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# **MARLBOROUGH ENVIRONMENT PLAN**

## **Section 32 Evaluation Report Introduction**

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## Purpose of the report

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This report fulfils the requirements of Section 32 of the Resource Management Act 1991 (RMA), which requires that in the process of reviewing its regional policy statement and resource management plans the Marlborough District Council (the Council) must prepare and publish an evaluation report. Section 32<sup>1</sup> of the RMA requires that:

- reviewed regional policy statements and plans must be examined for their appropriateness in achieving the purpose of the RMA;
- the benefits, costs and risks of new policies and rules on the community, the economy and the environment need to be clearly identified and assessed; and
- the written evaluation must be made available for public inspection.

The Section 32 process is intended to ensure that the objectives, policies and methods the Council decides to include in the new resource management framework have been well tested against the sustainable management purpose of the RMA. The evaluation that is set out in the subsequent chapters of this report effectively explains the reasoning behind the approaches in the proposed Marlborough Environment Plan (MEP). By doing so decision makers then have a sound analysis on which to base their decisions on resource management issues and how these should be resolved.

## Context for the review

The review that is the subject of this evaluation report has as its starting point the current Marlborough Regional Policy Statement (MRPS), the Marlborough Sounds Resource Management Plan (MSRMP) and the Wairau/Awatere Resource Management Plan (WARMP). Initially the review focussed on the MRPS, but in considering the issues to be addressed and feedback from groups considering the draft provisions, the Council decided to rationalise the current framework by combining the regional policy statement, MSRMP and WARMP into one.

Each of the current resource management plans are already combined coastal, district and regional plans, but are geographically based<sup>2</sup>. In initially preparing these plans, the Council (as a unitary authority, i.e. being both a district and a regional council) opted for preparing combined plans.

The approach taken in the preparation of the MEP for Marlborough has been to simplify the framework. Combining the current regional policy statement with both of the resource management plans (as enabled through Section 80 of the RMA) will ensure that there is clear and concise direction on the resource management issues facing Marlborough.

## Scope of the Section 32 evaluation report

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Although there are specific matters in Section 32 about what needs to be covered in an evaluation, the RMA itself does not direct how the evaluation should occur. Guidance for undertaking a Section 32 evaluation has been prepared by the Ministry for the Environment<sup>3</sup>. This guidance material has been considered by the Council in undertaking the evaluation for the MEP.

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<sup>1</sup> See Appendix A

<sup>2</sup> See Appendix B for a map showing the Marlborough District and the split between the two current geographically-based resource management plans.

<sup>3</sup> Ministry for the Environment (2014). *A guide to section 32 of the Resource Management Act: Incorporating changes as a result of the Resource Management Amendment Act 2013*. Wellington: Ministry for the Environment.

## Structure of the evaluation

This first chapter of the Section 32 evaluation report covers the following:

- statutory considerations;
- working with Marlborough’s tangata whenua iwi;
- consultation for the review;
- information and analysis; and
- guiding principles.

The Section 32 evaluation report for the MEP has been prepared on a topic basis, centred on the policy chapters of Volume 1 of the MEP. Individual reports have been prepared on the following:

Topic	Volume 1 Chapter of the MEP
Introduction to Section 32 evaluation reports	
Marlborough’s tangata whenua iwi	3
Use of natural and physical resources	4
Allocation of public resources – freshwater allocation	5
Allocation of public resources – coastal allocation	5
Natural character	6
Landscape	7
Indigenous biodiversity	8
Public access and open space	9
Heritage resources	10
Natural hazards	11
Urban environments	12
Use of the coastal environment – subdivision, use and development activities in the coastal environment, recreational activities, fishing, residential activity, shipping activity and Lake Grassmere Salt Works	13
Use of the coastal environment – ports and marinas	13
Use of the coastal environment – coastal structures, reclamation and seabed disturbance	13
Use of the rural environment	14
Resource quality – water	15
Resource quality – air	15
Resource quality – soil	15
Waste	16
Transportation	17
Energy	18
Climate change	19

Chapters 1 and 2 of the MEP are not included within the Section 32 evaluation as they provide an introduction and background to the proposed document. These chapters do not include provisions that must be evaluated in accordance with Section 32.

### The level of detail contained in the evaluation

For each report, an overview of the key changes from the existing MRPS, MSRMP and WARMP is given, along with a summary of the reasons for why the provisions have been chosen, as is required by Section 32(1)(b)(iii). The evaluation then explains the following:

- Description of issues – this provides an overview of the resource management issues being evaluated.
- Statutory obligations – the extent to which there are direct links with Section 6 or 7 matters and whether the provisions are directed or influenced by national policy statements or national environmental standards.
- Information and analysis – whether specific projects or other information have influenced the inclusion of provisions or other responses to dealing with resource management issues.
- Consultation – an overview of the extent and nature of specific consultation undertaken on the provisions.

Each report then describes the Section 32 evaluation itself. This is in narrative rather than table form. Where appropriate, reference is made to supporting material that has helped to inform why a particular option has been chosen. In some cases, the evaluation is carried out on individual provisions while in others, groups of policies or methods have been assessed together.

Section 32(1) requires that the evaluation report contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from implementing the provisions. The level of detail provided in each of the subsequent parts of this evaluation report differs depending on the issue, extent and nature of community feedback, national direction, whether there is a significant change in approach from previous resource management documents and supporting projects informing the review process. For example, the provisions for Chapter 17 - Transportation have not changed significantly in approach (although there is refinement of policy) and consequently the evaluation has not been extensive. In contrast, there are significant differences in approach and level of content for water allocation (Chapter 5 - Allocation of Public Resources), influenced by the National Policy Statement for Freshwater Management 2014; for this reason, the evaluation of those provisions is more detailed.

## Consideration of options

It is important to recognise that the review undertaken is a full review of the MRPS, MSRMP and WAMRP. In many cases, in terms of assessing options the Section 32 evaluation is dealing with a preferred option of the status quo. At times, the status quo option is not necessarily given in the exact same wording, but the intent is the same as the current resource management documents. Rewording these provisions provides greater clarity for decision makers deciding whether or not to grant resource consent and whether conditions may need to be imposed. In many instances, greater guidance is provided on how adverse effects can avoided, remedied or mitigated.

In addition, the New Zealand Coastal Policy Statement 2010 has provided greater direction in terms of managing subdivision, use and development activities in the coastal environment. As extensive parts of Marlborough are within the coastal environment, the requirement to review much of the resource management framework for such areas is significant. Other national policy statements and national environmental standards have also provided direction, which generally do not provide options for the Council to consider; the Council must give effect to these high level national directions.

Early in the review of the MRPS, the Council prepared a series of discussion papers describing resource management issues. These papers included options that could be used to address the identified issues. More detail on these papers is included later in this chapter, but feedback was sought on the range of options suggested and from this the Council began preparing the policy chapters, taking into account the feedback received on the options. (All of this material has been and continues to be available on the Council's website.)

## Statutory obligations

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

### 5 Purpose

## Section 32 Evaluation Report - Introduction

- (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 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 Māori with their ancestral land and sites;
- historic heritage; and
- protected customary rights.

Section 7 contains matters to which the Council must have particular regard. 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/Te Tiriti o Waitangi.

To achieve the purpose of the RMA, the Council is required to prepare a range of documents, some mandatory, others optional. For example, a regional policy statement, regional coastal plan and district plan are mandatory documents, while other regional plans are optional. As the Council is a unitary authority, 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 to achieve the purpose of the RMA. In particular, the purpose of a regional coastal plan is to achieve the purpose of the RMA in relation to the coastal marine area.



## Relationship with other plans and strategies

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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 in 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 and 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 (NZCPS), central government has three approved national policy statements:

- National Policy Statement on Electricity Transmission 2008 (NPSET)
- National Policy Statement for Renewable Electricity Generation 2011 (NPSREG)
- National Policy Statement for Freshwater Management 2014 (NPSFM)

All of these national policy statements have had implications for the review of the MRPS, MSRMP and WARMP. In particular the NZCPS and the NPSFM have resulted in the Council needing to undertake significant analysis and investigations for the review to be able to give effect to the national direction within these documents.

Central government can also prepare national environmental standards relating to the use, development and protection of natural and physical resources. These provide an opportunity to promote the use of consistent standards, requirements or practices nationally. National standards override existing provisions in plans that require a lesser standard and so similar to national policy statements have had implications for the nature of some rules included within the MEP. National environmental standards that currently have effect throughout New Zealand include standards for air quality, sources of human drinking water, telecommunications facilities, electricity transmission and managing contaminants in soil.

### Relationship between the MEP and Long Term Plan

Under the Local Government Act 2002, the Council has prepared a Long Term Plan for 2012-2022 (LTP). This sets out the Council's strategic directions and programmes for the next decade. The LTP provides a description of the significant activities that the Council plans to carry out over the next 10 years, the objectives of those activities and their costs.

The LTP also identifies 16 community outcomes for Marlborough. These outcomes describe the sort of place that Marlborough could be in the future, as a result of actions taken now and in the years to come. Activities undertaken by the Council and other agencies contribute to these outcomes.

One of the community outcomes included in the LTP is "environmental sustainability," identified as one of Marlborough's key challenges. 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 role in achieving the community outcome of environmental sustainability. The MEP has also been prepared having regard to other community outcomes in 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 the future, conflict with the MEP. This does not mean that resource management decisions must comply with the LTP; 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 had to prioritise 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, meaning that the methods contained in the MEP, but not currently reflected in the LTP, can be included in the future.

### Other strategies and plans

A number of national strategies drawn up by central government and its agencies are 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. These national strategies often contain objectives and assist in the identification of natural and physical resource management issues, guiding choices made at a national level and propose priorities for action if New Zealand is to reach its goals for the future.

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 be thought of as companions to the RMA, in that their purpose can be interpreted as supporting the sustainable management of natural and physical resources (e.g. the Conservation Act and the Reserves Act) or, in that they 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 such as economic development and future growth. These are not required under particular statutes, but have been prepared 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: Blenheim Town Centre Project, North Marlborough Project and South Marlborough Project. Collectively, their outcomes have focussed on ecological sustainability, appropriate areas for residential growth, identification of areas in which to cater for employment growth, stronger town centres, strong communities, public open space and future proofing transport networks.

A vision developed by the Council in response to how Marlborough should progress economically 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 a region depends on many matters, 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, but growth that is environmentally sustainable.

### Working with Marlborough's tangata whenua iwi

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The RMA establishes a special relationship between iwi, the Crown and local authorities. This 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, 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 Treaty of Waitangi/Te Tiriti o Waitangi are taken into account in sustainably managing Marlborough's natural and physical resources.

In Marlborough, Ngāti Apa, Ngāti Koata, Ngāti Kuia, Ngāti Rārua, Ngāti Toa Rangitira, Ngāi Tahu, Rangitāne and Te Ātiawa, as tangata whenua, have a unique and rich cultural and spiritual heritage. Collectively, these iwi are referred to throughout the MEP as Marlborough's tangata whenua iwi<sup>4</sup>.

A regional policy statement is required to state the resource management issues of significance to iwi authorities for the region (see Section 62(1)(b) of the RMA). In 2007, the Council approached each iwi authority to establish an appropriate process by which to identify these issues. This resulted in the establishment of an Iwi Working Group (IWG) whose specific role was to assist the Council in the review of the MEP. One nominated representative from each of the iwi authorities was represented on the IWG. Since its creation in 2007, the IWG has held 27 hui. (Ngāti Apa discussed their involvement in the IWG at an early stage. On the basis that they have a limited rohe in Marlborough, Ngāti Apa made the decision not to participate in IWG hui, reassured that iwi interests would be adequately represented by other representatives. Representatives from six of the remaining seven iwi authorities have regularly attended hui.)

In preparing the MEP, IWG representatives and Council staff have had regard to three iwi management plans lodged with the Council:

- Te Tau Ihu Mahi Tuna Eel Management Plan;
- Ngāti Koata No Rangitoto Ki Te Tonga Trust - Iwi Management Plan; and
- Te Rūnanga o Kaikōura Environmental Management Plan.

Subsequent to developing the chapter, two further iwi management plans were lodged with the Council: the Te Rūnanga O Ngāti Kuia Pakohe Management Plan; and the Te Ātiawa Ki Te Tau Ihu Iwi Environmental Management Plan.

In identifying issues of significance, Marlborough's tangata whenua iwi recognised three distinct groups of resource management issues:

- cultural issues of fundamental importance, relating 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.

Issues of significance for Marlborough's tangata whenua iwi have therefore been identified and addressed in three different ways.

Firstly, Chapter 3 of Volume 1 of the MEP is a stand-alone chapter describing the core resource management issues of significance for Marlborough's tangata whenua iwi. This chapter also includes background information on the Treaty of Waitangi/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;

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<sup>4</sup> 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, and therefore also not in this report, 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.

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

The Council has worked with Marlborough iwi to develop objectives and policies to address the first two groups of issues. The objectives and policies set out in Chapter 3 are to be had regard to by those undertaking activities within the framework of the RMA.

Iwi are also kaitiaki for many natural resources in the Marlborough environment. For this reason, the IWG also reviewed all other available draft MEP provisions to assess the extent to which the issues they identified are addressed by objectives, policies and methods in other chapters. This has improved integration of policy responses with iwi resource management principles and ensured that where appropriate, policy responses take tikanga into account (the third way in which iwi issues have been addressed in the MEP).

## Information and analysis

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As part of the review process, investigations have been made into a number of key issues. With the assistance of external and internal experts, information has been gathered on a range of Marlborough's natural and physical resources. A brief overview of a number of these projects follows, with more detail being provided within the relevant Section 32 evaluation report for specific provisions.

### State of the environment monitoring

The Council undertakes annual state of the environment monitoring on a range of matters including surface water, groundwater, coastal water, air quality and soil quality. The results of this monitoring are reported to the Council's Environment Committee and copies of reports are available on the Council's website. The results of this monitoring have to some extent influenced the nature of the provisions (policy and rules) that have been included in the MEP.

### Compliance monitoring

The Council undertakes annual compliance monitoring of the discharges to land of agricultural wastewater and solid waste from two significant rural-based industries in Marlborough: the viticulture industry and the dairy industry. Both industries rely on soils to treat and retain contaminants present in these two types of waste. The Council also undertakes compliance monitoring related to discharges to land of cleanfill material.

The results from monitoring programmes enables the Council to consider the extent to which the current permitted activity standards are being complied with and whether the standards are effective or efficient. Similarly, the results can help to determine where conditions of consent (where consent is required) are effective in avoiding, remedying or mitigating adverse effects. In several instances, results have directly influenced changes in approach to the management framework in the MEP for some discharges to land.

### Joint project with Department of Conservation

The Department of Conservation and the Council undertook a joint project to identify a community vision for the Marlborough Sounds. This was termed the Marlborough Sounds "Outcomes for Places" Project and aimed to help in the review of the Nelson/Marlborough Conservation Management Strategy (CMS)<sup>5</sup> and the regional policy statement.

The project was run with guidance from the Marlborough Sounds Advisory Group and involved a series of four interactive, participatory workshops/hui. The aim of the project was to define a collective community vision for the Marlborough Sounds as an important first step in setting objectives for the

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<sup>5</sup> The Nelson/Marlborough Conservation Management Strategy is prepared by the Department of Conservation under the Conservation Act 1987. It establishes objectives for the integrated management of the natural and historic resources managed by the Department.

management of the Sounds. The hope was that if both the CMS and the regional policy statement shared a common community vision, then that vision would be much more likely to be realised.

The workshops/hui were designed to build upon the responses the Council had received regarding the regional policy statement discussion papers and the participants were asked to consider:

- the factors that make the Sounds special and/or that they valued;
- the elements of the Sounds that are at risk and the factors contributing to that risk; and
- how the Sounds should look in 50 years time and what needs to happen to achieve that vision.

Activities that participants were specifically asked to consider included residential development, pastoral farming, marine farming, commercial forestry, tourist facilities and public facilities for access and recreation. The outcomes from the project were used in the process of developing new policy for the Council's resource management framework.

### **Landscape review**

An extensive reassessment of Marlborough's landscapes was undertaken in 2009. The resulting report, "Marlborough Landscape Study 2009," identified Marlborough's outstanding natural features and landscapes as well as landscapes with high amenity value. This assessment was used for the purposes of consultation with landowners in north and south Marlborough and as a result mapping has been reviewed. A subsequent report, "Marlborough Landscape Study 2015: Landscape Characterisation and Evaluation," contains the updated maps post consultation, which have been included within the MEP. Additionally, the values that make these landscapes significant are described in the report.

### **Wetlands identification**

The Council has a responsibility under the RMA to protect significant natural areas and habitats, and maintain indigenous biological diversity. As part of the Council's obligations in meeting these responsibilities, the Significant Wetland Project was initiated in 2011. The project began with the identification of potentially significant wetlands through a desktop exercise using aerial photographs, backed up by the personal knowledge of the assessors, and based on a consistently applied set of assessment criteria. Where wetlands were identified, the Council contacted landowners and on request visited the property to verify (or otherwise) the significance of the wetland by the use of consistently applied criteria. Wetlands found to be significant have been identified in the MEP.

### **Natural character of the Marlborough coast**

The Council, in conjunction with the Department of Conservation, has released a report containing an assessment of the natural character of Marlborough's coastal environment. The assessment was undertaken as an independent assessment by Boffa Miskell Ltd with inputs from Lucas Associates and Landcare Research.

The report divides Marlborough's coastal environment into seven coastal marine areas and ten terrestrial coastal environments. The biotic, abiotic and experiential attributes for each environment were described and evaluated to identify areas of high, very high and outstanding natural character. These areas have been mapped within the report and included in the MEP as an overlay map. The attributes or values that contribute to determining whether an area has high, very high or outstanding natural character, including biodiversity values, are also included within Appendix 2 of Volume 3 of the MEP. The report will assist the Council to give effect to Policy 13 of the NZCPS, which has requirements with respect to the identification and preservation of coastal natural character. The report also provides useful information to resource consent applicants and the community about the nature of natural character in Marlborough's coastal environment.

## Significant marine area identification

Identification of ecologically significant marine sites in Marlborough was undertaken as part of the Council's responsibilities under Section 6(a) and (c) of the RMA<sup>6</sup>. It is important to identify the location and composition of significant sites – biological features that have conservation, scientific or ecological value – to ensure their sustainable management and protection into the future. The work undertaken acknowledges that relatively few studies have focussed on identifying, surveying and assessing subtidal marine habitats in New Zealand, including those of Marlborough. Therefore, our understanding and knowledge of the coastal marine environment is limited.

The assessment of significant sites was based on existing data or known information, but was not comprehensive as many marine areas are unsurveyed or poorly documented, especially below the low tide mark. A total of 129 sites of biological significance were identified in the area, from Cape Soucis (Croisilles Harbour) through the Marlborough Sounds and down the east coast of Marlborough. A subsequent survey of selected sites in 2014/2015 has seen a reduction in the overall area of significant sites. The remaining sites and areas of significance have been included in the MEP.

## Significant natural areas project

Since 2000, the Council has operated a Significant Natural Areas project to identify and protect significant natural areas and indigenous biodiversity on private land in Marlborough. This was seen as particularly important because of the high degree of modification of the natural environment in Marlborough and the large proportion of land in south Marlborough in private ownership. The surveys have produced a fairly comprehensive picture of the extent and condition of Marlborough's land-based biodiversity and important natural areas.

While the Council carried out most of the survey work overall, the Department of Conservation also contributed to a substantial part of the survey work in south Marlborough through its Protected Natural Areas Programme. This was a national survey programme begun in the 1980s.

A part of the Significant Natural Areas project has been to identify what is needed for survival, both in terms of natural processes such as regeneration, and the modification or removal of factors that threaten survival. The Council has 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. Funding is also available from central government's biodiversity fund and through the QEII National Trust, and landowners themselves have also contributed significantly to the restoration and protection efforts.

## The natural character of selected Marlborough rivers and their margins

The Council has released a report containing an assessment of the natural character of selected Marlborough rivers. The study was undertaken as an independent assessment by Boffa Miskell Ltd with the assistance of an expert panel familiar with Marlborough's rivers. The study was part of a wider project co-funded by the Foundation for Research and Technology to develop methodology for assessing the significance of river values.

The various attributes contributing to the natural character of the river channel, riparian margin and wider landscape character were scored against specified thresholds to determine the overall level of natural character. The natural character of each river was then identified and mapped. The report provides useful information to resource consent applicants and the community about the nature of the natural character of Marlborough's main rivers.

## Freshwater values

Marlborough has been divided into a series of water management units based on catchment boundaries. An assessment of the various natural and human use values of the waterways (ecological, habitat, recreational and natural character) in these water management units has been

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<sup>6</sup> Davidson RJ; Duffy CAJ; Baxter A; DuFresne S; Courtney S; Hamill P. (September 2011). *Ecologically significant marine sites in Marlborough, New Zealand*. Coordinated by Davidson Environmental Limited for Marlborough District Council and Department of Conservation.

prepared and is included within the MEP. This work has also assisted in setting classifications and water quality standards.

### **Identification of groundwater protection areas**

Groundwater supply wells provide water to many large communities in Marlborough as well as commercial and industrial activities. The water abstracted from these wells is vulnerable to contamination from discharges that occur in the immediate vicinity of the wells and surrounding areas from which the groundwater is drawn. The risk of contamination of these supply wells can be reduced by the development of Groundwater Protection Areas (GPAs) around each well and by imposing controls on activities within these areas. GPAs mark the area within which contaminants could migrate into the wells at concentrations that may adversely affect the quality of water drawn from the well. GPAs will be specifically identified and mapped in the MEP.

### **Identifying soils at risk**

Throughout the review the nature of Marlborough's soils has been considered, including whether some types may be at risk of contamination depending on the activities that occur on them. Investigations have been carried out and some high risk soils have been identified. From these assessments the Council has produced a Soil Sensitive Area map that identifies three soil types within Marlborough as high risk: free-draining, impeded and loess. (This map is provided as an overlay in the MEP.)

Free-draining soils are considered high risk because they are located over an underlying shallow, unconfined aquifer and so discharges onto these soils could result in groundwater contamination. The Soil Sensitive Area map will be used to prevent certain activities occurring on these free-draining soil types unless resource consent is granted. Through the consent process, an assessment will be made as to whether it is appropriate for an activity to occur on a particular soil type.

### **Natural hazards**

A number of investigations and monitoring activities have helped to inform the review of the natural hazard provisions. These have included the following:

- a review of known flood hazards using aerial photography of flood events to more accurately identify the extent of floods, which has then been used as the basis for mapping within the MEP;
- a review of floodway capacity of rivers for which the Council provides flood defences has resulted in standards that provide a measure of the level of protection;
- in considering areas for urban expansion around Blenheim, tests have been undertaken to determine the potential for soils to liquefy in the event of an earthquake;
- assessments of the tsunami risk for the entire coastline of Marlborough; and
- assessments of the effects of gravel removal from the Wairau River for river control purposes.

### **Heritage resources and notable trees**

A review of the heritage resources and notable trees included within the current resource management plans was undertaken. The analysis work has considered the heritage resources currently listed in the MSRMP and the WARMP in terms of the accuracy of information (i.e. whether the heritage resource still exists and its location). This information was verified with Heritage New Zealand (formerly the New Zealand Historic Place Trust), where the heritage resources listed in the resource management plans are also on the New Zealand Heritage List/Rārangī Kōrero. In some cases, houses had burnt down or a heritage resource had been shifted, so the review has provided an opportunity to update information held by the Council. Additionally, there have been some additions to add heritage resources to the Council's schedules through requests by individuals as well as by Heritage New Zealand.

The notable trees schedule in the MSRMP and the WARMP have also been reviewed for accuracy and a Council run nomination process has seen the inclusion of some additional trees.

## Growing Marlborough strategy

This project aimed to provide planning for Marlborough's urban growth for the 25 year period, from the 2006 census through to 2031. Growing Marlborough covered three sub-strategies, each tailored to specific issues and opportunities facing different parts of the District. These were the Blenheim Town Centre Revitalisation Strategy, a focus on settlements in south Marlborough and a focus on settlements in Picton, Havelock and the inner Sounds settlements. In considering options for growth the following approach was adopted:

- enhancing existing settlements rather than establishing new ones (unless the more affordable and sustainable growth or intensification options in existing settlements are exhausted or unachievable);
- supporting strongly defined communities with unique identities;
- minimising the impact of towns and settlements on the environment, landscape and versatile soils;
- focussing new growth where it can best leverage from existing community infrastructure (especially where new growth will not be of a scale that would bring new facilities with it);
- providing for urban expansion where it will make logical sense and be affordable from a total lifecycle infrastructure perspective;
- encouraging urban intensification where it is feasible, when privacy and local character can be maintained, and if supported by conveniently located amenities; and
- supporting lifestyles which are less energy intensive, and in particular where people have more choice in how they meet their daily needs other than by full reliance on private automobiles.

The 'Growing Marlborough' strategy was completed in March 2013. Some of the outcomes from the three stages of the strategy will be included in the reviewed resource management framework, while other aspects have occurred ahead of the review, for example the rezoning of several areas of rural land to a residential zoning on the periphery of Blenheim through Plan Changes 64-71 to the WARMP.

## Perception surveys

The Council has undertaken nationwide surveys to assist in determining New Zealander's perceptions of the values of the Marlborough Sounds. The initial survey, carried out in 2001, was in response to the number of marine farm applications being received at the time. The most recent survey in 2012 found that the majority of respondents considered it important that the Marlborough Sounds were available to be used now and by future generations, as they are important to people throughout New Zealand as a recreational resource. Respondents also stated that the Sounds were important in contributing to the image of New Zealand as a whole.

The values that led to these responses were also surveyed. The scenic beauty of the Marlborough Sounds was the most significant value in both surveys, followed by peace and tranquillity, then natural environment/absence of development. Recreational boating and fishing also rated highly in the 2012 survey.

## Consultation

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The Council has undertaken extensive consultation throughout the review of the MRPS, MSRMP and WARMP. An overview of this consultation follows.

### Community flyer

In carrying out the review, there has been significant consultation with the Marlborough community, in particular with individual landowners. The first round of consultation, undertaken in 2006 for the review of the MRPS, involved the distribution of a community flyer to all ratepayers, as well as other groups and organisations in contact with the Council on resource management matters. This document sought to discover the community's views of the most important resource management issues that Marlborough would face over the next ten years. The flyer highlighted existing MRPS issues and under headings ('Coastal environment,' 'Natural areas,' 'Freshwater resources,' 'Urban



areas,' 'Infrastructure' and 'Rural areas') described a number of issues the Council believed needed consideration.

Around 380 responses were received, and a further 40 individuals asked to be kept informed about the review process. A summary of the community's views on resource management issues was prepared and made publicly available. From this, the Council prepared a list of issues that appeared to be significant for Marlborough, based partly on responses to the community brochure as well as the Council's own monitoring activities. This list of issues formed the basis of discussion papers released for public feedback in 2007.

### Discussion papers

Twelve discussion papers were prepared by the Council to enable the community to comment on the identified issues (or any others that people thought could be regionally significant) as part of the review process. Options were provided for how the issues could be resolved or managed.

Feedback was sought on whether the issues identified were considered regionally significant and whether the management strategies suggested were appropriate. An overview document for each discussion paper (except for *Discussion Paper 1: Quality of Life in Marlborough*) was also prepared, as some of the papers were reasonably long. Comments were received over a period of 11 weeks, from late September to early December 2007. The 12 papers were:

- Discussion Paper 1: Quality of Life in Marlborough
- Discussion Paper 2: Marlborough Townships and Small Settlements
- Discussion Paper 3: Rural Issues
- Discussion Paper 4: The Future of the Marlborough Sounds
- Discussion Paper 5: Water Allocation and Use
- Discussion Paper 6: Water Quality
- Discussion Paper 7: Biodiversity and Natural Areas
- Discussion Paper 8: Pests
- Discussion Paper 9: Energy
- Discussion Paper 10: Transport and Access
- Discussion Paper 11: Waste Management
- Discussion Paper 12: Natural and Other Hazards

The following questions were used to prompt responses:

- Do you agree with, or have any comments on the issues identified as regionally significant?
- Do you have any thoughts on the options included for resolving the issues?
- Can you think of any other ways in which the issues could be addressed?
- Are there any other regionally significant issues that you believe need to be addressed?

Scope was also provided for any other comments or views outside of these specific questions.

Feedback on the discussion papers was received from 133 people or organisations. The organisations reflected a good cross-section, including iwi, residents' groups, industry groups, environmental groups and Government departments. Although *Discussion Paper 3: Rural Issues* and *Discussion Paper 4: The Future of Marlborough Sounds* received the greatest number of responses (68 and 70, respectively), all of the discussion papers attracted at least 40 responses, demonstrating wide interest in all of the issues raised. In many cases people commented on more than one paper, with some responses being very detailed.

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Overall there was agreement with the issues included in the discussion papers. In some cases, there was also agreement on the actions proposed to address the issues, while for other issues a wide range of views were expressed. Other issues were also raised, including some that were outside the scope of a regional policy statement.

Each of the discussion papers, overviews and a summary of comments received have been made available on the Council's website.

### Focus groups

Early in the review process, the Council decided on an iterative approach in developing provisions for the MEP. This sought to 'test' as many of the provisions as possible before the new resource management documents were formally notified under the First Schedule of the RMA. The rationale was that the greatest flexibility for change to provisions exists prior to notification of a proposed document; once notified, only those provisions on which a submission has been made can be changed and then only within the scope of those submissions. The Council therefore established a number of focus groups to review the provisions and discuss their likely efficiency and effectiveness (or otherwise). The aim was to have as much community participation as possible in developing the provisions to reflect the community's views and to resolve any substantive issues prior to notification. An additional outcome from this process was to minimise the number and size of submissions received, effectively accelerating the First Schedule process.

Given the interconnections between many of the issues, resource-based focus groups were established (Rural, Freshwater and Marine). Key stakeholders with experience in dealing with the resource management issues were used in each of the focus groups. A number of issue-based groups had already been established by the Council, including 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 most often, they would be a good barometer of the workability of draft provisions.

### Release of draft provisions for feedback

The drafting of provisions for the coastal environment, particularly for the coastal marine area, was largely completed in early 2013. Feedback was sought through the release of the draft provisions to the Council's focus groups as well as any other person or organisation with an interest in the review process. Three documents formed part of the feedback package:

1. Draft policy for Chapter 13 - Use of the Coastal Environment

This chapter included policy on identifying appropriate use, subdivision and development, residential activity, moorings, coastal structures and disturbance of the foreshore and seabed, ports and marinas, shipping activities, fishing and Lake Grassmere.

2. Draft rules for the Port, Port Landing Area, Marina and Coastal Marine Zones

Two significant differences were highlighted in the rules when compared with the MSRMP and WARMP: the introduction of the Port Landing Area Zone to manage marine farming and fishing loading/unloading activities at Elaine Bay in Tennyson Inlet and Oyster Bay in Port Underwood; and that the draft provisions were based on only one Coastal Marine Zone, with some activities managed through a series of overlays.

3. Draft policy to provide context and support provisions drafted for Chapter 13 - Use of the Coastal Environment.

As reference was made within Chapter 13 to a number of other draft chapters, the Council grouped them together (where they had been completed) to provide context for the reader. Those chapters provided were: Use of Natural and Physical Resources; Landscape; Natural

Character; Indigenous Biodiversity; Public Access and Open Space; Heritage Resources; Natural Hazards; Resource Quality (Water, Air, Soil); Waste; and Transportation. Comments were welcome on these chapters as well as on Chapter 13.

At the time of release, some aspects of the coastal environment provisions had not been completed and information was lacking in some of the material provided, for example, regarding marine farming activities and provisions for air quality and noise. For marine farming, although some early consultation had been undertaken with focus groups, the New Zealand King Salmon application to the Environmental Protection Authority in 2011/2012 effectively resulted in the cessation of work and consultation on these provisions with staff resources being diverted. The provisions for air quality and noise, particularly for port areas, were still being worked on.

Very few responses were received (around 30), though some of the feedback was very comprehensive. This resulted in substantial changes to Chapter 13. Feedback on other chapters was not as comprehensive, but still helped to further refine the draft provisions.

### **Landscape consultation**

The most significant consultation on landscape issues occurred with private landowners as a direct consequence of the “Marlborough Landscape Study 2009” (a reassessment of Marlborough’s significant landscapes). The Council used results from this report to approach landowners on whose property significant landscapes had been identified. Over 3000 landowners were affected by the mapping in the 2009 study. This consultative approach incorporated a range of methods, including landowner community meetings, individual landowner discussions, site visits/landscape ground truthing and the provision of information to landowners. All landowners whose property had been identified with significant landscape values were offered the opportunity for a landscape architect to visit their property.

The Council supported a landowner-only approach to community engagement, limiting the release of landscape mapping information to landowners directly affected by the review. While this process (and subsequent mapping refinement) resulted in additional landowner parties becoming involved in a lengthy consultation process, the Council favoured this approach for purposes of landowner confidentiality and in recognition of the significance of the landscape review for affected landowners. An addendum report to the 2009 study was also prepared, which included maps updated as a result of the consultation process.

Along with refining landscape maps and building an enhanced understanding of landscape values, landscape management rules have also been developed, consulted on and refined with landowner and landscape architect input.

### **Wetland consultation**

A total of 393 landowners were contacted as part of the Wetland Project, 213 of them (55%) requested and had site visits. In many instances this resulted in a change to the wetlands identified on their property, most commonly wetlands were found not to be significant when assessed on the ground or the boundaries were adjusted to reflect the actual extent of the wetland at the time of the site visit. In addition to the nearly 400 private landowners contacted, consultation was also carried out with the Department of Conservation, the Iwi Working Group, Land Information New Zealand (for both pastoral lease and non-pastoral lease land) and Crown Forest.

The consultation pack provided to all land owners included a summary of the proposed rules. The rules were discussed with landowners throughout the process as questions arose. Feedback from landowners and Council staff/representatives was considered and, where appropriate, incorporated into the draft rules.

### **Draft marine farming provisions**

The Council were aware of the widespread community interest in marine farming in Marlborough, from marine farmers making investment decisions to those holding concerns about the effects of marine farming on the environment. This interest became particularly apparent for the Council during the application by the New Zealand King Salmon Company Limited to the Environmental Protection Authority to make available areas for salmon farming in parts of the Marlborough Sounds where marine farming was prohibited.

Given the interest in marine farming in Marlborough, the Council wanted to provide an opportunity for the whole community to comment on how this specific activity in Marlborough's coastal waters should be managed. A draft framework for marine farming was prepared and 86 responses were received; this feedback came from marine farmers and marine farming interest groups, individuals, iwi, the Department of Conservation, landowners within the Marlborough Sounds, residents' groups and associations, and interest groups.

### **Coastal occupation charges**

The Council wanted to provide an opportunity for the community to voice their opinion on the appropriateness of introducing in the MEP a coastal occupation charging regime. These charges can be applied through the RMA, and while neither the MSRMP nor WARMP employ a charging regime, both plans state that such a regime will be introduced by the Council in future.

A report providing information on coastal occupation charges was made available for feedback and included details on what they are, why they are considered appropriate, how the collected money will be spent, how the charges have been determined and what the level of proposed charges would be. The Council considered this an important issue on which to seek feedback, as occupation of the coastal marine area is not a right: it is public space, over which everyone has a right of access.

Eighty four responses were received on the Council's draft proposal to introduce coastal occupation charges through the MEP. Feedback was received from boating clubs, marine farmers, individuals with coastal structures (jetties, moorings and boatsheds), organisations representing boating users, residents associations and interest groups. Meetings were also had with some groups who wished to discuss the implications of the charging regime and to voice their concerns.

### **Water allocation**

In 2012, the Council held a two day water forum to commence discussion with the community about the future of water allocation in Marlborough. The forum included information on the current status of the region's water resources, the challenges ahead, legislative/central government requirements, possible options and water user's perspectives. The forum offered many high calibre speakers, including experts in land and water reform, hydrology, resource management law, policy, economics, modelling and water use/crop requirements. In addition, the forum was enhanced by contributions from water users, industry and practitioners.

Following the forum, a working group was formed to assist the Council in developing the future water allocation framework. The Water Allocation Working Group (WAWG) included different types of irrigators (vicultural, pastoral, horticultural), users of different water resource types (groundwater, surface water) and users from different locations throughout Marlborough. The group was assisted by Council staff and experts in freshwater management. A sitting Councillor was also on the group.

The WAWG identified options for addressing a range of issues, including new issues identified as a consequence of legislation, the NPSFM or as part of the work done by the WAWG. These new issues included full allocation of water resources, allocative efficiency, over allocation of water resources, setting of limits, equitable access to water and effects of afforestation on water yield. However, some existing issues were still apparent and needed to be addressed, including access to reliable supplies of water, the effects of groundwater takes on surface water resources and demand for water being greatest when river flows and aquifer levels are at their lowest.

In early 2015, a second Water Forum was held. Approximately 1110 water resource users were advised of the forum and the opportunity to hear the proposals developed for managing water allocation and use in the future. The Forum was followed by 14 community meetings that focussed on management proposals for specific water catchments/aquifers and a series of one-to-one meetings with the Department of Conservation, Fish and Game Nelson Marlborough, Federated Farmers, Marlborough Forest Industry Association, Trustpower Limited and the Iwi River Advisory Committee. There were also many phone calls and meetings between Council staff in both the Policy and Science Departments and members of the public as an outcome of the community meetings.

The Council sought feedback through the community meetings and approximately 85 responses were received. This feedback has helped to refine the provisions for water allocation that have been included within the MEP.

## Targeted consultation

The Council did not limit its consultation on the draft provisions to focus groups. Other groups were formed to consider provisions for farming, forestry, urban environments and viticulture. Additionally, significant consultation was undertaken with private individuals for identification of significant wetlands and areas with landscape significance. Other specific consultation occurred in relation to a number of infrastructure activities. Parties consulted included port and marina operators, Transpower (in relation to the National Grid) and airport operators.

## Internal consultation

Extensive discussions with internal staff have occurred throughout the review process. In particular, staff familiar with the current resource management plans are the best placed to advise the review team of what works in relation to the current framework provided by the MRPS and the two resource management plans. In addition, the review team had access to an internal historical database that held a record of issues with the administration of the current plans. Environmental Science and Monitoring staff have provided technical information to support the review, including water quality and water allocation issues, soil quality issues, indigenous biodiversity and biosecurity. Compliance staff have also provided feedback and supported development of provisions through their experiences administering the current resource management plans.

## Councillor involvement in the review

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The review team has also had a considerable number of workshops with the Council committees that have been tasked to oversee the review process. As the review has taken some time to complete given the extensive nature of consultation that has occurred, the review team have reported to several committees over several Council election cycles. For the most recent committee responsible for the review, the Regional Planning and Development Committee, each of the draft policy chapters has been workshopped and where appropriate, or where there was a change in approach in the draft management framework proposed, the rule framework has also been considered in detail.

## Guiding principles

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The Council has used guiding principles in the development of the objectives, policies and methods throughout the MEP. The Council acknowledges that the principles have no statutory basis and do not in themselves have specific objectives, policies or methods. However, they have been included as the philosophy and values underlying the content of the MEP and consequently help to inform the Section 32 evaluation. The principles and explanation of each is included here for information.

### *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 well-being.*”

### *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 Māori 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, on 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.

## Appendix 1 – Section 32 of the RMA

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### 32 Requirements for preparing and publishing evaluation reports

- (1) An evaluation report required under this Act must—
  - (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
  - (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
    - (i) identifying other reasonably practicable options for achieving the objectives; and
    - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
    - (iii) summarising the reasons for deciding on the provisions; and
  - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection (1)(b)(ii) must—
  - (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
    - (i) economic growth that are anticipated to be provided or reduced; and
    - (ii) employment that are anticipated to be provided or reduced; and
  - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
  - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—
  - (a) the provisions and objectives of the amending proposal; and
  - (b) the objectives of the existing proposal to the extent that those objectives—
    - (i) are relevant to the objectives of the amending proposal; and
    - (ii) would remain if the amending proposal were to take effect.
- (4) If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.
- (5) The person who must have particular regard to the evaluation report must make the report available for public inspection—
  - (a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or
  - (b) at the same time as the proposal is publicly notified.



(6) In this section,—

**objectives** means,—

- (a) for a proposal that contains or states objectives, those objectives:
- (b) for all other proposals, the purpose of the proposal

**proposal** means a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act

**provisions** means,—

- (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:
- (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

## Appendix 2 – Marlborough Sounds Resource Management Plan and Wairau/Awatere Resource Management Plan boundaries

