
MARLBOROUGH ENVIRONMENT PLAN

Section 32 Report

Chapter 4: Use of Natural and Physical Resources

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Overview

Background

Section 32 of the Resource Management Act 1991 (RMA) 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. The three documents being reviewed are the Marlborough Regional Policy Statement (MRPS), the Marlborough Sounds Resource Management Plan (MSRMP) and the Wairau/Awatere Resource Management Plan (WARMP). Each resource management plan is a combined regional, coastal and district plan.

Section 32¹ 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 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 Section 32 evaluation report for the proposed Marlborough Environment Plan² (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

¹ See Appendix A.

² The Marlborough Environment Plan is a combined regional policy statement, regional plan, regional coastal plan and district plan.

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Topic	Volume 1 Chapter of the MEP
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 Introduction report covers the scope of the review that the Council has undertaken including consultation and the nature of information and analysis that has occurred. An overview of the Council's statutory obligations, the relationship of the MEP with other plan and strategies and working with Marlborough's tangata whenua iwi is described. A set of guiding principles the Council has used in the development of the objectives, policies and methods for the MEP is provided. 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.

This Evaluation Report is for high level issues concerning use and development of our land, water, coastal and air resources, the need to recognise and provide for regionally significant infrastructure and the significance of the Marlborough Sounds. These provisions are included in Chapter 4 - Use of Natural and Physical Resources and the Section 32 evaluation is set out as follows:

- Description of issues – this provides an overview of the resource management issue(s).
- 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 proposed provisions.
- Evaluation – an assessment of the provisions under each of the identified issues. 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 undertaken on an individual provision, while in others groups of policies or methods have been assessed together.

In some parts of this evaluation report there are references to provisions within other chapters of the MEP. This is due to those provisions assisting in implementing the management framework for the subject matter of this report or vice versa. A reader should consider the evaluation for these other provisions where they are referred to in this report.

Key changes

The key changes in the MEP from the approach in the MRPS, WARMP and MSRMP are:

- Acknowledgement is more specifically given to the fact that Marlborough's social and economic wellbeing clearly relies on being able to use and develop natural and physical resources. While a range of existing objectives in the MRPS are aimed at enabling resource use (e.g. Objectives 5.1.2, 5.1.7, 6.1.2 and 7.1.9), these are not worded in the precise way that is proposed for policies to achieve Objective 4.1.
- Greater recognition is given to the significance of existing infrastructure.
- Although the Council has prepared and implemented a resource management plan specifically for the Marlborough Sounds and although there is comprehensive policy

within the MSRMP, there is no high level direction for future management of the Sounds as a whole. Consultation with the community for the review highlighted a desire for high level guidance to be included within the reviewed resource management framework. This is also why reference to the Sounds as the 'jewel in the Crown' has been included within the Guiding Principles set out in Chapter 1 of the MEP.

Summary of reasons for the proposed provisions

Section 32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions included in the MEP. This summary of reasons for the provisions in relation to issues concerning use and development of our land, water, coastal and air resources, the need to recognise and provide for regionally strategic infrastructure and the significance of the Marlborough Sounds are set out below, however the more detailed evaluation is set out in the remainder of this report.

Use and development of our land, water, coastal and air resources

- Historically, the prosperity of Marlborough has always relied on using and developing the natural resources in the surrounding environment, which has effectively seen the primary sector driving the local economy. Today, that same sector still contributes over 35 percent of the local economy and employs the equivalent of over 7,000 people on a permanent basis. Many more will be employed in associated and support industries, as well as in tourism related businesses. The provisions are intended to enable these industries to continue, whilst ensuring the sustainability of natural resources.
- Section 9 of the RMA allows use of land without consent where not otherwise constrained by provisions in a plan. In this context, although there will be controls for land use, the Council has also opted as a principle (expressed through policy) to reinforce the spirit of Section 9 by only controlling land use where necessary to protect the environment or the wider public interest in the environment.
- In contrast, use of public resources has to be enabled through rules for Section 12-15 matters. While some activities will be enabled through permitted activity rules, where public resources are involved there should be a higher degree of precaution in their allowing their use. This is reflected in the policy that also sets out that there will be allocation frameworks for coastal space and freshwater. Collectively, these are intended to provide certainty about the quantities and/or locations of resources available and the circumstances in which they may be used and developed.
- Sustainability is the key in governing all resource use. In many cases the productive use of natural resources can rely on the quality of those resources. Therefore, the last policy in this section sets out that a comprehensive suite of policies is included in the remaining chapters of the MEP to assist in sustaining soil, air, water and coastal resources. This aims to assist the primary sector to continue making a significant contribution to the Marlborough economy and the wellbeing of our communities. It will also ensure that the natural environment continues to attract the domestic and international tourists that sustain a valuable tourism sector.

Regionally strategic infrastructure

- Section 30(1)(gb) of the RMA gives to the Council the function of the '*strategic integration of infrastructure with land use through objectives, policies and methods.*' Direction is also provided to the Council on various infrastructure, through national policy statements for the coastal environment, electricity transmission and renewable electricity generation. There are also national environmental standards for telecommunication facilities and electricity transmission activities.
- In order to fulfil these functions and directions, the Council has considered it necessary to identify which of the existing infrastructure is regionally significant. Such infrastructure requires a level of 'protection' to ensure there is overall community wellbeing.

Significance of the Marlborough Sounds

- The New Zealand Coastal Policy Statement 2010 (NZCPS) states that the coastal environment has characteristics, qualities and uses that create particular challenges in promoting sustainable management. It describes these challenges and the key issues

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that result from them. As central government has directed that there be national guidance about how to address these challenges and issues, it has been appropriate for the Council to consider this in a Marlborough context.

- Two quite distinct geographic areas exist: the Marlborough Sounds and the south Marlborough coast. The Marlborough Sounds, with its sheltered inland waterways, has attracted occupation and use for many years, significantly more so than the south Marlborough coastal environment. This is one of the reasons this area has been singled out for its own management framework.
- The NZCPS directs that in respect of landscape and natural character values, regional policy statements and plans, map or otherwise identify areas where these values need protection. The Council's response, by including policy to identify these values in a Marlborough Sounds context, fulfils these obligations.
- One of the most compelling factors in deciding to include the management framework specifically for the Marlborough Sounds has been in response to the feedback the Council received during the review process. Many people have identified a range of qualities that they particularly value about the Sounds and believe that these values need protecting for both present and future generations.

Description of issues

Chapter 4 of the MEP contains provisions that acknowledge the importance of: using and developing our land, water, coastal and air resources; the need to recognise and provide for regionally strategic infrastructure; and the significance of the Marlborough Sounds. The provisions are high level and provide direction and guidance for the development of other objectives and policies throughout the remainder of the MEP to determine appropriate use of natural and physical resources within Marlborough. Because of this, all of the provisions within Chapter 4 have been denoted as regional policy statement provisions. (Note that Section 80 of the RMA requires the Council to identify, when there is a combined document, the provisions that relate to the regional policy statement, the regional coastal plan, the regional plan or the district plan.)

The provisions for Chapter 4 are based on three issues:

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

- The prosperity of the District has always relied upon using and developing natural resources in the surrounding environment. Generally, Marlborough has adequate natural resources of sufficient quality to meet the needs of the primary sector, but relying on natural resources also creates an inherent vulnerability to environmental change. The loss of access to natural resources or a reduction in the quality of those resources would have a significant impact on the primary sector.
- Natural resources are also important to the social and economic wellbeing of the remainder of the community, including for recreational opportunities and for tourism. Any reduction in the intrinsic and amenity values of our environment will have the potential to adversely affect the tourism industry.

Issue 4B – The social and economic wellbeing, health and safety of the Marlborough community are at risk if community infrastructure is not able to operate efficiently, effectively and safely.

- We rely on a range of physical resources, including water, stormwater and waste disposal services, transport links, electricity and telecommunications, to make our communities function on a day-by-day basis. Collectively, this infrastructure is regionally significant because of the contribution it makes to social and economic wellbeing, health and safety.
- Other activities can adversely affect the performance of existing infrastructure, especially those activities undertaken in close proximity to the infrastructure.

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

- The Marlborough Sounds is a truly exceptional place – it is considered our “jewel in the crown” in terms of natural assets. However, the use and development of natural and physical resources within the Marlborough Sounds creates the potential for environmental change.
- The Marlborough Sounds are a dynamic environment and have the capacity to absorb change. However, there are various visual, ecological and physical qualities that contribute critically to the character of this area and if these qualities are adversely affected by the use and development of natural and physical resources, this will adversely affect the way the community and visitors perceive and value the Marlborough Sounds.
- An element of precaution needs to be exercised to ensure that resource use is complimentary to the visual, ecological and physical qualities that give the Marlborough Sounds its iconic character.

Statutory obligations

Almost all of the matters in Section 6 of the RMA and many of those in Section 7 have direct relevance for this chapter of the MEP. In addition, four national policy statements provide direction in terms of the issues described in this chapter and the development of subsequent management frameworks to address the issues. These are:

- the National Policy Statement on Electricity Transmission 2008 (NPSET);
- the National Policy Statement for Renewable Electricity Generation 2011 (NPSREG);
- the National Policy Statement for Freshwater Management 2014 (NPSFM); and
- the New Zealand Coastal Policy Statement 2010 (NZCPS).

National environmental standards relating to human drinking water, telecommunication facilities and electricity transmission activities have direct relevance for the management approach set out for some activities.

The Council also has a range of statutory functions set out Section 30 and 31 of the RMA, which enable it to establish management frameworks in response to the identified issues.

Information and analysis

No specific projects were initiated as a consequence of developing this chapter. Rather, the chapter evolved as a consequence of the feedback received in the early stages of consultation for the review, particularly in terms of feedback received on *Discussion Paper 1: Quality of Life in Marlborough* and *Discussion Paper 4: The Future of the Marlborough Sounds*. An overview of the feedback received on these discussion papers is outlined in the next section of this report.

A number of projects have been undertaken for other aspects of the review, and other reports and material that have helped to inform the development of this chapter. This is particularly so for the outcomes sought through this chapter in relation to the Marlborough Sounds. A description of these projects is included in the Introduction Evaluation Report.

Consultation

Early consultation

In carrying out the review, there has been significant consultation with the Marlborough community and particularly with individual landowners. The first round of consultation initially undertaken in 2006 solely for the review of the MRPS involved the distribution of a community flyer to all ratepayers, advising of the review with the aim of finding out the community's views of the most important resource management issues that Marlborough would face over the next ten years. Approximately 380 responses were received from this community flyer, with many signalling that a range of issues, including those identified in Chapter 4, were of significance for them.

Following on from this initial consultation, in late 2007 a series of discussion papers were prepared by the Council and released for public feedback. Two of these are particularly relevant to this Section 32 evaluation - *Discussion Paper 1: Quality of Life in Marlborough* and *Discussion Paper 4: The Future of the Marlborough Sounds*.

On *Discussion Paper 1*, 44 responses were received from individuals, iwi, industry and environmental groups. The comments of most relevance for Chapter 4 were those on economic significance, providing for infrastructure, property rights of private landowners and the use of resources in public ownership. Comments included the following:

- A number of industry groups made comments about how their particular industry contributes to the economic, cultural and social wellbeing of Marlborough.
- Electricity infrastructure was identified as a significant physical resource that must be sustainably managed, with adverse effects from other activities on that infrastructure being avoided, remedied or mitigated. Recognition of the importance of telecommunication linkages in the economic and social development of Marlborough was also sought to be included.
- Farming interests believed that where activities are constrained for the greater good (and it was acknowledged that this does occur), compensation from the public purse must be paid. It was also suggested that the views of those owning resources need to be weighted according to their social and economic wellbeing, while interest groups, with no financial or residential interest in a resource, should have their input 'adjusted accordingly'.
- Others supported the recognition of the importance of private property rights and requested that this result in less restrictive rules in the resource management plans.
- Others believed that private property rights need to be balanced with landowner responsibility. For example, where a stream passes through private property, the landowner has a responsibility to ensure that no activities on their land should affect the water quality of the stream as it passes to other people's land.
- It was also requested the regional policy statement should state rural land users must accept responsibility for any side effects from their activities that impact on areas outside their own land boundaries and be responsible for correcting any damaging effects.
- There was support for recognising the significance of Marlborough's economic and social wellbeing being reliant on the use of natural resources in public ownership. Respondents said that while private economic benefit is gained from the use of public resources such as water, there are spin-off benefits to the economic wellbeing of the whole community.
- Some expressed a view that it is inappropriate to emphasise Marlborough's wellbeing is reliant upon the use of publicly owned natural resources, without also stating the overuse of those resources is detrimental to Marlborough's wellbeing. Respondents also said there should be no expectation of resource consents to use Marlborough's resources in perpetuity. Several people suggested there might need to be a cap on the use of resources to ensure there is an equitable balance with private use of public resources.
- It was also suggested the regional policy statement should acknowledge issues of affordability in being able to access natural resources in public ownership.

Discussion Paper 4 on the Future of the Marlborough Sounds attracted 72 responses from individuals, iwi, industry, residents and environmental groups. The first issue identified in the discussion paper on 'What is the community's vision?' is the most relevant for Chapter 4 of the MEP. This issue directly informed the inclusion of Issue 4C, concerning the use and development of the Sounds' natural and physical resources that may detract from character and intrinsic values of this unique and iconic environment. Comments received on this issue included the following:

- Respondents took the opportunity to describe the (personal) significance of the Marlborough Sounds. Common phrases used included "unique," "priceless," "irreplaceable" and, in the context of the District as a whole, the Marlborough Sounds were seen by some as the "crowning glory" and the "jewel in the crown". Others described the characteristics that made the Marlborough Sounds so special, including low population density, isolation, tranquillity, a visually attractive landscape/seascape, clean air and water, heritage features and the terrestrial and marine flora and fauna.
- These same respondents tended to feel that the existing environment, and the characteristics that contribute to the environment, should be protected and enhanced.
- Concern was expressed at either the current extent of commercial activity in the Marlborough Sounds, or the potential for commercial activity to grow. Some felt that there should be no commercial activity in the Marlborough Sounds at all.
- This view was countered by others, who considered the Marlborough Sounds was still very much a working landscape. This group felt that people should continue to have the opportunity to gain a living from the land or coastal waters, which in turn would sustain the community and contribute to the economic wellbeing of Marlborough.
- There was said to be increasing pressure for development because landowners were looking for an economic return from their land in the face of a decline in the viability of agriculture and forestry. A number of responses saw the future of the Marlborough Sounds as a mix of indigenous landscape, aquaculture, agriculture, tourism, recreation and residential land uses.
- The opportunity to use the Sounds for recreation was highly valued, although there was concern about the ability of some in the community to be able to afford to do so in the future. Generally speaking, there was a desire to give greater recognition to the importance of the Marlborough Sounds as a recreational environment, including for social and economic wellbeing.
- However, this was tempered with a concern that recreational overuse was starting to detract from the experience of users in the Marlborough Sounds. It was suggested there should be monitoring of social factors in addition to the state of natural resources, especially monitoring the difference between people's perceptions and actual experiences.
- Indigenous biodiversity and the intrinsic value of the special flora and fauna present in the Marlborough Sounds were also valued. Several people emphasised the importance to the Marlborough Sounds' landscape and experience of regenerating bush.

Later consultation

Early in the review process, the Council decided on an iterative approach in developing provisions for the MEP. This approach 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 for this was that the greatest flexibility for change to provisions 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. The Council therefore created a number of focus groups with the task of reviewing the provisions and discussing their likely effectiveness or otherwise. The aim was to have as much community participation as possible in developing the provisions to reflect the communities' views and to resolve any substantive issues prior to notification.

Subsequently, the provisions of Chapter 4 have been considered by a number of the focus groups, including the Sounds Advisory Group, Practitioners Group, Rural Focus Group, Marine Focus Group, Freshwater Focus Group and the Iwi Working Group. Other parties have also provided feedback,

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including a number of utility operators with a particular focus on the issue concerning regionally significant infrastructure (Issue 4B).

All of the policy provisions for the MEP that had been drafted as of mid-2013 were made available to the focus groups for feedback, as well as to any other person or organisation with an interest in the review process. Some limited feedback on Chapter 4 was received through this opportunity for feedback and further refinement of the provisions was carried out.

Evaluation for Issue 4A

Issue 4A – Marlborough’s social and economic wellbeing relies on the use of its natural resources.

Appropriateness of Objective 4.1

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

Relevance

The objective is highly relevant in terms of achieving the purpose of the RMA in all parts of Section 5. Historically, the Marlborough economy has been based on its primary industries and the processing of product from these industries. Agriculture, horticulture, viticulture, forestry and fishing continue to contribute significantly to Marlborough’s economy and therefore the District’s economic wellbeing. For this reason, it is important that the primary sector and related servicing and processing industries continue to thrive. However, it is also important that the life supporting capacity of air, water soil and ecosystems is safeguarded and that adverse effects on the environment are appropriately avoided, remedied or mitigated.

Objective 4.1 will help the Council to achieve its statutory functions under Sections 30 and 31 of the RMA. It will guide decision makers in resource consent situations but also potentially on plan changes. The objective will be relevant in determining the direction for the continuation of primary production and tourism activities and will help guide the development of objectives, policies and methods in the remainder of the MEP for these activities.

Feasibility

The objective is considered feasible as it is directed at enabling resource use while simultaneously seeking to ensure that the quality of those resources is protected. It recognises that the use of natural resources is critical to the current and future wellbeing of the District.

Acceptability

The objective does not impose any greater restrictions or costs on the community than those that currently exist, so in this context is an achievable aim. Additionally, the objective can be achieved through the subsequent policies under Chapter 4 as well as those throughout the MEP that are relevant to use of natural resources. Community consultation showed support for this approach.

Assessment of provisions to achieve Objective 4.1

Policy 4.1.1

Policy 4.1.1 – Recognise the rights of resource users by only intervening in the use of land to protect the environment and wider public interests in the environment.
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Benefits

The policy acknowledges private property rights and the inherent freedom that comes with this. Recognition of these private property rights was identified during consultation through the review process as being of considerable importance for those involved in primary production activities on land. There is a benefit for land owners/users in having this expressly recognised through policy.

The other significant benefit from Policy 4.1.1 is that it enables the Council to intervene in the exercise of private property rights to protect the environment and wider public interests in the environment. Even in these situations, the Council will seek to minimise the amount of regulation that resource

users face. Generally speaking, resource users have a vested interest in sustaining the natural resources that they extract an income from. The Council can influence and guide the way in which resource use is undertaken by establishing clear and concise standards. This approach can minimise regulation through the use of other non-regulatory methods to help protect certain values. For example, the protection of land with significant biodiversity value assessed through the Council's Significant Natural Areas Programme has a substantial non-regulatory approach to protection. Rather than identifying sites on the planning maps and attaching rules to those sites, the Council has used a variety of non-regulatory methods to support landowners in their protection efforts.

Costs

There may be some costs to land owners/users if regulatory methods are used to protect the environment or wider public interests in the environment. Such costs would arise through a need for resource consents. Other provisions within the MEP provide the framework as to when intervention is needed.

Efficiency

The policy enables land owners/resource users to undertake primary production activities with minimal interference on land. In a regulatory context, intervention to protect the environment or wider public interests in the environment is intended to be as minimal as possible and therefore the policy is efficient. Resource users are also often best placed to make sustainability decisions in respect of land use, another indication that the policy is efficient.

Effectiveness

Protection of environmental quality assists in the success or otherwise of the primary and tourism sectors. In general, Marlborough has adequate natural resources of sufficient quality to meet the needs of the primary sector. However, the reliance on natural resources also creates an inherent vulnerability to environmental change. A reduction in the quality of the resources would have a significant impact on the primary sector and similarly any reduction in the quality of the environment will have the potential to adversely affect the tourism industry. The provision is therefore effective in that it directly relates to Objective 4.1, aiming to ensure the primary production and tourism sectors continue to be successful and thrive whilst environmental quality is maintained - see also Policy 4.1.3. The policy is also considered to be effective in giving effect to the 'spirit' of Section 9 of the RMA.

Policy 4.1.2

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

Resource use is enabled given the presumptions for resource use in the RMA for public resources; that is; many uses of coastal space, river beds, air and water resources are prohibited unless allowed by a rule in a regional plan or by resource consent (see Sections 12 to 15 of the RMA). This is a positive approach that will have the most significant contribution towards achieving Objective 4.1. The policy recognises a dependence in Marlborough on the use of natural/public resources. It also results in social and economic benefits in terms of Section 5 of the RMA and contributes to providing certainty over use of public resources.

As a principle, the Council will continue to enable access to natural resources, where the subsequent use of those resources has no more than minor adverse effects on the immediate or surrounding environment. This principle will guide the development of more specific planning provisions for each public resource. These frameworks will provide certainty about the quantities and/or locations of resource availability and the circumstances in which they may be used and developed. Taking this into account, the reference to 'sustainable' in Policy 4.1.2 is quite deliberate to ensure the protection of public resources for future generations.

Costs

There are costs incurred for ratepayers in setting up resource management frameworks, especially allocation frameworks for resources such as freshwater. This creates an ongoing duty (cost) for monitoring to ensure sustainable use. In some cases, the allocation frameworks in the reviewed MEP may result in a reduction in the availability of certain resources, especially freshwater.

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There is a potential cost in making certain activities as permitted activities, as the Council will not necessarily know what is happening in terms of resource use and therefore will not know whether there are adverse environmental effects occurring.

The policy may result in an opportunity cost through community perceptions about the use of public resources relative to other values or uses. For example, commercial activities in the coastal marine area may contribute to overall economic wellbeing. However, those same activities may have an adverse impact on recreational use of the same area or impact on landscape or natural character values, thereby resulting in a degradation of social wellbeing or other adverse effects on the environment.

Efficiency

Policy 4.1.2 is considered efficient as costs to users are minimised by being reconciled through allocation frameworks being in place. This is particularly the case for the use of freshwater resources. It is important to note however, that the policy is only efficient if the frameworks are in place.

The costs of the policy are justified given the significant social and economic benefits gained through access to public resources. These costs are quantified in two reports: 'Economic Value of Water in the Marlborough Region' (Executive Finesse April 2011) and 'Economic Profile: Marlborough' (Infometrics Consulting 2012).

Effectiveness

The policy is effective as it implements direction through two national policy statements: the NPSFM and the NZCPS. It also provides certain and efficient access to resources relied upon by primary production activities. The policy is considered essential in achieving Objective 4.1 given the degree of reliance the Marlborough economy has on its primary industries and the processing of product from these industries.

Policy 4.1.3

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

Benefits

Policy 4.1.3 acknowledges the range of natural resources involved in primary production activities. The policy seeks to sustain primary production activities now and into the future given the reliance the Marlborough economy has in using natural resources.

There is recognition of the importance of the quality of resources for some industries. For example, marine farming relies on very good water quality for their industry to survive, as does tourism. Farming relies on the use of soil resources and in particular, the quality of those resources.

Importantly, the policy integrates management of natural resources involved in primary production and tourism activities from the land, freshwater and sea. An overall benefit as a consequence of the policy is that an attractive natural environment is retained, including natural biodiversity.

Costs

There will be restrictions on resource users in some cases, through either no access to resources or through a need for resource consent applications. However, these costs are seen as necessary to maintain environmental quality.

Efficiency

There are costs now with implementing the policy, but those costs would be even greater in the long term and for future generations if primary production potential and tourism potential was reduced or lost due to a reduction in resource quality. For example, a reduction in water quality would have a significant impact on the marine farming industry. It is considered the costs are warranted given the direction in Objective 4.1 and in this context the policy is an efficient provision.

Effectiveness

The policy is effective as it implements direction through two national policy statements: the NPSFM and the NZCPS. It also recognises the reliance of primary production and tourism on the use of natural resources and the way in which the community values them.

Methods of implementation

The methods proposed to achieve the three policies are not new in their approach; however there will be greater links and connections that result in terms of working more effectively across the whole Council. This is particularly relevant in the context of the 'Information' method, where the Council is making more information available to various interest and resource user groups to help improve environmental quality. This comes about in part through the 'Smart and Connected' approach to economic development advocated by the Council.

Other options considered to achieve Objective 4.1

Three other options were considered by the Council to achieve Objective 4.1. They were:

1. No recognition of landowners' rights being expressly stated

With this option there would be no recognition of land owner/use rights expressly stated in the MEP. While the direction of Policy 4.1.1 could still be implemented if it was not included, the benefit of including it is that it establishes an overall principle that guides decisions on the need or otherwise to regulate land uses. A 'principle' of this nature is currently included within the current MRPS at Principle 3.5.1, but no policy framework flows from the principle.

Without Policy 4.1.1, there may not be the same level of support for wider Council initiatives to support the Marlborough economy. For example, the 'Smart and Connected' vision of the Council is aimed at 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, but growth that is environmentally sustainable. Without the policy, it is more difficult to make the connections between the MEP and this vision.

2. More regulatory intervention

This option would see greater use made of regulatory methods to manage land uses. This option could result in significant additional costs for land owners/users with little if any gain in environmental quality and would therefore be inefficient. This option does not take into account community feedback on where the balance between recognising the rights of resource users and protecting the environment and wider public interests in the environment should be, nor has state of the environment monitoring identified the need for further intervention.

3. Not including allocation frameworks

A lack of appropriate allocation frameworks will result in inconsistent allocation decisions and possibly subsequent conflict between resources users. Inconsistent decision making could also result in a significant cost to environmental quality. It would also result in uncertainty in terms of access to public resources. There is likely to be a corresponding significant increase in costs due to consenting requirements and uncertainty over whether consent would be granted or not. A lack of allocation frameworks would see the outcomes sought by the NPSFM and the NZCPS not being achieved.

Risk of acting or not acting

For the most part, there is considered sufficient information on which to base the policies and methods. The one area where there is potentially insufficient information is in Policy 4.1.3, specifically in terms of information about soil quality. The risk is that if there is not enough information about soil quality then it may be difficult to achieve the objective. Therefore, the 'Information' method is especially important for this policy to ensure a monitoring programme is set in place to gather information on an ongoing basis about soil quality in Marlborough.

Evaluation for Issue 4B

Issue 4B – The social and economic wellbeing, health and safety of the Marlborough community is at risk if community infrastructure is not able to operate efficiently, effectively and safely.

Appropriateness of Objective 4.2

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

Relevance

Objective 4.2 is highly relevant in terms of achieving the purpose of Section 5 of the RMA. The community relies on the considerable level of infrastructure that has been developed to protect and support the population. It is essential for the social and economic wellbeing, health and safety of the Marlborough community that this critical infrastructure continues to operate efficiently, effectively and safely on an ongoing basis. The objective is also relevant given the Council's function concerning the 'strategic integration of infrastructure with land use through objectives, policies and methods' set out in Section 30(1)(gb). It is also relevant in terms of the direction provided through national policy statements for freshwater management, the coastal environment, electricity transmission and renewable electricity generation, as well as national environmental standards on telecommunication facilities and electricity transmission activities.

Feasibility

Given the requirements set out in the identified national policy statements, national environmental standards and the function in Section 30(gb), there is an expectation by central government that such an objective must be feasible, largely through the implementation of rules included within the MEP.

Acceptability

In consultation undertaken for the review there was support for the need to recognise and make provision for the type of significant infrastructure identified in subsequent policy. The objective will guide decision making and set a framework for identifying regionally significant infrastructure that needs protection from other land uses. It also establishes a framework for an enabling regime to be applied to the identified infrastructure in recognition of the community benefits that arise from its existence.

There is the potential for some small costs in relation to those activities proposing to be located near the regionally significant infrastructure. However, this would be offset by the significant community benefit that arises through the existence of regionally significant infrastructure. The objective is otherwise considered acceptable.

Assessment of provisions to achieve Objective 4.2

Policies 4.2.1 and 4.2.2

Policy 4.2.1 – Recognise the social, economic, environmental, health and safety benefits from the following infrastructure, either existing or consented at the time the Marlborough Environment Plan became operative, as regionally significant:

- (a) reticulated sewerage systems (including the pipe network, treatment plants and associated infrastructure) operated by the Marlborough District Council;
- (b) reticulated community stormwater networks;
- (c) reticulated community water supply networks and water treatment plants operated by the Marlborough District Council;
- (d) regional landfill, transfer stations and the resource recovery centre;
- (e) National Grid (the assets used or owned by Transpower NZ Limited);
- (f) local electricity supply network owned and operated by Marlborough Lines;
- (g) facilities for the generation of electricity, where the electricity generated is supplied to the National Grid or the local electricity supply network (including infrastructure for the transmission of the electricity into the National Grid or local electricity supply network);
- (h) strategic telecommunications facilities, as defined in Section 5 of the Telecommunications Act 2001 and

<p>strategic radiocommunication facilities, as defined in Section 2(1) of the Radiocommunications Act 1989;</p> <p>(i) Blenheim, Omaka and Koromiko Airports;</p> <p>(j) main trunk railway line;</p> <p>(k) district roading network;</p> <p>(l) Port of Picton and Havelock Harbour;</p> <p>(m) Picton, Waikawa and Havelock marinas;</p> <p>(n) RNZAF Base at Woodbourne; and</p> <p>(o) Council administered flood defences and the drainage network on the Lower Wairau Plain.</p>
<p>Policy 4.2.2 – Protect regionally significant infrastructure from the adverse effects of other activities.</p>

Benefits

A range of physical resources are relied upon to make communities function on a day-by-day basis. These resources include the water, stormwater and waste disposal services provided to towns and small settlements, transport links within and connecting Marlborough to the remainder of the country, the provision of electricity and telecommunications, and drainage of land. Collectively, this infrastructure is regionally significant due to the contribution it makes to our social and economic wellbeing, health and safety.

Listing regionally significant infrastructure, as has been done in Policy 4.2.1, provides certainty over what is regarded as important for both the community and infrastructure providers. It identifies what infrastructure is covered by Section 30(gb) of the RMA, in which one of the Council’s functions is the ‘*strategic integration of infrastructure with land use through objectives, policies and methods*’. Listing also provides some protection to existing assets and investment, and in combination with Policy 4.2.2 aims to minimise conflicts caused by incompatible activities located too close to the listed infrastructure. This approach may also assist providers where they wish to expand the infrastructure.

Costs

There may be a perception that listing infrastructure infers some priority; however, to some extent national policy statements already direct priorities for some infrastructure. Other providers with similar, unlisted infrastructure may have more onerous consenting requirements placed upon them, as will people carrying out activities close to the listed infrastructure, to avoid the potential for reverse sensitivity effects. This includes structures, land disturbance and subdivision within the National Grid corridor. This may see resource consent requirements and therefore associated costs.

Essentially, the costs of the two policies amount to a difference in where the benefits lie; that is, a wider community benefit from existing infrastructure having some protection, compared with the private costs of an individual wanting to undertake an activity near existing infrastructure.

Efficiency

These policies are considered extremely efficient because of the certainty provided for the significant infrastructure that contributes to social and economic wellbeing, the health and safety of a large proportion of Marlborough’s population, or because of its strategic importance nationally. The policies will guide decision making and establish a framework around subsequent policies and rules in the MEP. This includes provisions for the efficient operation of infrastructure and for the maintenance, replacement and minor upgrading of infrastructure.

Effectiveness

The policies are effective in achieving the purpose of the objective, specifically in terms of the social, cultural and economic wellbeing and health and safety in terms of Section 5 of the RMA. The policies also assist in giving effect to three national policy statements and two national environmental standards and so are effective from this perspective as well.

- The NPSET, in terms of recognising the national benefits of transmission and managing the adverse effects of third parties on the transmission network;
- The NPSREG, in relation to recognising the benefits of renewable electricity generation and managing reverse sensitivity effects on renewable electricity generation activities;

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- The NZCPS, in which recognition of a sustainable national transport system with an efficient national network of ports for national and international shipping, with efficient connections with other transport modes, is required; and
- National environmental standards, relating to telecommunication facilities and electricity transmission activities.

Methods of implementation

The methods of implementation are not new in their approach, but there is specific direction on the status of some infrastructure activities that have come about through the introduction of national environmental standards on telecommunication facilities and electricity transmission activities.

Other options considered to achieve Objective 4.2

Only one other option was considered by the Council to achieve Objective 4.2 and this was not to specifically identify regionally significant infrastructure. Within the current MRPS, there are objectives and policies about infrastructure, particularly as it relates to the various modes of transport and utilities (see Objective 7.1.14 and related policies). However, these do not explicitly define which of Marlborough's infrastructure is considered regionally significant or how the operation of these should be protected from other activities.

If the policies were not included, it could be argued that the Council was not giving effect to its responsibilities in terms of Section 30 of the RMA or the direction provided through three national policy statements and two national environmental standards. In addition, there could be potential for reverse sensitivity conflicts by allowing activities not related to the operation of regionally significant infrastructure to be located close to them.

Risk of acting or not acting

In terms of Section 32(2)(c) of the RMA, which requires an assessment of the "risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions" the Council considers that it does have certain and sufficient information on which to base the proposed policies and methods.

Evaluation for Issue 4C

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

Appropriateness of Objective 4.3

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

Relevance

The Marlborough Sounds are unique and retain visual, ecological and physical qualities that make a critical contribution to the character of Marlborough. If these qualities are adversely affected by the use and development of natural and physical resources, this will adversely affect the way in which the community and visitors perceive and value the coastal environment of the Marlborough Sounds. Therefore, the objective is considered highly relevant given the requirements identified in Section 6 of the RMA in relation to the coastal environment and to the broader matters in Section 7 of the RMA concerning maintaining and enhancing the quality of the environment, amenity values and the intrinsic values of ecosystems.

The objective also has relevance for decision makers in both resource consent situations but also potentially plan changes that relate to the Marlborough Sounds. The objective will be important in determining the general direction for the future of the Marlborough Sounds. It will help guide the development of objectives, policies and methods in the remainder of the MEP, which will identify the specific qualities and values that contribute to the character of the Marlborough Sounds.

Feasibility

Achieving Objective 4.3 is feasible, particularly in terms of the coastal marine area through the subsequent policies under this chapter as well as others throughout the MEP that are relevant to the coastal environment. The objective is within the Council's functions and powers under Sections 30 and 31 of the RMA and is appropriate in giving effect to the Part 2 matters of the RMA, which in the context of the coastal environment are further refined in the objectives and policies of the NZCPS.

Acceptability

Maintaining and enhancing these values of the Marlborough Sounds for present and future generations is important and was identified through feedback received during the review process. The feedback received from both the local community and visitors to the Marlborough Sounds is that this area of New Zealand is quite special; it has been referred to as Marlborough's 'jewel in the crown.'

The objective is also considered acceptable in that it does not prevent resource use, but encourages resources to be used in a way that will see the maintenance and enhancement of the qualities associated with the Sounds. For activities within the coastal marine area, it is no more onerous than the current situation, as most activities will require resource consent in any event. Additionally, and given that the coastal marine area is public space and is subject to the provisions of the Marine and Coastal Area (Takutai Moana) Act 2011, it is appropriate that community values are recognised for this area.

Assessment of provisions to achieve Objective 4.3

Policy 4.3.1

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

Benefits

The benefits of Policy 4.3.1 are largely based on the fact that the Council is a unitary authority with the functions of both a regional and a district council. With 22 years of experience as a unitary authority, the Council is well placed to achieve integrated management of natural and physical resources through its policy making and consenting functions.

There are very strong connections between land and marine environments in the Marlborough Sounds. This means that activities occurring in one locality can easily affect the surrounding environment and other activities occurring in that environment. This is especially true considering that the activities and values described in Issue 4C and Objective 4.3 above are not always compatible. This makes integrated management of land and the coastal marine area critical in order to retain the special qualities of the Marlborough Sounds. As a unitary authority, the Council is best placed to ensure that all effects of the use, development and protection of resources are identified and managed in a consistent manner. This management also helps to reduce conflict in resource use in the Sounds' environment.

Costs

Ongoing regulatory controls will stem from this policy. However, the additional costs are a result of a review of a number of Section 6 matters and direction through the NZCPS. Implementation of the policy will occur through other provisions of the MEP.

Efficiency

In many respects this policy is no different in approach than what currently occurs through the MSRMP, which is a combined regional, district and regional coastal plan. The policy is considered efficient for several reasons: resource users only have to deal with one regulatory authority for all aspects of a proposal, whether on land or water. The provisions relating to the land and water resources of the Sounds will be in one document; and, most significantly, the management of land and water resources in the Sounds are not considered in isolation from one another.

Effectiveness

Policy 4.3.1 is regarded as effective for the same reasons set out under efficiency. There is also direction through the RMA in relation to regional policy statements, where in Section 59 the purpose of

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a regional policy statement is expressed as being 'to achieve integrated management of the natural and physical resources of the whole region.'

Policy 4.3.2

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

Benefits

The main benefit of Policy 4.3.2 is that it is easier to protect the qualities and values that contribute to the iconic character of the Sounds if they are identified. This approach provides certainty to resource users and decision makers about what and where these values and qualities are. In turn, this enables consent applications/plan changes and consequent decision making to be targeted.

Costs

There has been a significant investment of ratepayer funds in determining where these qualities and values exist. The cost has largely been incurred in the review process as a consequence of direction through the NZCPS, so is not a direct cost from the policy itself. This has included consideration of landscape, natural character and biodiversity values.

There may be a perception that the policy is seen as 'locking up' use of resources, but this is not the case. Very few activities are identified as prohibited activities throughout the MEP. Some of these are already prohibited activities in the current MSRMP.

Some qualities and values have not been identified on private land, most notably areas of significant indigenous vegetation and significant habitats of indigenous fauna. Some may see that this could be a cost to the wider environment and potentially a loss of the values and qualities of the Sounds, as there is no control over these special areas. However, the Council has adopted a different approach to the management of these areas. This aspect is discussed in Chapter 8 - Indigenous Biodiversity (Volume 1 of the MEP).

Efficiency

Identification of areas with special qualities and values in the Marlborough Sounds will make determination of resource consent thresholds easier and should streamline the consent process where consents are required. Identification also enables a more focussed approach to developing anticipated environmental results. For these reasons, the policy is considered efficient.

Effectiveness

Without the policy it would be difficult to achieve Objective 4.3. For natural character and landscape values, the NZCPS directs that 'mapping or otherwise identifying' these significant areas needs to occur. Mapping these areas has obviously been regarded in the development of the NZCPS as an effective tool and the Council has therefore opted to use this method. Currently, the MSRMP does not identify areas with significant natural character values and it can be difficult in processing resource consents to determine where these areas are, potentially leading to inconsistent decision making. The policy is an effective way to deal with this issue.

Policy 4.3.3

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

The NZCPS requires through its objectives and policies that the outcomes sought in this policy be included in regional policy statements and regional and district plans. The policy is a simplification of that described in the NZCPS but provides an overall direction specific to the Marlborough Sounds about what will follow in subsequent chapters. To the extent that the policy is a reflection of the NZCPS, the benefits, costs, efficiency and effectiveness assessment will have been completed for the document and is therefore not further assessed here. An assessment will occur however, at the more detailed level in subsequent chapters of the MEP.

Policy 4.3.4

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

Benefits

The approach in this policy includes both a regulatory and non-regulatory response. For example, environmental enhancement may be a means of remedying or mitigating the adverse effects of resource use and development. Resource consent applicants and the Council should have regard to these opportunities when preparing or processing resource consent applications.

Other opportunities may exist beyond the use and development of natural resources. The implementation of non-regulatory methods to enhance particular parts of the Marlborough Sounds environment, particularly for landscape and indigenous biodiversity, will make significant contributions in this regard.

Benefits from the direction advocated in the policy were also reflected in the feedback received through the review process. Many people commented on areas of the Sounds where action could be taken to enhance the qualities of the Sounds. One of the issues most commonly commented on related to pest management works that could be carried out to improve both biodiversity and landscape values.

Costs

Some additional consenting requirements may arise though the implementation of this policy, but when considering Policy 4.3.2 the areas where the qualities are significant will be identified, which should focus resource users on the areas where adverse effects need to be avoided. As expressed in relation to other policies in this chapter, there has been a significant investment for ratepayers in terms of identifying the values of significance. There would also be some cost to ratepayers in terms of implementing non-regulatory methods to achieve the policy.

Efficiency

Policy 4.3.4 helps to focus resource consent applicants and decision makers on the fact that there are specific qualities and values about the Marlborough Sounds that need some protection. Because the policy does not rely solely on a regulatory approach however, it means that we all take responsibility for conserving Marlborough's 'jewel in the crown'; therefore costs are shared amongst the community.

Effectiveness

The policy provides active encouragement for enhancement, thereby helping to achieve Objective 4.3. The policy is also effective in that it helps to achieve NZCPS Policy 14 in relation to restoring natural character.

Policy 4.3.5

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

Benefits

As a principle, it is important to recognise that the Marlborough Sounds environment is dynamic and will continue to change with or without human intervention. For example, the most dramatic changes have possibly been the clearance of indigenous vegetation to allow agriculture to occur and, as agriculture has become economically marginal, the subsequent regeneration of indigenous vegetation. This means that within the environment there is a capacity to absorb change without necessarily affecting the qualities of this unique and iconic setting. Indeed, some changes may actually enhance the qualities and improve the environment of the Marlborough Sounds. Acknowledging the dynamic nature of the environment means that management frameworks can be developed that reflect the character of the Sounds.

Costs

The perception of what 'dynamic' means will vary from person to person. This means there will be different views about the effect various activities are having on the qualities and values of the Sounds and therefore different views about what approach should be adopted and what the costs of

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implementing the policy might be. A more precautionary approach could lead to constraining resource use, which could either result in resource consents being refused or an increase in costs for an applicant to mitigate the effects of their proposed use. If a more enabling approach is adopted, then the costs to resource users may well be less. The development of subsequent policy will help to refine application of the policy.

Efficiency

The policy is efficient as it enables people to enjoy and use the resources of the Marlborough Sounds while assisting decision makers in reaching decisions appropriate to the circumstances that reflect the character of a particular location.

The policy also provides flexibility to achieve environmental, social, economic and cultural outcomes sought in Section 5 of the RMA. In a post-settlement phase for Marlborough's tangata whenua iwi, this is important as some iwi may have aspirations for development within the Sounds. From a social perspective, the Sounds are very important as the community have a long held expectation that they have a right to use and enjoy the coastal marine area for a variety of purposes. The community places a significant amenity value on the coastal environment and being able to use this for recreation; this needs to be safeguarded for future generations. Economically, the Sounds environment is used for a wide range of purposes, both on land and water, and the ability for this use to continue is also important, as discussed under Issue 4A of this chapter.

Overall, the policy is efficient as the special qualities and values associated with the Marlborough Sounds environment have a layer of protection through identification (Policy 4.3.2). However, in conjunction with the application of Policy 4.3.5 there is a recognition that identification of these special qualities and values does not in itself prevent resource use in all cases.

Effectiveness

The policy is effective as it acknowledges that the visual, ecological and physical qualities of the Marlborough Sounds can change over time. Where it is appropriate to do so, these changes can be dealt with through future reviews.

Methods of implementation

There are no specific methods proposed for these policies; rather they are to be implemented through the policies of subsequent chapters of the MEP, particularly for Policies 4.3.2, 4.3.3 and 4.3.4.

Other options considered to achieve Objective 4.3

Only one other option was considered by the Council to achieve Objective 4.3. This was effectively a status quo option. While a geographic-based resource management plan (the MSRMP, which is a combined district, regional and coastal plan) is currently in place for the Marlborough Sounds, it does not have the high level direction proposed through Policies 4.3.1 to 4.3.5. While there are policies in the current MSRMP in terms of specific values that are described, such as landscape, natural character and ecology, there is no overall direction provided about the longer term future of the Marlborough Sounds.

The only alternative to the policies to address this resource management issue is to not have the policies. This option has not been pursued because the feedback received from the community, the Sounds Advisory Group and visitors (including through perception surveys) has strongly emphasised the importance they place on the visual, ecological and physical qualities of the Marlborough Sounds. Without the provisions to acknowledge and plan for these visual, ecological and physical qualities, these very qualities that the community and visitors value are put at risk. A planning framework that reflects these community aspirations for the Marlborough Sounds, as expressed in the term the '*jewel in the crown*', is considered necessary.

Two further issues would arise if these policies were not included. These are:

- that there is a very real risk of a lack of consistent outcomes because of a lack of guidance; and
- that it would be more difficult to give effect to the NZCPS.

Risk of acting or not acting

In terms of Section 32(2)(c) of the RMA, which requires an assessment of the “*risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions*” the Council considers that it does have certain and sufficient information on which to base the proposed policies and methods.

Appendix A – Section 32 of the RMA

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 B – Bibliography

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