encourage building companies to showcase best practice methods in terms of energy efficiency and passive solar design.

Encourage industry groups to develop best practice guidance to improve energy use efficiency.

[RPS]

18.M.4 Council works and services

Lead by example by investigating and where appropriate, adopting energy saving and energy efficient measures in the management of its own buildings, plant, civil infrastructure (water, sewerage, storm water) and general operations.

[D]

18.M.5 Marlborough Regional Land Transport Plan

Consider, in the review of the Marlborough Regional Land Transport Plan for Marlborough, provisions to ensure the efficient use of energy in the transport sector.

[D]

18.M.6 District rules

Apply district rules to ensure that the form and layout of subdivisions and the orientation of residential, commercial or industrial buildings within them enable the use of energy saving measures.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results of the energy provisions of the MEP. The anticipated environmental results are ten year targets, unless otherwise specified. For each anticipated environmental result, a series of indicators will used to monitor the effectiveness of the energy provisions.

Anticipated environmental result	Monitoring effectiveness
<p>18.AER.1</p> <p>An increase in local generation of electricity from renewable sources.</p>	<p>The proportion of electricity generated in Marlborough is maintained at a minimum of 18 percent of total electricity consumption.</p> <p>The number and diversity of projects that generate electricity from renewable energy resources within Marlborough increases, as measured by building consents and resource consents for the generation of electricity and by the use of standards on permitted activities.</p>
<p>18.AER.2</p> <p>Greater efficiency in the use of energy resources.</p>	<p>The number of subdivisions and buildings utilising passive solar design and other energy efficient methods increases.</p> <p>The Council has investigated energy saving and energy efficient methods for its own operations.</p>

19. Climate Change

Introduction

Society will continue to rely on fossil fuels as an energy source for the foreseeable future. The consumption of these fuels results in the release of carbon dioxide and other greenhouse gases into the atmosphere. The general consensus of scientific opinion is that the world is getting warmer, causing its climate to change. Global temperatures are approximately 0.6 degrees Celsius higher now than they were in the early 1990s. While there is not unanimous agreement, there is now strong evidence that most of the warming observed is attributable to increased concentrations of greenhouse gases produced by human activities. As more gases accumulate in the atmosphere, the Earth gets warmer, resulting in rising sea temperatures and levels, the melting of glaciers and ice caps and greater extremes in weather patterns, such as more storms of greater intensity and longer droughts.

In Marlborough, NIWA predicts that the mean temperature will increase by approximately 1 degree by 2040 and 2 degrees by 2090. The climate is likely to become drier and the frequency of droughts is expected to increase. There is also a predicted increase in westerly winds, especially in winter and spring.

Section 7 of the Resource Management Act 1991 (RMA) requires the Council to have regard to the effects of these predicted climatic changes in exercising its functions under the RMA. Uncertainty about the nature of these effects at international, national and local level makes this a difficult task. Most projections are also long term and certainly beyond the ten year life of the Marlborough Environment Plan (MEP). Taking all of this into account, the provisions of this chapter focus on applying the best available information to enable people and communities to respond to the adverse and positive effects created by climate change.

Issue 19A – Climate change has the potential to affect Marlborough’s natural and physical resources and the ability of people and communities to use these resources.

Marlborough relies on its natural and physical resources for its social and economic wellbeing and health and safety. The nature of many natural and physical resources and the ability to use them, especially land and freshwater resources, is dependent on climate. This makes Marlborough vulnerable to any long term changes in climate.

Primary industry makes a significant contribution to Marlborough’s economy and is vulnerable to changes in climate. Many primary industries rely on sufficient quantities of rainfall or freshwater in rivers and aquifers to supplement rainfall through irrigation. The various crops that are grown or the type of stock that is grazed reflects these climate variables. Predictions of higher temperatures, more extreme temperatures and reduced rainfall could therefore have a significant impact on rural land users through increased risk of drought and decreased water availability. Any decrease in water availability will also increase the competition for freshwater amongst existing users.

Marlborough’s natural ecosystems could also be vulnerable to the effects of climate change. Indigenous terrestrial, aquatic and marine species could respond to increased temperatures and drier conditions by shifting to more suitable climatic zones. Any inability to move may have significant consequences for the long term viability of affected indigenous species, especially plants.

However, climate change may create new opportunities. Plant growth could improve due to longer growing seasons and rising carbon dioxide levels. Warmer temperatures and decreased frost risk may enable new crops to be established; for example, Marlborough may become more suited to growing red wine grape varieties. Changes in climate may also create the opportunity to develop new ways to produce renewable energy.

The public health effects of climate change include warmer winters, which may alleviate cold related illnesses and death. This would have the added advantage of reducing energy consumption during the winter months. In contrast, hotter summers may cause heat stress while drier and windier conditions could create more dust and affect sufferers of respiratory disease. Windier conditions will also create additional challenges for the use of agrichemicals in the rural environment.

Communities may enjoy the health benefits of warmer winters, but warmer temperatures may also have significant biosecurity implications. Sub-tropical diseases may become a problem if carrier insects become established. Rising average temperatures could lead to the wider establishment and spread of new and/or existing pest plants, increased abundance of animal pests and greater survival of a range of insect pests.

The predictions of climate change at a national level involve significant uncertainty and little work has been undertaken to apply these national predictions to Marlborough's climate. This makes the task of responding to the effects of climate change in Marlborough difficult. This situation is complicated further by the fact that New Zealand and Marlborough are subject to natural climate variations associated with La Nina/El Nino and the Interdecadal Pacific Oscillation. These natural variations will be superimposed on human-induced long term climate changes.

[RPS, R, C, D]

Objective 19.1 – Mitigation of and adaptation to the adverse effects on the environment arising from climate change.

This objective focusses on actions that the community can take to reduce the potential for adverse effects on the environment caused by climate change and to respond to any effects that do occur. One of the difficulties is that there is inherent uncertainty regarding the likely local climate changes in Marlborough and therefore the exact nature of those adverse effects is unknown, making it particularly difficult to plan for climate change. Further research will assist in this regard. In the meantime, it is prudent to promote actions that offset carbon emissions and retain sufficient flexibility in the use, development and protection of natural and physical resources to enable resource users to adapt to a changing climate.

[RPS]

Policy 19.1.1 – Promote actions within Marlborough to reduce or offset carbon emissions.

Climate change is a global issue that New Zealand's central government is addressing at an international and national level. The RMA effectively excludes regional councils from the role of regulating emissions for climate change purposes (Sections 70A and 104E of the RMA). However, the Council can explore opportunities for supporting national policies and where appropriate promote methods that address climate change problems within New Zealand's national policy framework for climate change. For example, the Council could assess and then address the carbon footprint of delivering its own services to the community and encourage businesses to do likewise. This is one of many actions the Council could undertake to enable Marlborough's people and communities to play their part in responding to this global issue.

[RPS]

Policy 19.1.2 – Improve the community's understanding of the potential effects of climate change on the Marlborough environment.

Although there has been considerable research to predict long term climate change internationally and nationally, very few of the research findings have been applied directly to Marlborough's climate. This makes it difficult to establish the likely effects of climate change on natural and

physical resources and the ability of people and communities to utilise these resources. It is therefore desirable to investigate local climate change, especially as Marlborough contains two distinct climate zones: a wetter climate north of and including the Richmond Range and a drier climate south of the Richmond Range. The findings gained from research initiated through this policy can be applied to better understand the potential implications of climate change in a Marlborough context.

[R, C, D]

Policy 19.1.3 – Enable primary industries to adapt to the effects of climate change.

Farmers and foresters are inherently adaptable resource users and it is likely this will need to continue into the future as changes in climate begin to affect users' ability to utilise land and freshwater resources. Responses to increased temperatures and reduced water availability may require modifications to farming practices or diversification of crops or stock types. Increased temperatures and reduced frost risk may also create opportunities to produce crops not previously grown in Marlborough. Similar opportunities could exist for the aquaculture industry as a result of increasing sea water temperatures. As Marlborough's economy is based on these primary industries, it is important that such adaptations can be made.

[R]

Policy 19.1.4 – Take a precautionary approach to the allocation of additional freshwater resources and where freshwater has already been allocated, ensure that the allocation reflects the status of the resource.

Sustainable flow regimes established through previous resource management plans have been reviewed during the preparation of the MEP. This involved a review of the sustainable yield from Marlborough's rivers and aquifers to confirm appropriate levels of allocation to resource users. Historical flow and level records were utilised as part of this process, including data that has been recorded since the original plans were notified. This approach ensured that any influence of climate change on sustainable yield was taken into account.

Given the importance of freshwater to the social and economic wellbeing of Marlborough, consideration was also given to opportunities to provide additional access to freshwater resources. Appropriate caution was applied to this task as the opportunities enabled by the allocation may not be realised if climate change reduces sustainable yield in the future. Access to freshwater may become unreliable to the extent that people cannot make a return on the investments made. This risk should be considered in perspective, taking into account the variable nature of Marlborough's freshwater resources in response to natural climate oscillations.

This policy can be applied to the environmental data collected over the life of the MEP. In this way, the policy will also inform any subsequent review of the provisions contained in Chapter 5 - Allocation of Public Resources.

[R]

Policy 19.1.5 – Ensure that the freshwater that is available for out-of-stream use is allocated and used efficiently, by:

- (a) requiring that the rate of water use authorised by water permit be no more than that required for the intended use, having regard to the local conditions;
- (b) enabling the transfer of water permits between users within the same Freshwater Management Unit; and
- (c) enabling the storage of water for subsequent use during low flow and low level periods.

One of the significant risks of climate change locally is that Marlborough's climate may become drier, with drought periods becoming more frequent and longer in duration. If this happens, it is essential that available freshwater resources are allocated and utilised efficiently to ensure that the social and economic benefits that can be derived from the freshwater that is available are

maximised. The matters specified in (a) and (b) target efficient allocation and use of freshwater. The intent is to ensure that freshwater is not unnecessarily “locked up” in paper allocation when it could benefit existing or potential users.

If water availability declines over time due to reduced river flows or aquifer levels brought about by decreased rainfall, then storing freshwater would be an effective means of retaining reliability of supply. As set out in (c), this policy enables the taking of freshwater during periods of higher river flow. Stored water can then be used during periods of low river flow when access might otherwise be restricted.

The matters set out in (b) and (c) will result in more resilient communities as they reduce the vulnerability of resource users to decreased freshwater availability brought about by climate change. More details on the policy responses set out in (a) to (c) are contained in Chapter 5 - Allocation of Public Resources.

Methods of implementation

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

[RPS]

19.M.1 Council carbon footprint

Investigate Council operations to establish their carbon footprint; set goals for reducing carbon emissions and develop an action plan to reach those goals.

[D]

19.M.2 Marlborough Regional Land Transport Plan

Consider, in the review of the Marlborough Regional Land Transport Plan, provisions to reduce emissions of greenhouse gases.

[D]

19.M.3 Marlborough Walking and Cycling Strategy

Maintain, implement and review the Marlborough Walking and Cycling Strategy to promote modes of transport that do not rely upon fossil fuels.

[R, C, D]

19.M.4 Research

Apply the findings of international and national climate change research to Marlborough's environment to the extent that is possible. The findings can then be applied to determine and better understand the implications of climate change.

[R, C, D]

19.M.5 Information

Share the findings of research on climate change in Marlborough and the implications of these predictions with the community. This will help to allow people to take action to prepare for those implications and therefore reduce the adverse effects of climate change.

[R]

19.M.6 Regional rules

Rules will establish sustainable levels of freshwater allocation that take into account the effects of climate change on river flows, aquifer levels and the resulting sustainable yield from those freshwater resources.

Enable the taking of surface water for storage purposes through the application of a controlled activity rule to the abstraction.

[D]

19.M.7 District rules

Apply a range of permitted activity rules to farming and forestry activities. Use broad definitions of “farming” and “forestry” so that farmers and foresters are able to modify farming practices and diversify or change crop/stock types in response to changes in climate.

Enable the creation of permanent carbon sinks through the application of appropriate rules.

Issue 19B – Climate change could affect natural hazards and create a coastal inundation hazard associated with sea level rise.

The predictions of climate change include predictions of more extreme weather events. For the east coast of the South Island, including Marlborough, this means drier conditions and an increase in the incidence of drought. Drier conditions will also increase the risk of fire. Climate change may also result in a change in the frequency of extreme rainfall events. Any increase in frequency in such events could lead to more frequent and severe flooding.

In rural areas, if extreme events such as droughts and floods become more severe and frequent, costs associated with dealing with stock losses, increased soil erosion and damage and disruptions to farm operations would be expected to increase. To date, there is no indication that severe Marlborough rainfall events are increasing, though average global temperatures have clearly risen over the last ten years.

Global warming is expected to result in a rise in sea level due to thermal expansion of ocean water and melting of glacial and polar ice. Sea level is predicted to rise around 0.18 to 0.59 metres by 2090. This rise potentially increases the risk of inundation at the coast. Coastal erosion could also become more prevalent, increasing the need for coastal protection measures. Along the coastal margin of the Wairau Plain, the level of the Wairau River bar and river mouth efficiency has far greater influence on the potential for inundation than the projected sea level rise. Further south, the topography and lack of settlement minimises any inundation risk. However, the risks are far greater in the Marlborough Sounds where settlement and associated infrastructure (especially means of access, such as jetties and access tracks) tend to be located in the coastal environment and near the water edge.

More frequent extreme weather events would also pose a significant risk to regionally significant infrastructure such as buildings, roads, water, sewerage, electricity transmission and communication systems.

[RPS, R, C, D]

Objective 19.2 – Avoid and mitigate the adverse effects of natural hazards influenced by climate change.

Provisions elsewhere in the MEP seek to avoid and mitigate the adverse effects of natural hazards. This objective recognises that the severity and/or frequency of those natural hazards could potentially increase as a result of climate change. In these circumstances, any additional adverse effect should likewise be avoided or sufficiently mitigated.

While it could make existing natural hazards worse, climate change in itself creates a new hazard in sea level rise. It is appropriate that the adverse effects of sea level rise and the associated inundation of land are avoided and mitigated given that these adverse effects are permanent.

[R]

Policy 19.2.1 – Monitor flood hazard on an ongoing basis.

The magnitude and incidence of flooding may increase in response to climate change, particularly the predictions for more severe rainfall events. Policies in Chapter 11 - Natural Hazards establish a framework for reducing the risk of flooding to adversely affect communities. This is achieved by mapping the known and predicted flood risk areas and applying appropriate management to activities within those mapped areas. If climate change does result in increased magnitude or incidence of flooding, then this information will be collected and used to inform the review of the existing management framework. In response, it may be necessary to change and/or increase the boundaries of the flood hazard overlay in the MEP. Any such changes would have to pass through the First Schedule process of the RMA. Policy 11.1.16 in Chapter 11 - Natural Hazards provides more detail on this matter.

[R, C, D]

Policy 19.2.2 - Avoid any inundation of new buildings and where appropriate infrastructure within the coastal environment by ensuring that adequate allowance is made for the following factors when locating, designing and/or constructing any building or infrastructure:

- (a) rising sea levels as a result of climate change of at least 0.5 metres relative to the 1980-1999 average; and
- (b) storm surge.

In 2013, the International Panel on Climate Change determined that it is very likely that the rate of global mean sea level rise during the twenty-first century will exceed the rate observed during 1971– 2010 due to increases in ocean warming and loss of mass from glaciers and ice sheets.

The Ministry for the Environment advises local government (for planning and decision timeframes out to 2090-2099), to plan for a sea level rise of 0.5 metres relative to the 1980-1999 average as a base value but that assessments be made of potential consequences from a sea level rise of up to 0.8 metres.

Although the life of the MEP is only ten years, buildings have a minimum design life of 50 years and property titles have an indefinite life. It is therefore important that any new building is located, designed and/or constructed having regard to the long term risk of inundation as a result of sea level rise. This approach is also appropriate to infrastructure located in the coastal environment that is not intended by design to be subject to inundation. The Ministry for the Environment advice has been utilised to establish the increase in sea level to be applied.

Storm surges occurring in response to low-pressure weather systems can cause higher than normal sea levels and inundation of low lying areas. This hazard increases with increasing sea levels, so any risk assessment made in accordance with this policy should also take into account the potential additive effects of storm surge on top of sea level rise.

This policy will be applied to the determination of resource consent applications. Rules elsewhere in the MEP require buildings to be set back from the coastal marine area. This in itself will act to protect buildings from the adverse effects of sea level rise and/or storm surge. However, when applications are made to establish a building within this setback, then the policy will be able to be applied.

Methods of implementation

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

[R, C, D]

19.M.8 Research

In order to plan for the effect of sea level rise, it is necessary to understand the areas along the Marlborough coast that are likely to be affected by inundation in the long term. The Council will undertake an investigation to establish the extent and nature of the inundation hazard using the International Panel on Climate Change's most recent projections of sea level rise.

[R, C, D]

19.M.9 Monitoring

The Council will continue to monitor water levels and flows in Marlborough's rivers. This will provide information on the magnitude and frequency of flood events over time and will allow changes in flood risk to be identified and evaluated.

[D]

19.M.10 District rules

Use rules to establish buffers between buildings and infrastructure and the coastal marine area. The horizontal setback created will reduce the potential for structures and infrastructure to be inundated until the research outlined above is completed. The research may prompt the need for additional district rules in certain locations to ensure Policy 19.2.2 continues to be met.

Anticipated environmental results and monitoring effectiveness

The following table identifies the anticipated environmental results of the climate change provisions of the MEP. Unless otherwise specified, the anticipated environmental results are ten year targets. For each anticipated environmental result, a series of indicators will be used to monitor the effectiveness of the climate change provisions.

Anticipated environmental result	Monitoring effectiveness
<p>19.AER.1</p> <p>The community's understanding of the effects of climate change and sea level rise improves over time.</p>	<p>The results of research into the local effects of climate change and sea level rise are reported to the Council.</p> <p>Environmental data, including climate and flooding, is collected and reported to the Council to establish long term trends.</p>
<p>19.AER.2</p> <p>Primary producers are able to adapt to the effects of climate change.</p>	<p>Monitoring of land use and land use change establishes changes in crop type.</p>
<p>19.AER.3</p> <p>Buildings and infrastructure established after the notification of the MEP are not inundated by the sea.</p>	<p>Reports of inundation and/or damage to buildings and/or infrastructure.</p>