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. The Council's role is to promote the sustainable management of land, water, air, soil, biodiversity and the built environment. 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.

> **Comment [1]:** Topic 11

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, cultural, <u>health and safety</u> 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. <u>The Council's role is to promote the sustainable management of land, water, air, soil, biodiversity and the built environment.</u> 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. <u>In addition, the Ministry of Primary Industries under the Fisheries Act 1996 manages, conserves and enhances fisheries.</u> It is therefore important that the various authorities have a common understanding of resource issues and that the responsibility for <u>various aspects of </u>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 Marlborough[1]. 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 <u>must</u> 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.

---

[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.

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 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.
- Nelson Marlborough District Health Board   **Comment [4]:** Topic 1

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 four 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; and
- National Policy Statement for Urban Development Capacity 2016.

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 prevail override existing provisions in plans that require a lesser standard. A rule in a plan cannot duplicate or conflict with a provision in a national standard. National environmental standards for air quality, sources of human drinking water, telecommunications facilities, electricity transmission, and managing contaminants in soil and plantation forestry 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. Strategies and plans may also be prepared under the Fisheries Act and Council will have regard to these where relevant, such as protecting significant habitats of indigenous fauna in the marine environment.

Comment [6]: Topic 1

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).
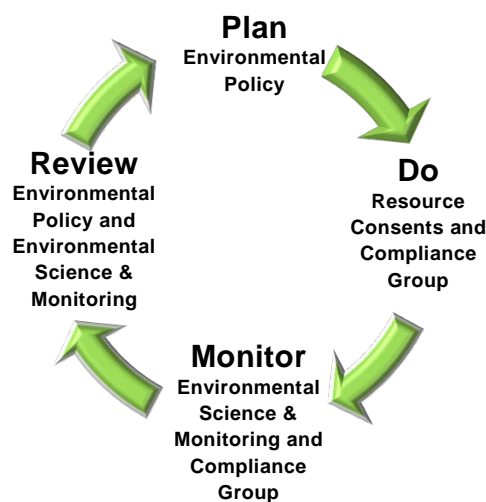
Figure 2.1: Plan-Do-Monitor-Review Cycle

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. (Use of RMA terms deleted)

Comment [7]: Topic 1