
MARLBOROUGH ENVIRONMENT PLAN

Section 32 Report

Chapter 14: Use of the Rural Environment

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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, economy and 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

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 – 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 Introduction report covers the scope of the review that the Council has undertaken, including consultation and the nature of information gathered, investigations and research undertaken and analysis that has occurred. An overview of the Council's statutory obligations, the relationship of the MEP with other plans 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 to provide the philosophy and values underlying the content of the MEP and consequently help to inform the Section 32 evaluation.

This Section 32 evaluation report on provisions relates to a variety of land use, subdivision and development activities within the rural environment. The policy approach for these provisions is set out in Chapter 14 - Use of the Rural Environment (Volume 1 of the MEP) while the rules are set out in the Rural Environment, Coastal Environment and Rural Living Zones. (Other rules will also apply such as those in the General Rules and Subdivision Rules chapters). This evaluation report is set out as follows:

- Description of issues – provides an overview of the resource management issue(s) concerning different subdivision, land use and development activities within the rural environment.
- 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, investigations 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

Although it may appear that the policy framework proposed for rural environments has undergone significant modification, the only real changes relate to the expression of issues. In the WARMP, issues are currently centred on location: that is, the Wairau Plain, upland areas, remaining rural areas

and rural living. For the MSRMP, one generic issue for rural environments covers the whole Plan area. In a new approach, MEP issues for rural spaces are not area-based, but rather are focussed on a) the importance of continued primary production to Marlborough's economy, b) managing the effects of these activities, c) dealing with rural character and amenity values and d) responding to pressures for residential activity in rural areas.

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

- a focus on primary production;
- one rural zone is used for south Marlborough (Rural Environment Zone) and another is used for north Marlborough (Coastal Environment Zone);
- the inclusion of two overlay areas – the Wairau Plain Area (the current Rural 3 Zone) and the Omaka Valley Area (currently a mix of the Rural 3 and 4 Zones);
- a change in zone name from Rural Residential to Rural Living;
- the provisions for ski fields have been removed from the Rural policy chapter to the Public Access and Open Space chapter; and
- the inclusion of provisions for pest management in relation to the economic effects on primary production being included within.

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. A summary of reasons in relation to rural environments are set out below, with the more detailed evaluation set out in the remainder of this report.

- There is a lack of emphasis in the current resource management plans on the reasons for rural resource use and the significance of this for Marlborough's wellbeing. Chapter 4 - Use of Natural and Physical Resources (Volume 1 of the MEP) acknowledges this lack and establishes a high-level framework that recognises the rights of resource users by a) only intervening in the use of land to protect the environment and wider public interests in the environment, b) enabling sustainable use of natural resources in the Marlborough environment and c) maintaining and enhancing the quality of natural resources. Chapter 14 therefore enables primary production activities to operate, thereby continuing to contribute to the wider economic wellbeing of the District. However, it is acknowledged that activities in rural environments have the potential to affect the quality of rural resources and interactions between different parts of the community.
- A single rural zone is proposed, to effectively replace the current Rural Two (from the MSRMP) and Rural 3 and 4 Zones (from the WARMP). The rural areas of the Marlborough Sounds will be included within the Coastal Environment Zone of the MEP.
- Overlays have been introduced to distinguish characteristics of two distinct geographic areas. These are the Wairau Plain Area Overlay, which replaces the former Rural 3 Zone, and the Omaka Valley Area Overlay. Policy guidance is included, which defines the important characteristics of these areas and how these can be maintained or enhanced. This approach has been used as the current policies for the Rural 3 and 4 Zones did not differ greatly from one another and the only distinguishing feature in a rule context was a difference in subdivision thresholds. This difference was not considered sufficient to warrant retaining different zones. Therefore overlays have been used to define the particular characteristics that do need to be distinguished.
- The Rural Residential Zone in the WARMP has been renamed Rural Living. It is not clear in the policy framework for rural residential in the WARMP whether the policies are applied to Rural Residential zoned land or to residential development within the Rural 3 and 4 Zones. Consequently, the policies of Chapter 14 of the MEP now clearly define the zone within which rural living characteristics are to be maintained. This renamed zone can now be used across all parts of the District. Accordingly, it is proposed that to remain consistent with the phraseology of the new Coastal Living Zone, the Rural Living Zone will replace the current Rural Residential Zone.

- Policy provisions for the skifield zone at Rainbow are currently found within Chapter 12 (Rural Environments) of the WARMP. These provisions have been incorporated into a new zone in the MEP, Open Space Four. The policy provisions for this zone are within Chapter 9 - Public Access and Open Space, as this is considered a more appropriate location due to the recreation and open space aspect of that chapter. The Mount Lyford Ski Area, a privately owned and operated resort development with access off the Inland Kaikoura Road, is also included in the Open Space Four Zone.
- Both of the current resource management plans include a policy chapter on pest management. The review has prompted changes to the location of the pest management policy framework. For example, Chapter 8 - Indigenous Biodiversity (Volume 1 of the MEP) now contains policies on pest management for biodiversity purposes (on land and in the coastal marine area). The focus of Chapter 14 - Use of the Rural Environment is therefore restricted to the impacts of pests on primary production and subsequently the sustainability of Marlborough's rural economy. The content of the policy in Chapter 14 is not significantly different to that in the current resource management plans, however, its new location helps to focus the importance of Marlborough's rural environments for primary production. Most of the outcomes sought by the policies will be influenced by the new Regional Pest Management Plan for Marlborough and Biosecurity Strategy being developed.

Description of issues

Marlborough's rural environment ranges from the Marlborough Sounds to the north and the Wairau and Awatere Valleys to the south, encompassing a total land area of 1,049,128 ha. Approximately 60% of the land in the Sounds is owned by the Crown and much of it is looked after by the Department of Conservation as public reserves.

The Marlborough Sounds consists of 1,800 km of convoluted coastline bordered by Tasman Bay to the west and Cloudy Bay to the east. The land is rugged, sloping steeply from the shore to prominent spurs and ridges. Bays, coves, beaches, peninsulas, headlands and cliffs mark the convergence between land and water. Rain from the west creates a moist climate, which combined with the mixed soil types of the Sounds creates a variety of habitats. Since the arrival of humans much of the original native forest and bush has been cleared for timber and pastoral farming, followed in some areas by exotic forestry. With the marginal economics of farming in the Sounds, many areas have been left to revert to native bush. Pine forests planted in the 1970s are now in the harvesting phase.

In the south, the Wairau and Awatere rivers and their tributaries flow through glacial landscapes, native and exotic forests, tussock, grasslands and modified plains planted with grapevines. Ten thousand hectares (ha) of productive land on the Wairau Plain have benefited from extensive flood management and drainage systems. A rapid expansion of vineyards has seen the removal of shelterbelts and wetlands as land has been converted from the more traditional sheep and beef farming, orchards and horticulture. Historically, the Awatere Valley and Ward area have been used for pastoral farming. However, many parts of these areas have also been converted to vineyards and exotic forestry. In Ward and Seddon, dryland hills and mountain ranges are home to high country farms. Extensive sheep and beef farming continues to be the main land use in these areas, with much of the land owned by the Crown and leased back to run-holders. In Marlborough's high country, extensive pastoralism has been the predominant land use activity and the relative isolation and topographical and climatic limitations of hill country areas means that pastoralism is likely to remain the major land use activity in the future.

The policy provisions for issues concerning Marlborough's rural environments are based on the following three issues contained within Chapter 14 of Volume 1 of the MEP:

Issue 14A – Safeguarding the potential of Marlborough's rural resources for primary production.

- The varied nature of Marlborough's physical environment has led to a wide range of land uses, including primary production and non-primary production activities. Marlborough's towns, roads and other infrastructure are also important occupiers of the land resource.
- The ability of primary production activities to operate, and thereby contribute to the wider economic wellbeing of Marlborough, is important. However, it is also important to acknowledge that activities in rural environments have the potential to affect the quality of rural resources and interactions between different parts of the community.

Issue 14B – Inappropriate subdivision, land use and development can lead to the degradation of rural character and amenity values, as well as increased conflict with existing activities (reverse sensitivity).

- The rural environment has particular characteristics and amenity values that are quite distinct from urban areas. People share common perceptions about the character of rural environments, including privacy, rural outlook, spaciousness, ease of access, clean air and, most of the time, quietness. A predominance of vegetation cover and being able to see, hear and smell animals are also characteristic of rural areas.
- Rural character can mean different things to different people. Conflicts can occur through the combination of activities, effects and perceptions of the character of the rural area. These conflicts are sometimes referred to as reverse sensitivity conflicts.

Issue 14C – Responding to pressure to use, develop and subdivide land within rural environments for residential uses.

(It is important to note that policy guidance for residential activity in the rural areas of the coastal environment of the Marlborough Sounds is not covered in this chapter. This is provided in Issue 13D of Chapter 13 - Use of the Coastal Environment.)

- A range of residential uses are found within Marlborough's rural environments. Many are directly associated with the primary production activities occurring within these environments. There is also demand to allow for other residential uses in rural areas.
- With the numbers of people currently living and wishing to live in rural areas increasing and given the primary production activities that occur within rural environments, there is greater potential for amenity conflicts to arise. While tensions between lifestyle and primary production are not an issue in all locations, there is enough tension to suggest that guidance is needed regarding how residential activities are provided for within rural environments.
- Importantly, a range of other effects can arise through unconstrained residential uses occurring within rural environments, including fragmentation of land reducing primary production options, effects on amenity and reverse sensitivity, on-site management of domestic wastewater, availability of water resources, traffic issues and natural character, landscape and biodiversity values, depending on where residential uses take place.

Statutory obligations

There are a number of Section 6 matters of the RMA that may be of relevance to be recognised and provided for as a matter of national importance within the rural environments. Depending on the nature of the use, subdivision or development activity, Sections 6(a), (b), (c), (d) and (e) may be of particular relevance.

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Section 7 of the RMA addresses matters to which particular regard shall be had. Relevant matters to be considered in the management of rural environments are:

- (b) *the efficient use and development of natural and physical resources;*
- (c) *the maintenance and enhancement of amenity values;*
- (d) *intrinsic values of ecosystems;*
- (f) *maintenance and enhancement of the quality of the environment; and*
- (g) *any finite characteristics of natural and physical resources.*

Sections 30 and 31 of the RMA set out a range of statutory functions for the Council that enable it to establish management frameworks in response to the identified issues.

National Policy Statements

Activities in the rural environment take place within the context of four national policy statements:

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

These national policy statements have had implications for the review of the regional policy statement, MSRMP and WARMP. In particular, the NZCPS and 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. These two national policy statements are therefore discussed in more detail below. Details of the NPSET and NPSREG are provided in Chapters 4 and 18, respectively.

New Zealand Coastal Policy Statement (NZCPS)

As is the case for all national policy statements, the Council is required to give effect to the NZCPS in the MEP. The NZCPS guides the day-to-day management of the coastal environment, which includes an area extending inland from the foreshore. The seven objectives and 29 policies of the NZCPS provide the Council with explicit and specific direction on the spatial and strategic planning of the coastal environment, with the aim of achieving better environmental outcomes through provision for the preservation of natural character, the protection of outstanding natural landscapes and features, protection of indigenous biodiversity and habitats, control of sedimentation and other discharges and the improvement of water quality. A number of the policy and rule chapters of the MEP give effect to the provisions of the NZCPS, including in relation to the subdivision, use and development of Marlborough's rural environments.

NPS for Freshwater Management (NPSFM)

In 2011, central government introduced the NPSFM, a policy statement requiring New Zealand regions to maintain or improve water quality. A 2014 update of the NPSFM also requires regional councils to account for all water takes and sources of contaminants. The policy statement sets national minimum acceptable standards of water quality for ecosystem and human health. Effectively, the NPSFM sets national 'bottom lines' to achieve two compulsory values (ecosystem health and human health for recreation).

The Ministry for the Environment identifies that in relation to water quality, the NPSFM directs regional councils to:

- safeguard the life supporting capacity, ecosystem processes and indigenous species of freshwater bodies, including associated ecosystems;
- manage freshwater bodies to safeguard community health;
- maintain or improve the overall quality of freshwater within a region;
- protect the significant values of wetlands and outstanding freshwater bodies;

- set freshwater objectives according to a specified process (the national objectives framework) in order to meet community and tāngata whenua values, which include the compulsory values of ecosystem health and human health for recreation;
- use a specified set of water quality measures to set the freshwater objectives;
- set limits that allow freshwater objectives to be met;
- introduce measures to account for water takes and sources of contaminants and to monitor achievement towards meeting objectives;
- employ a more integrated approach to managing freshwater and coastal water; and
- fully implement the National Policy Statement by 2025.

No council may set a freshwater objective below a national minimum standard and water quality cannot be allowed to degrade across a region. Any decision to allow water in a particular waterbody to decline would require a comparable improvement elsewhere. This must be decided through the development of a regional plan under the First Schedule process of the RMA, allowing communities to be involved in any proposals involving changes to water quality.

The NPSFM requires that every regional council and unitary authority implement the NPSFM as promptly as is reasonable in the circumstances. For the most part, this Council has given effect to the provisions of the NPSFM through the review process. However, the requirements of Policy A1 of the NPSFM are such that it will take some time to gather the necessary information. The Council has therefore adopted a staged implementation programme towards establishing cumulative contaminant limits as required by Policy A1. The programme of staged implementation was adopted by the Council in November 2012 and will see the investigations and any necessary plan changes completed by June 2024.

National Environmental Standards

Current national environmental standards that must be observed by provisions within the MEP include:

- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2001 (NESCS);
- National Environmental Standards for Air Quality 2004 (NESAQ);
- National Environmental Standards for Sources of Drinking Water 2008 (NES for Drinking Water);
- National Environmental Standards for Telecommunication Facilities 2008 (NESTF); and
- National Environmental Standard for Electricity Transmission Activities 2009 (NESET).

The national environmental standards most relevant to the rural environment relate to air quality, sources of human drinking water and assessing and managing contaminants in soil to protect human health. These standards are discussed below.

NES for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

Each territorial and unitary authority implements the NESCS in accordance with their Section 31 functions under the RMA relating to contaminated land, specifically Section 31(b)(iia): “*the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land.*” The NESCS is a nationally-consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before development occurs and that, if necessary, the land is remediated or the contaminants contained to make the land safe for human use.

NES for Air Quality (NESAQ)

By setting concentration limits for clear air, regulating or prohibiting certain activities that pollute the air and imposing air quality monitoring and reporting requirements on regional councils, these regulations are designed to protect public health and the environment. The NESAQ consists of 14 separate but interlinked standards, including:

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- seven standards banning activities that discharge significant quantities of dioxins and other toxics into the air;
- five standards for ambient (outdoor) air quality, including for carbon monoxide, nitrogen, ozone, sulphur dioxide and particulate matter (PM₁₀);
- a design standard for new wood burners installed in urban areas; and
- a requirement for landfills containing over 1 million tonnes of refuse to collect greenhouse gas emissions.

In June 2011, regulations relating to PM₁₀ levels were revised and amended to address concerns about the perceived stringency of the ambient standard, the lack of equity for industrial air pollution sources and the difficulty in achieving the original target timeline of 2013. These standards have been consolidated into the Resource Management (National Environmental Standards for Air Quality) Regulations 2004.

NES for Drinking Water

The purpose of the NES for Drinking Water is to reduce the risk of contamination to human drinking water sources. These sources include natural waterbodies such as lakes, rivers or groundwater used to supply drinking water to communities. The standard applies to source water before it is treated and only to sources used to supply human drinking water.

The NES for Drinking Water requires regional councils to consider the effects of activities on drinking water sources in any decisions on resource consents and regional plans. Specifically, regional councils are required to:

- decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment;
- be satisfied that permitted activities in regional plans will not result in community drinking water supplies being unsafe for human consumption following existing treatment; and
- place conditions on relevant resource consents that require notification of drinking water suppliers if significant unintended events occur (e.g. spills) that may adversely affect sources of human drinking water.

Information and analysis

A number of investigations and monitoring activities have helped to inform the review of provisions within the MEP. An overview of these is provided below.

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 for Marlborough's rural environments.

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: viticulture and dairy. Both industries rely on soils to treat and retain contaminants present in their waste. The Council also undertakes compliance monitoring related to discharges of cleanfill material to land, forest land disturbance and harvesting activities.

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.

Proposed variation to WARMP

In July 2006, the Council notified a variation (or change) to the WARMP to consider issues affecting rural areas. The need for this change arose from increased pressures for development in rural areas from a variety of rural land activities as well as from subdivision (especially rural lifestyle living). Several years of investigation were undertaken and included consideration of:

- an evaluation of the rural amenities of the Rural 3 Zone;
- consideration of the impacts of lifestyle and small lot development in the Rural 4 Zone;
- the implications of domestic wastewater disposal on ground and surface water resources, ecological values, soil quality, amenity values and human health;
- defining the attributes and extent of versatile land within the Rural 3 Zone;
- subdivision trend analysis for the Rural 3 Zone and an economic evaluation of the provisions for subdivision of land below 8 ha on the Wairau Plain;
- transport issues, including examining the performance, safety and management and longer term needs of the Wairau Plain arterial road network;
- an assessment of significant natural areas and landscape values; and
- on-going state of the environment monitoring of water quality, water quantity, soil quality and air quality.

There was substantial public interest in this variation and many submissions were received. A hearings committee heard submitters and further submitters in May 2007, but no decisions were made on those submissions lodged. Instead, in late 2007 the Council opted to withdraw Variation 38 to the WARMP, as the Council had commenced a fundamental review of its resource management framework and felt that proceeding with the variation would change (prior to the completion of the review) the way in which activities within the rural environment would be managed. The Council also noted that the issues to be addressed through the variation would be more appropriately handled in an integrated manner through a review of the MRPS and subsequent review of the WARMP.

Much of the information and investigation that took place as part of the variation has helped to inform the provisions of the MEP, as intended by the Council in making its decision to withdraw the variation.

Overlay Areas

In 2009, work was undertaken by Boffa Miskell to determine the rural characteristics and amenity valleys of the Southern Valleys. From this work, two areas were identified as requiring specific management within the Rural Environment Zone: the Wairau Plain and the Omaka Valley.

Historically, the Wairau Plain Area has been zoned separately (the Rural 3 Zone in the WARMP) as its characteristics distinguish it from the surrounding rural areas. With its large area of flat land, rich alluvial soils and proximity to the major urban centre of Blenheim, it is the most intensively developed and modified rural area in Marlborough; as such, this area requires additional management.

Although the Omaka Valley Area has not previously been identified as having characteristics different from surrounding rural areas, this valley has developed particular amenity values over the life of the former WARMP that are worthy of maintaining through application of specific policy.

The Wairau Plain Area and Omaka Valley Area are identified in the MEP through an overlay. In addition to the rules and policy of the Rural Environment Zone, specific policy and rules will be applied for certain subdivision, use and development activities within these overlay areas.

Identification of groundwater protection areas

Groundwater supply wells provide water to many large communities in Marlborough as well as various commercial and industrial activities. The water abstracted from these wells is vulnerable to contamination from discharges in the immediate vicinity of the wells and from the 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 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

The nature of Marlborough's soils has been considered through the review, including whether some soil types may be particularly at risk of contamination because of the activities that occur on them. Investigations have been carried out and as a result 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.

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. Impeded soils are considered 'at risk' due to the increased likelihood of impeded drainage or low infiltration properties, which in turn increase the risk of runoff. Loess soils are considered high risk because of their high potential for erosion and because they are typically poorly drained.

The Soil Sensitive Area map will be used to prevent certain activities from occurring on these 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:

- a review of known flood hazards using aerial photography of flood events to more accurately identify the extent of floods (this has since been used as the basis for mapping within the MEP);
- a review of the floodway capacities 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.

Wetlands inventory

In 2001 an inventory of Marlborough's wetlands was produced that provided an overview of the freshwater wetlands in the District. The major data sources for the inventory consisted of New Zealand Map Series 260 maps and some limited aerial photographic coverage of the District. The wetlands inventory was updated in 2008/2009 and took advantage of the changes to the coverage and resolution of aerial photography that had occurred since 2001. The work undertaken through the wetlands inventory has a) provided a more complete and accurate record of wetland locations throughout Marlborough, b) provided the robust baseline data necessary for generating state of the environment reports, c) established the key threats to wetlands, providing a sound basis on which to carry out management or planning, d) contributed to weed strategies and e) provided the basis of determining the adequacy of the protected areas system for wetlands.

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 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 project surveys 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 substantially to survey work in south Marlborough through its Protected Natural Areas Programme (a national survey programme initiated in the 1980s).

A part of the project has been to identify what is needed for the survival of significant natural areas, both in terms of natural processes such as regeneration and the modification or removal of factors that threaten survival. Subsequently, the Council has established programmes to assist landowners and community groups in protecting and restoring natural areas and ecosystems. Programme support 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 contributed significantly to the restoration and protection efforts.

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

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*, includes the updated, post-consultation maps, which have also been included within the MEP. Additionally, the values that make these landscapes significant are described in the report.

The natural character of selected Marlborough rivers and their margins

The Council undertook an assessment of the natural character of selected Marlborough rivers. The study was undertaken as an independent assessment by Boffa Miskell 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 of each river, which 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.

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 WARMP for accuracy (i.e. whether the heritage resource still exists and identifying its location). This information was verified with Heritage New Zealand (formerly the New Zealand Historic Place Trust), where heritage resources listed in the resource management plans are also on the New Zealand Heritage List/Rārangī Kōrero. In some cases, buildings had burnt down or a heritage resource had been shifted, so the review provided an opportunity to update information held by the Council. Additionally, some heritage resources have been added to the Council's schedules through requests from individuals and Heritage New Zealand.

The notable trees schedules in the MSRMP and WARMP have also been reviewed for accuracy. A Council-led nomination process has seen the inclusion of some additional trees.

Consultation

Early consultation

In 2006, the first round of consultation was initially undertaken solely for the review of the MRPS and saw the distribution of a community flyer to all ratepayers advising of the review. The aim was to find out the community's views on the most important resource management issues that Marlborough would face over the next ten years. Approximately 380 responses were received, including comments on: rural lifestyle living; the expansion of viticulture, its proximity to urban settlements and its impacts therein; providing for rural residential lifestyle living; concerns about the adverse effects of dairy farming on soil health and water contamination; workers' accommodation; provision of water and waste effluent systems; and the setting of controls to deal with soil erosion in the Wither Hills. Feedback on rural environments included the following comments:

- Respondents identified that subdivision in rural areas was the 'number one' issue to address as this type of development affects many other activities. It was therefore considered that although it would be unpopular, tighter controls around residential subdivision and so-called lifestyle subdivision were needed. Others felt that rural areas should be used for lifestyle living as farming was not a profitable activity. A number of responders felt that additional land should be provided for the Rural Residential Zone to satisfy the demand for rural lifestyle living.
- Some considered that family accommodation should be permitted on small lifestyle blocks to provide additional economic support to some landowners and to provide for a chronic shortage of rental accommodation in Blenheim. In addition, it was suggested that alternative uses of non-productive land (e.g. salt land) should be allowed, for example for workers' accommodation.
- Many respondents were concerned about the expansion of the viticulture industry and the subsequent loss of food production areas, which in turn had increased food prices and reduced the quality of produce as fresh food must now be imported into the District. Other respondents considered that Blenheim's amenity values had been reduced because of the predominance of vineyards and their encroachment near the town boundary. In more rural areas, vineyards were perceived to be ruining natural wildlife habitat and opportunities for recreation.
- Some considered that the expansion of the wine industry could make the District vulnerable from an economic perspective, for example if global demand for grapes fell or if there was an ecological disaster.
- Other concerns included:
 - soil contamination from the use of treated posts, water contamination from use of agricultural sprays and disposal of washdown water into soak pits, and noise and spray drift issues due to the close proximity of vineyards to urban settlements;
 - development of dairy farms in the Wairau Valley resulting in large amounts of nitrogen and other pollutants leaching through free-draining soils and contaminating the Wairau Aquifer;
 - a lack of workers' accommodation and whether the Council or vineyard owners are responsible for providing this;
 - that water and waste effluent systems in the rural environment should be set up in the same way as for a standard urban development; and
 - erosion on the Wither Hills.

Following the initial consultation, a series of discussion papers were prepared by the Council and released for public feedback in late 2007. One of these is particularly relevant to this Section 32 evaluation report: *Discussion Paper 3: Rural Area Issues*. In total, 69 responses on *Discussion Paper 3* were received from individuals, iwi, industry and environmental groups. Six issues were identified in the paper and an overview of the feedback is provided below.

On the issue of increased pressure on rural land from land use activities, land use change and subdivision, some respondents noted that because Marlborough's rural areas were principally a resource environment for primary production, rural areas should be protected from the impact of non-primary production activities and residential proliferation. TrustPower supported this view and considered that rural areas are primarily a working environment, particularly because generation of energy needs to be close to natural resources. Other feedback is outlined as follows.

- Some respondents considered that rural land uses should occur within the constraints of existing infrastructure services.
- The Department of Conservation noted that some rural land areas are reverting to bush and have therefore become an asset in terms of amenity, ecological and ecosystem values. The Department acknowledged that although these are predominantly public values, they may become increasingly valuable to landowners through programmes or markets for carbon storage or ecosystem services.
- A number of respondents felt that the regional policy statement should acknowledge that land users are best placed to make decisions about land use in rural areas. This could be recognised through the use of permitted activity standards, self-regulation, approved operator status and global consents. Others considered the RMA is in place to protect the environment and prevent any recurrence of past mistakes.
- To deal with the expansion of viticulture, and grapes being a monoculture, it was suggested landowners wishing to convert to grapevines should have to demonstrate that the proposed land use change is more appropriate (in terms of impacts on soil, climate and water use) to the location than any other use for the same land.

Regarding the issue of land conversion to grapes and the associated impacts arising from the viticulture industry, many concerns were raised, including reduced soil health and groundwater contamination through the use of agricultural sprays and copper, chromium and arsenic (CCA) treated posts and the loss of natural character and biodiversity through the modification or removal of wetlands and waterways. Amenity related concerns were also expressed, including changes to the local environment (e.g. unchecked winds and the lower winter temperatures) from land disturbance and clearing of vegetation; noise from frost machines, helicopters and bird scaring devices; and social impacts due to the changing character of towns, access to affordable housing and perceptions of increasing criminal activity.

In the context of land use change and subdivision, some respondents felt that residential development within rural areas can be appropriate, provided it is carefully managed. Others considered that existing rural residents should be protected from the effects of viticultural activities. Mighty River Power noted that subdivision and lifestyle development reduces the ability to harness natural resources for renewable energy developments and that this should be taken into account when subdivision and/or lifestyle developments or plan changes are proposed.

On the issue of management of water-related activities in rural areas, several respondents felt that land use consent and water permits for farming and viticulture developments should be applied for at the same time. Respondents recognised the need for minimum flows to be established for all waterbodies before abstraction consents can be allocated and for offsite storage of abstracted water. It was suggested that widespread consultation was necessary, in both the setting of minimum flows and developing policy.

The impact of rural land uses on amenity values of rural areas and the urban/rural interface (reverse sensitivity) attracted significant feedback.

- It was considered that reverse sensitivity issues should have greater prominence in the regional policy statement and that associated amenity issues are regionally significant.
- Some respondents advocated for a balance between the interests of primary producers and those wishing to live in rural areas (lifestylers). Others felt that the rights of the productive rural sector should be preserved and that lifestylers must accept that effects associated with farming activities will occur in the rural environment.

Section 32: Chapter 14 – Use of Rural Environments

- TrustPower and Mighty River Power requested recognition that renewable energy developments are similar to farming, forestry and horticulture activities and that the rural environment should therefore also be used for regionally significant infrastructure. While there was some support for specific rural living zones, it was suggested that this should not constrain existing physical resources such as the Branch or Waihopai hydro-electric power schemes or the proposed Wairau River hydro-electric power scheme.
- Some respondents believed that policies should be in place to deal with the impacts of inappropriate subdivision and development on roads in rural and coastal environments. It was considered this approach would ensure that all new roads and extensions or upgrades of existing roads are appropriately designed for efficiency and safety. At the same time, it was stated that policy needs to ensure that access to established and accepted primary production activities, including viticulture maintenance and harvesting, is maintained.
- Respondents commented that the current resource management plans do not include measures to safeguard and protect the health and wellbeing of residents from cross-boundary effects from new rural activities. Respondents believed it was the Council's responsibility to resolve issues regarding wind machine safety and helicopter noise.
- Respondents highlighted that in many cases amenity conflicts are inextricably linked to previous decisions to grant resource consent applications for subdivision. There was support for the regional policy statement to recognise that maintaining rural amenity values is an important component of community wellbeing in terms of achieving the sustainable management purpose of the RMA. There was some concern however at the importance the Council placed on amenity values.
- Some respondents acknowledged that the nature of primary production within the rural area and the inherent effects of rural activities may not meet expectations of those at the urban interface. Unplanned urban developments that would increase the urban/rural interface and intensify reverse sensitivity issues was therefore opposed. However, others did not support imposing more stringent standards for primary production activities on the boundaries of towns. It was considered that the same policy should apply to both town peripheries and rural areas proper and that people living in these areas should expect to have to compromise their expectations.

In considering the issue of accommodating the demand for residential living in rural areas, some respondents felt that any further expansion of rural residential living should be restricted to specific areas on the boundaries of the larger towns or should occur with infill development, rather than an indiscriminate dispersal of allotments in the rural zones. Others considered that residential living in rural areas should be left to economics and personal choice and that therefore there should be no regulations to address this issue.

Other feedback noted the following.

- Worker accommodation was identified as a potential issue relating to problems with noise, alcohol and drug-related crime. Others considered that workers are best accommodated closer to the location of their work and that worker accommodation should therefore be enabled in the rural areas.
- It was considered that the current zoning standards allow for sufficient subdivision developments and that no further zoning changes should be made. Concern was raised about the cumulative effects, especially on coastal and rural character, of multiple subdivisions of rural land.
- In relation to managing the risk arising from unidentified contaminated sites, the main concern raised related to the potential for dumping toxic waste and organic material. It was suggested that rural people should be encouraged to make greater use of transfer stations.

Later consultation

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 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 established a number of focus groups with the task of reviewing the provisions to discuss their likely 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 resolve any substantive issues prior to notification.

The policies of Chapter 14 - Use of the Rural Environment did not go through the same focus group process as other chapters. However, other chapters of relevance to the rural environment have been considered by focus groups, including public access, natural character, landscape, resource quality etc. Once drafted, provisions for Chapter 14 were circulated to interested groups and made available on the Council's website for feedback. Several groups took the opportunity to provide feedback to the Council, which assisted in further refining the draft policies.

A number of groups were consulted during rule development for the discharge of agricultural solid and liquid waste to land, the application of agrichemicals and fertilisers, forestry harvesting and planting, vegetation clearance and stock access to rivers. Feedback was provided from industry groups, including the Omaka Valley Group, Federated Farmers, Wine Marlborough, the Forestry Working Group, the Water Allocation Working Group, the New Zealand Deer Farm Association, the New Zealand Agricultural Aviation Association and the New Zealand Helicopter Association, as well as surveyors and planners.

A significant consultation exercise was also undertaken in relation to the review of the water allocation provisions, which have significant implications for rural resource users. This commenced in 2012, with the Council holding a two day water forum to discuss with the community 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.

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 (viticulural, 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 and 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.

Evaluation for Issue 14A

Issue 14A – Safeguarding the potential of Marlborough’s rural resources for primary production.

Appropriateness of Objective 14.1

Objective 14.1 – Rural environments are maintained as a resource for primary production activities, enabling these activities to continue contributing to economic wellbeing whilst ensuring the adverse effects of these activities are appropriately managed.

Relevance

The varied nature of Marlborough’s physical environment has led to a wide range of land uses, including primary production activities such as agriculture, viticulture, horticulture and forestry. These activities therefore contribute significantly to the social, cultural and economic wellbeing of Marlborough. Chapter 4 - Use of Natural and Physical Resources recognises the significance of this contribution and establishes a high level framework for the policies in Chapter 14.

Objective 14.1 is relevant as it clearly acknowledges that a productive rural environment is important to the economic health of the District and that this environment needs to be recognised as a productive resource. The objective helps to achieve Section 7(b) of the RMA, which requires the Council to have regard to the efficient use and development of natural and physical resources, and Section 7(g), which requires the Council have regard to finite characteristics of the land resource.

However, the use of the rural environment for primary production can also give rise to adverse effects on the natural and physical resources of that environment and/or adversely affect those living or working there. It is important that primary production activities are undertaken in such a way that these adverse effects are adequately managed. This will act to sustain the potential for the land resource to provide for the reasonably foreseeable needs of future generations and will safeguard natural resources in the rural environment for others undertaking primary production activities. Management will also ensure that those living and working in the rural environment experience a level of amenity that is reasonable in the context of this environment and the activities that occur within it. This also assists to achieve elements of Sections 6 and 7 of the RMA.

Feasibility

The management of the adverse effects of primary production is feasible as the Council has explicit statutory functions to control any actual or potential effects of the use, development or protection of land. The Council has a history of undertaking such management through the provisions of both the WARMP and MSRMP, particularly through standards on permitted activities and enforcement of those requirements. With the exception of noise complaints, most complaints received by the Council relate to activities occurring within the rural environment.

Acceptability

There has been a strong desire from those undertaking primary production that greater recognition needs to be made of the importance of the rural environment for primary production and that the land resource should be protected for this purposes accordingly. This is not an unreasonable request, given the importance of primary production to Marlborough’s social and economic wellbeing. Protecting the land resource for future primary production options also sustains the potential for the land resource to provide for the reasonably foreseeable needs of future generations. Objective 14.1 should not result in unreasonable costs as the rural environment is predominantly utilised for primary production activities.

It is also important for those living and working in the rural environment that adverse effects caused by primary production are appropriately managed. This will ensure that people are not exposed to any unreasonable danger of health effects or levels of reduced amenity. Managing adverse effects on natural resources will also ensure that future primary production options are sustained for future generations.

Assessment of provisions to achieve Objective 14.1

Policy 14.1

Policy 14.1.1 – Enable the efficient use and development of rural environments for primary production.

Benefits

The use of natural resources in the rural environment, in particular land for the production of commodity goods, is important to the social and economic wellbeing of Marlborough. Marlborough has a long and rich farming heritage. However, time has seen changes to both the rural land use and management techniques employed. There will be challenges and opportunities for the primary production sector in the future and this policy ensures that the rural environment can continue to adapt. This may be in the form of changing crop types, for example in response to a changing climate or market demands, or in the application of more efficient and effective management techniques. As changes continue, this policy provides for a resilient and responsive primary production sector. This will ensure that primary production continues to make a significant contribution to social and economic wellbeing in Marlborough.

Costs

There is a risk that enabling changes to the way in which rural resources are utilised or managed could result in a change to the nature of adverse effects created by primary production activities. This might result in adverse effects on natural and physical resources or on people working or living in the rural environment. The speed at which these changes can occur may also result in delays in terms of identifying and/or addressing any new adverse effects. This situation has occurred in the past, for example with the use of frost fans to protect grapes.

Although it is clear that the risk of such costs exists, the nature of those costs is uncertain as it will depend upon future adaptations or diversification. Such changes are difficult to predict as they will be influenced by factors beyond the Council's control. However, the costs of the policy could be considered minimal as the enabling approach taken means that no unnecessary barriers to change are being put in place.

Efficiency

The benefits derived from enabling the use and development of the rural environment are known and have been demonstrated in the past. The costs will depend to some extent on the changes that those engaged in primary production make, and those changes are influenced by a range of factors. The benefits of providing for a resilient and responsive primary production sector are considerable and will outweigh the risk of new or additional adverse effects. Furthermore, there are mechanisms in place to identify and respond to adverse effects, including state of the environment monitoring, the ability of the Council to undertake targeted investigations and the ability for any person to make a complaint. If any of the above result in the need to adjust or apply new management, this can occur through plan change processes. The policy will therefore be efficient in achieving the objective relative to costs, as unless there is a need to change or apply new management, an enabling approach will provide the greatest benefit to the community.

Effectiveness

This policy approach has been implicitly implemented in both the MSRMP and WARMP and has enabled a significant change in the use of the land resource, particularly in south Marlborough. For example, the rapid and extensive conversion of land previously used for pastoral or horticultural purposes to viticulture is partly attributable to this approach. Given changes in market demand and climate change, it is likely that there will be an ever-increasing need for change and adaptation. The need to retain competitiveness in an international market will also drive the need to undertake production as efficiently as possible. This in turn will continue to encourage the use of new management tools and techniques. The policy is therefore effective and assists in addressing Issue 14A.

Policies 14.1.2 and 14.1.3

Policy 14.1.2 – Parcel size in rural environments shall ensure there is adequate choice for primary production and avoids the fragmentation of land for primary productive use.

Policy 14.1.3 – Activities and buildings in rural environments should be linked to land-based primary production of Marlborough’s rural resources and require a rural location.

Benefits

These two policies will ensure that the land resource in the rural environment remains available for primary production. This will assist in maintaining the contribution of primary production to the social and economic wellbeing of the Marlborough community.

Each policy targets a different potential constraint to primary production. Policy 14.1.2 recognises that small parcel size can frustrate the ability to effectively utilise land for primary production. The policy and associated standards for subdivision of land will maintain parcel sizes that are considered to be effective and efficient from a primary production perspective. Policy 14.1.3 recognises that activities that do not require a rural location can have a similar effect on the ability to utilise the land resource. Such activities and buildings can occupy the land resource and prevent the same resource being used for primary production.

Costs

These policies will constrain land occupiers’ abilities to undertake certain types of subdivision or to undertake activities that do not require a rural location. That may frustrate the aspirations of the land occupier. It is difficult to gauge the magnitude of the cost as this will depend on those aspirations and the Council is not in a position to make assumptions with respect to the aspirations of others. However, this is an approach that is already used in the current resource management plans.

Efficiency

The policies are an efficient means of achieving Objective 14.1 as they prioritise the use of the rural environment for primary production activities over other uses. The benefits to the land occupier, the rural community and the wider community of retaining the productive potential of the land are far greater than the constraints on individual landowners wishing to undertake subdivision below threshold lot sizes and/or activities in the rural environment that are not associated with primary production.

Effectiveness

Policies 14.1.2 and 14.1.3 are particularly effective in achieving Objective 14.1 as they will ensure that the land resource remains available for primary production on an ongoing basis. There is implicit recognition in the policy that the land resource is a finite resource. Given that the objective seeks to retain this resource for primary production activities, the policies effectively manage the threats to the productive use of the resource created by the fragmentation of the land and the establishment of new activities that do not require a rural location.

The policies maintain the direction of the existing resource management plans, particularly the WARMP. These provisions have proven to be effective in retaining the land resource for primary production activities.

Policy 14.1.4

Policy 14.1.4 – Manage primary production activities to ensure they are carried out sustainably through the implementation of policies and methods (including rules establishing standards for permitted activities) to address potential adverse effects on:

- (a) the life supporting capacity of soils, water, air and ecosystems;
- (b) natural character of rivers, wetlands and lakes;
- (c) water quality and water availability;
- (d) areas with landscape significance;
- (e) areas with significant indigenous vegetation and significant habitats of indigenous fauna;
- (f) the values of the coastal environment as set out in Issue 13A of Chapter 13 - Use of the Coastal Environment; or

(g) the safe and efficient operation of the land transport network and Marlborough's airports.
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Benefits

Although an enabling approach to primary production is important, it is equally vital to ensure that use of rural resources is undertaken in a sustainable manner to address any potential adverse effects on the matters in Policy 14.1.4 (a) to (g). In some cases these matters will be established through the setting of standards for permitted activities; for example, the requirement for setbacks from waterways for discharges to land. In other cases these matters will be mapped, such as areas with landscape significance. In other circumstances, these matters can be addressed through resource consent. In all cases, the environmental, social, cultural and economic benefits from this approach are significant.

Other chapters of the MEP inform how the adverse effects of primary production are to be addressed. This information can be found in Chapter 5 - Allocation of Public Resources, Chapter 6 - Natural Character, Chapter 7 - Landscape, Chapter 8 - Indigenous Biodiversity, Chapter 13 - Use of the Coastal Environment, Chapter 15 - Resource Quality and Chapter 17 - Transportation. For primary production activities within the coastal environment, the provisions of Chapter 13 - Use of the Coastal Environment will also be of relevance.

Costs

There is potential for costs to be associated with this approach. However, particularly for permitted activities, costs are already in place with the permitted activity standards of the rural zones of both the MSRMP and WARMP. These are standards that have long been in place to protect certain values. As a consequence of the review, some new standards for permitted activities have arisen; for example, the Soil Sensitive Areas and the Groundwater Protection Areas within which there are constraints on some activities because of the potential for adverse effects. In these cases, there will be additional costs for resource users. However, these costs are considered justified in order to protect natural and human use values.

Efficiency and Effectiveness

Policy 14.1.4 is both efficient and effective in achieving Objective 14.1 as well as the objectives of a number of the other policy chapters of the MEP. This reflects the integrated nature of the MEP as a combined regional policy statement, coastal, regional and district plan.

From a cost perspective, there is acceptance from those involved in primary production that minimum standards must be met to ensure that adverse effects on the environment are avoided, remedied or appropriately mitigated. As previously indicated, these minimum standards are in many circumstances applied through a permitted activity status, so the costs are minimised. Where resource consent is required for activities in the rural environment, guidance is provided as to the matters that may be relevant in determining if consent should be granted.

Policies 14.1.5 and 14.1.6

Policy 14.1.5 – Require rural subdivisions to provide a minimum of two cubic metres of drinkable water per new allotment, per day.
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Policy 14.1.6 – Recognise that the Southern Valleys and Redwood Pass are water short areas and that subdivision and residential activity in these areas needs to be assessed to determine the amount of water required and how it is to be sourced for domestic or stock water supply.
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Benefits

There continues to be a demand for residential living in the rural environment, either as part of primary production activities or for reasons of lifestyle. Other provisions in Chapter 14 and through the rules enable one dwelling per computer register. Policy 14.1.5 ensures that there will be sufficient water available to provide for potential domestic needs in the event of any future subdivision of land that creates new titles (and therefore the ability for new dwellings).

These policies focus on both water quantity and quality. It is essential that the water supplied is to a potable standard, or future residents may experience health effects. The policy also provides certainty regarding the minimum quantity requirements. This will assist those wanting to undertake subdivision in planning for the provision of an adequate supply of water.

Section 32: Chapter 14 – Use of Rural Environments

Policy 14.1.6 clearly signals that the particular constraints to the provision of adequate quantities of water in both the Southern Valleys and in Redwood Pass need to be addressed for both domestic and stock water.

Costs

There will be a cost associated with the provision of a suitable supply of domestic water. However, the cost should be no greater than that required under the current provisions of the WARMP and MSRMP, as provision of a potable water supply is already required. Additional costs may be created through the implementation of Policy 14.1.6, as it may result in applications for resource consent being declined if insufficient water is available to supply future residential dwellings or stock water in these water short environments.

Efficiency

Requiring the provision of an adequate quantity of appropriate quality water is the most efficient means of ensuring that any residential activity occurring in the rural environment is sustainable. The provision of the water supply will involve a cost to the consent holder and potentially future landowners (if ongoing treatment or maintenance are required), but these monetary costs will be lower than the costs incurred in the event that approved subdivision and development cannot be serviced with a water supply. The lack of an appropriate water supply may severely constrain people's ability to live on a property and undertake primary production activities.

Effectiveness

Other provisions of Chapter 14 identify the need to provide for the ability to reside on rural property. However, the sustainability of rural living relies upon an adequate quantity of appropriate quality water, a matter of particular importance in Marlborough's dry climate. The policy will ensure that any subdivision enabling residential development will be sustainable. In this way, the policy makes an important contribution to achieving Objective 14.1. Many farming activities could not be as efficiently or effectively undertaken without the ability to live on the property.

The review of both the WARMP and MSRMP has identified uncertainty regarding the minimum requirements for domestic supply upon the subdivision of land; neither resource management plan currently specifies a minimum volume requirement. In the past this has caused conflict between applicants, people in surrounding areas affected by the taking and use of the water and the Council, especially in the water short areas identified in Policy 14.1.6. The policies therefore provide increased certainty in the event of subdivision proposals.

Policies 14.1.7 and 14.1.8

Policy 14.1.7 – Recognise that primary production activities in rural environments may result in effects including noise, dust, smell and traffic generation, but that these will require mitigation where they have a significant adverse effect on the environment.

Policy 14.1.8 – Some management activities associated with primary production cause effects that may adversely affect the environment (including human health) and resource consent will be required to enable the Marlborough District Council to monitor effects.

Benefits

The policies recognise that primary production activities have the potential to result in adverse effects even when undertaken in the rural environment. These policies collectively seek to manage such effects so that others living or working in the rural environment do not experience an unreasonable level of adverse effects.

Costs

The policies do not seek to constrain primary production activity, but aim to manage unreasonable or unnecessary adverse effects of the activity. To achieve the standards, the resource user may have to modify their activity or avoid undertaking the activity on certain parts of the property. The costs associated with this are currently experienced through the management framework of the MSRMP and WARMP.

In the case of Policy 14.1.8, there is also a cost associated with applying for resource consent for specific activities. Again, this is not a new cost as the MSRMP and WARMP have requirements for resource consent in relation to some management activities, e.g. the establishment and operation of

frost fans requires consent to ensure that noise levels do not result in unreasonable or unnecessary noise.

Efficiency

Policies 14.1.7 and 14.1.8 are considered to be moderately efficient in achieving Objective 14.1. The policies will ensure the adverse effects of activities are appropriately managed. To provide certainty to land users, specific effects are identified and will be reflected in specific standards or requirements for resource consent. This management approach will potentially benefit many in the rural environment by ensuring the community is not subject to unreasonable or unnecessary adverse effects. Management applied to primary production activities may however result in increased costs to the resource user as a result of having to modify the way in which those activities are undertaken.

Effectiveness

The provisions of both the MSRMP and the WARMP contain standards that apply to the potential effects of primary production activities or management techniques in the rural environment. These controls have been effective in managing adverse effects, particularly effects on others living or working in the rural environment. It is considered that the policies balance the appropriateness of using rural resources for primary production while recognising that there are limits to the scale of adverse effects that those activities can create. In this way, Policies 14.1.7 and 14.1.8 will be effective in managing the adverse effects of primary production, which is a key component of Objective 14.1.

Policy 14.1.9

Policy 14.1.9 – Manage the effects of primary production activities to ensure the environmental qualities and amenity values in adjoining residential zones are not unreasonably degraded, bearing in mind their location adjacent to a primary production environment.

Benefits

The policy recognises that in many locations the rural zoning of the land (or in the context of the Marlborough Sounds, the Coastal Environment Zone) abut residential zones that provide for residential activity. Those living in the residential environments have a different but equally reasonable expectation of the environmental quality and amenity of their residential area than those living in the rural environment. The combination of primary production activity occurring in close proximity to residential environments and the expectations of people in both environments creates the potential for routine primary production activities or management techniques to give rise to adverse effects. The benefit of the policy is that recognises the heightened sensitivity to effects at the interface between the zones and provides for appropriate management, which seeks to maintain environmental quality and amenity in the residential environment.

Costs

To avoid cross-boundary effects, additional controls will be applied to primary production activities in areas abutting residential zonings. These controls may incur additional costs on those undertaking primary production but only where it is undertaken in close proximity to residential zones. The costs will depend on the nature of the primary production activity and the management techniques employed as part of the activity. At the same time, the policy seeks to limit those costs by recognising that the primary production environment must continue to function, therefore only those effects impacting on residential activity require controls.

Efficiency

The policy is not necessarily efficient in achieving Objective 14.1 as the management applied to primary production activities undertaken in close proximity to residential environments may incur increased costs as a result of having to modify the way in which those activities are undertaken. However, this situation already exists in the current management framework.

Chapter 12 - Urban Environments (Chapter 1 of the MEP) also contains objectives for residential environments. As Policy 14.1.9 is seeking to integrate the management of the effects of primary production on other activities, this evaluation has taken into account the Chapter 12 objectives, especially 12.2. In this context, the policy is considered efficient as it minimises the costs to those living in residential environments while allowing the benefits of primary production activity to accrue.

Effectiveness

The provisions of the MSRMP and WARMP contain management techniques or standards for primary production activities at the interface between the rural and residential environments. These controls have been effective in managing the potential for cross-boundary effects, as reflected in the low number of complaints about rural activities from those living in residential environments.

Given the objectives of the Urban Environment chapter, the policy is considered effective in allowing primary production to continue in close proximity to residential environments. These policies therefore meet Objective 14.1 and help to achieve Objective 12.2.

Policy 14.1.10

Policy 14.1.10 – Control water levels in the Marlborough District Council-administered drainage network by removing surplus water from the soils of the Lower Wairau Plain to enable primary production activities to continue.

Benefits

The groundwater level on the Lower Wairau Plain is naturally high and without land drainage primary production would be severely constrained by soil moisture levels. Controlling water levels in this area allows the land to continue to be used for primary production activity and maintains production levels.

Costs

Maintaining and operating the drainage network incurs considerable costs currently funded through rates on the properties that benefit. (The Annual Plan sets out the expenditure required to maintain the drainage network.) Given the extensive use made of the Lower Wairau Plain for primary production, significant economic costs could arise if the drainage network is not maintained.

Efficiency

Although the cost of controlling water levels on the Lower Wairau Plain is significant, the cost is considered appropriate given the benefits of retaining the ability to utilise the land resource for primary production. This is reflected in the ongoing community demand for the drainage services and requests for its expansion. The policy is therefore considered to be the most efficient means of achieving Objective 14.1 in the context of the Lower Wairau Plain; the costs of lost production would be considerable if water levels were not actively managed.

Effectiveness

The drainage network has existed for a long time (in some locations up to 100 years) and demonstrates an ongoing need to control water levels on the Lower Wairau Plain to maintain the ability to utilise the land for primary production purposes. The policy is therefore effective in achieving Objective 14.1 in the context of the Lower Wairau Plain. The need to maintain water levels may have increased with the more intensive use of the land for viticulture.

Other options considered to achieve Objective 14.1

The only other option considered by the Council to achieve Objective 14.1 was the status quo in terms of the existing provisions of the MRPS, MSRMP and WARMP. The MEP policies evaluated in this report are very similar to those utilised in the current planning framework, as existing policies have proven to be efficient and effective at safeguarding the potential of Marlborough's rural resources for primary production.

Objective 7.1.9 and Policy 7.1.10 of the MRPS recognise the potential for conflict between different activities and seeks to control the type, scale and location of activities to minimise the potential for adverse effects. This includes the potential for conflict between primary production activities and those activities not associated with primary production. Policy 7.1.12 of the MRPS seeks to provide for community wellbeing by ensuring no undue barriers are placed on the establishment of new activities, including primary production activities. The policy specifically mentions the utilisation of new primary production species.

The MSRMP provisions focus on protecting the character and amenity of the respective rural environments and resolving conflict between rural activities and non-rural activities.

The WARMP contains more extensive provisions than the MSRMP. These provisions address issues in three rural environments: the Wairau Plain, Rural Uplands and the remainder of the rural environment (General Rural). The provisions for the Wairau Plain and General Rural areas seek to retain the primary production options of these rural environments, while provisions for all three rural environments seek to protect the life-supporting capacity of the soils. In particular, the policies seek to ensure that activities do not compromise primary production options (e.g. Policies 12.2.2.1.3 and 12.4.2.1.6). The provisions for the Wairau Plain are stronger, as Policy 12.2.1.3 discourages, as far as practicable, activities which do not rely on the productive capacity of land. Policies are also included to enable diversification of primary production activities and the use of rural management techniques (e.g. Policies 12.2.2.1.2, 12.2.4.4.1 and 12.4.2.1.4).

Although the Rural 3 Zone of the WARMP has not been retained in the MEP, an equivalent management overlay has been applied to allow the application of specific management, including controls on subdivision to ensure that allotment size does not compromise primary production options.

The WARMP and MSRMP both contain provisions addressing the retention of the life-supporting capacity of soils. Policy provisions within the MEP to maintain or enhance soil quality are included in Chapter 15 - Resource Quality (Water, Air, Soil) and have been evaluated for Section 32 purposes in a standalone report.

The specific provisions in the WARMP for Rural Uplands have not been retained. State of the Environment monitoring over the life of the WARMP has not indicated that use of tussock grassland for extensive pastoral farming in south Marlborough has been managed inappropriately. For this reason, the provisions in Section 12.3 of the WARMP have not been continued.

Appropriateness of Objective 14.2

Objective 14.2 – The sustainability of Marlborough’s rural economy is not adversely affected by the spread or introduction of pests.

Relevance

Primary production activities are vulnerable to incursions of new pests into Marlborough and to the spread of existing pests into areas of the District where they are not already present. Pests have the potential to curtail primary production, which can affect the wellbeing of the person undertaking the primary production activity and, if the pest is sufficiently widespread, can impact upon the rural economy. Unfortunately there are many examples of pest animals or plants that have adversely affected primary production, including rabbits, possums, broom, gorse, nassella tussock and more recently, Chilean needle grass. There is a long history of pest management to safeguard the primary production capability of rural resources in Marlborough.

Although not an explicit function of the Council under the RMA, the inclusion of the objective recognises that pest management is an integral part of integrating the management of rural resources in a Marlborough context.

Feasibility

Primary production activities are constantly at risk from new incursions of pests into Marlborough or the spread of existing pests within the District. For a number of reasons, including a lack of effective control methods, the speed of spread or the costs involved, eradication or containment of pests may not always be possible. The extent to which the objective can be achieved will therefore depend on the nature and number of incursions and the relative pest management priorities in this regard.

Acceptability

Through feedback received during early consultation and the development phase of the policy provisions, there was support for the Council to address pest management in the rural environment. In particular, people sought provisions to complement the Regional Pest Management Plan (prepared under the Biosecurity Act 1993). The Rural Focus Group strongly advocated the need to retain pest management activities.

Few additional costs are generated by the objective, as pest management is already a core Council function in the rural environment. The costs to primary production in terms of lost production would potentially be greater if no pest management was undertaken or if the Council did not co-ordinate the provision of pest management activity in the rural environment.

Assessment of provisions to achieve Objective 14.2

Policies 14.2.1 to 14.2.3

Policy 14.2.1 – The Marlborough District Council will support any national response to an incursion of a pest(s) where this occurs, if it has the potential to reach Marlborough or is already present and/or has the potential to affect Marlborough's primary production sector.
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Policy 14.2.2 – A strategic approach will be developed and maintained to manage the containment/eradication of pests impacting on Marlborough's primary production sector in rural environments.
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Policy 14.2.3 – Raising community awareness that all individuals have responsibilities in pest management, particularly land occupiers.

Benefits

Primary producing activities are vulnerable to incursions of new pests to Marlborough and existing pests into areas of the District where they are not already present. Pests have the potential to curtail primary production, which can affect the wellbeing of the person undertaking the primary production activity and, if the pest is sufficiently widespread, can impact upon community social and economic wellbeing.

Incursions across the national border are currently managed by central government. A benefit of Policy 14.2.1 is that any response to a national incursion will be more effective with the support of the Council at a local level, especially in the event of national incursions that occur within Marlborough. The Council can provide surveillance, information or control activities in a timely manner, utilising existing resources and networks with the local rural community.

There are significant barriers to the effective and efficient control of pests, including logistical, practical and financial constraints. Experience has shown that these constraints increase as pests spread through the Marlborough environment. A benefit of Policy 14.2.2 is that pest management activities will be prioritised to those pests where containment or eradication is possible. Given the range of pest species already present in Marlborough, this prioritisation is important from a primary production perspective as it will result in an appropriate application of available resources to pest controls that create the greatest net benefit.

Policies 14.2.2 and 14.2.3 both recognise that the land occupier plays a critical role in pest management. Raising awareness of actual or potential pests in Marlborough will improve the Council's own surveillance capabilities and reduce the potential for inadvertent spread. The provision of information under the policy will assist to improve the effectiveness of control activities undertaken by the landowner.

Costs

There are potentially significant costs associated with pest management activities. Pest management is a specific function of the Council and receives a dedicated budget through the Long Term Plan and Annual Plan processes. Given the limited funding available for pest management activities, Policy 14.2.2 does result in a potential cost to primary production and in some circumstances the wider environment, in that some pests may not be controlled. The Regional Pest Management Plan has a review cycle which includes the opportunity for public involvement in determining the pest management priorities.

The provision of information and advice to landowners is undertaken at a cost to the ratepayer.

Efficiency

Policies 14.2.2 and 14.2.3 recognise that pest control activities are in many cases most effectively undertaken by the land occupier. Land occupiers know and understand their properties and are therefore in the best position to implement appropriate pest management responses. The ongoing

investment in the provision of information and advice acknowledges that the Council can assist the landowner to undertake pest management activities.

Policy 14.2.2 is a particularly efficient response to the challenge of pest management as it allows the prioritisation of funding and efforts. This strategic approach will see management applied to those pests where containment or eradication is possible, ensuring the greatest benefit is derived from the resources available for pest management.

Effectiveness

Supporting any central government response to new incursions will make the national response more effective. This may limit the spread of the new pest into Marlborough or contain its distribution within Marlborough. In this way, Policy 14.2.1 will be effective in achieving Objective 14.2 in the context of new incursions.

The strategic approach to pest management set out in Policy 14.2.2 is likely to result in more effective pest management as it allows the application of available funds and resources to those pests where containment or eradication is likely. This prioritisation of resources will increase the likelihood of containment or eradication and in this way operate to best achieve Objective 14.2. Pest management in the absence of such prioritisation would see the ineffective application of available resources to pests for which there is no likelihood of containment and therefore little primary production or environmental benefit.

The Council cannot undertake effective pest management without the support of the community, especially land occupiers. Creating awareness of responsibilities will increase the likelihood of community support for pest management programmes, especially as many of these programmes will rely on the actions of land occupiers.

Policy 14.2.4

Policy 14.2.4 – Recognise subdivision of land and more intensive development of rural areas increases the potential to spread pests and the Marlborough District Council will use a range of methods to reduce the risk of spread, including:

- (a) where resource consent is required for subdivision or development, consideration will be given to measures to reduce the risk of spread;
- (b) undertaking greater monitoring and surveillance of pests within areas where pests are present;
- (c) being proactive in coordinating the various groups involved with earth moving equipment to develop protocols and practices to assist with the reduction in the spread of plant pests; and
- (d) providing information for new rural landowners and people subdividing rural property about their responsibilities in pest management, including whether landowners have obligations for their property under regional or national pest management plans.

Benefits

The more intensive use of rural land increases the potential for the spread of pest species and makes management of the pest species more difficult, as actions have to be co-ordinated across a greater number of landowners. This issue has been particularly evident with the control of Chilean needle grass in the Blind Creek area of south Marlborough where a number of lifestyle properties have established. The Council's staff have also found that the residents do not necessarily come from rural backgrounds and may be unaware of the need to undertake control and/or the consequences of not intervening. The benefit of the policy is that it acknowledges and responds to the risk of pest spread that subdivision and more intensive development creates. This will increase the likelihood of effective pest management in parts of the rural environment that have both pest incursions and intensification of activity.

Costs

Additional costs associated with pest management are created by the policy. Those costs are potentially borne by the developer or in the case of subdivision, future owners of the land if conditions are imposed relating to methods to reduce the risk of spread. However, costs will only be incurred if pests are present in the area of subdivision and/or development. Monitoring, surveillance and provision of information will incur costs upon ratepayers. However, it is difficult to quantify those costs

as they will be influenced by future incursions, the nature of the incursion and the vectors for potential spread.

If the matters in Policy 14.2.4(a) to (d) were not implemented, the costs of pest management could increase as a result of an increase in the area affected by the pest species.

Efficiency and Effectiveness

If the pest is included in the Regional Pest Management Plan, depending on the requirements of the Plan compliance costs would potentially be incurred regardless of the policy. However, the interventions identified in Policy 14.2.4 (a) to (d) offer the potential to reduce costs to the individual landowner and ratepayer by proactively managing the risk of spread in intensively utilised areas of the rural environment.

Experience with the management of Chilean needle grass in Marlborough has highlighted the difficulty of attempting to retrospectively manage the risk of spread in areas where land use intensification has already occurred. The Council's Biosecurity Group has strongly advocated for additional tools to manage the risk of spread in parts of the rural environment in which intensification of activity (especially residential activity) can or has occurred. In particular, the resource consent process offers an opportunity, when considered necessary, to establish effective pest management responses at the outset of the subdivision or development.

Given the trend for people wishing to live in the rural environment, the policy is considered an efficient and effective response to the challenges that fragmentation of land ownership creates for effective pest management.

Other options considered to achieve Objective 14.2

Two other options were considered by the Council to achieve Objective 14.2. They were:

1. Status quo in terms of the existing provisions of the MRPS, MSRMP and WARMP

There are no provisions within the MRPS addressing the threat of pests to primary production. Provisions in both the MSRMP and WARMP seek to protect land and water ecosystems from the adverse effects of plant and animal pests. Those provisions focus on utilising Regional Pest Management Strategies (as they were termed at the time by the Biosecurity Act 1993). The role of Regional Pest Management Plans has been retained in the proposed provisions.

2. Not including provisions addressing the adverse effects on pest management on the productive potential of rural resources

The Regional Pest Management Plan identifies economic pests and sets out the Council's specific response to managing these pests. Given the level of specific detail contained in the Plan, consideration was given to relying upon the content of the Regional Pest Management Plan only. The Council was mindful that there were opportunities to set strategic direction by way of provisions in the MEP and that this direction could then be reflected in the content of the Regional Pest Management Plan. This direction is reflected in Policies 14.2.1 to 14.2.3.

However, this option does not recognise that regulatory tools can be applied under the RMA to assist with the management of pest plants or animals, complementing management applied through the Regional Pest Management Plan. In particular, opportunities exist to proactively apply requirements to reduce the risk of spread when more intensive use of rural resources is proposed. Such mitigation actions could be applied as conditions of resource consent for subdivision or other activities requiring resource consent.

Appropriateness of Objective 14.3

Objective 14.3 – Activities that are not related to primary production are appropriate to be located within rural environments.

Relevance

Primary production activities use rural resources for economic gain and cannot be easily or appropriately carried out in urban environments. The continued use of Marlborough's rural environments for primary production and other land and soil dependent, rural-based activities is

important to the economic health and wellbeing of Marlborough. The use of rural environments for activities that are more appropriately located elsewhere reduces the availability of the resource and can increase pressure on existing activities through reverse sensitivity effects. The objective therefore seeks to ensure that the rural resource does not become so fragmented by activities not requiring a rural location that its attraction for legitimate rural uses requiring a rural setting is diminished. However, there are some instances where activities not related to primary production can be located within rural environments and subsequent policy sets out the circumstances when this is considered appropriate.

The objective assists the Council in carrying out its statutory functions especially in terms of achieving the purpose of the RMA in Section 5 but also in relation to Section 31. Importantly, Objective 14.3 assists significantly in addressing Issue 14A by ensuring that primary production activities are able to operate and continue to contribute to the wider economic wellbeing of Marlborough.

Feasibility

The objective reflects the demand for rural locations for some activities for a variety of reasons. There is a significant risk that enabling new activities not related to primary production may directly or indirectly constrain primary production activities on the site or on adjoining properties. For this reason, the policies used to achieve the Objective 14.3 provide the means to assess and address such adverse effects. It is therefore considered that the level of risk associated with the objective is reasonable with the management proposed.

Through the existing provisions of both the MSRMP and WARMP, the Council has considered proposals for activities in rural environments that are not related to primary production. Activities considered to be appropriate have been enabled through permitted activity rules, while other activities require resource consent to determine appropriateness. The experience gained through the administration of the current plans means that the objective can realistically be achieved.

Acceptability

As outlined in the evaluation of Objective 14.1, there has been a strong desire from those undertaking primary production that greater recognition be made of the importance of the rural environment for primary production activities and that the land resource be protected for these activities. There is the potential for activities not related to primary production to have an adverse effect on primary production; those activities may directly or indirectly constrain primary production activities on the site or on adjoining properties. This would result in an unreasonable cost given Objective 14.1. For these reasons, Objective 14.3 is considered acceptable, ensuring there is a framework in place to assess and address the impact of the proposed activities on primary production.

Assessment of provisions to achieve Objective 14.3

Policy 14.3.1

Policy 14.3.1 – Enable small scale and/or low intensity activities not relying on the primary production potential of Marlborough’s rural environments, where the adverse effects on the environment are minor and the activity is one of the following:

- (a) outdoor recreation; or
- (b) events of a limited duration.

Benefits

This policy allows outdoor recreation and temporary events to occur in the rural environment. Recreation is increasingly important for a healthy lifestyle and the opportunity to undertake outdoor recreation in the rural environment will make a contribution to maintaining and improving community health. Recreational and cultural events are also becoming an increasingly important part of our lifestyle and such events attract visitors to Marlborough.

Costs

There are few costs associated with the policy. Any recreation or temporary event undertaken on private land is at the discretion of the landowner. Permitted activity standards are utilised to manage any adverse effects potentially created by the activity. However, the potential for effects on the rural environment is generally considered to be low, given that most activities are small scale and/or of low

intensity. There may be a small cost to the ratepayer associated with any necessary monitoring of permitted activity standards.

Efficiency

The policy is considered efficient as it enables (at little cost) two specific activities to occur in the rural environment that make a significant contribution to the social and cultural wellbeing of the community and to visitors to Marlborough.

Effectiveness

The policy is considered to be effective in achieving Objective 14.3 as it will enable two specific activities not associated with primary production but which have minimal impact on primary production activities or options to occur in the rural environment. This means that the policy will also assist in addressing Issue 14A.

Policy 14.3.2

Policy 14.3.2 – Where an activity is not related to primary production and is not otherwise provided for as a permitted activity, a resource consent will be required and the following matters must be determined by decision makers in assessing the impacts on primary production before any assessment of other effects is undertaken:

- (a) the extent to which the activity is related to primary production activities occurring at the site;
- (b) the functional need for the activity to be located within a rural zone and why it is not more appropriately located within another zone;
- (c) whether the proposed activity will result in a loss of land with primary production potential and the extent of this loss when considered in combination with other non-rural based activities; and
- (d) the extent to which the proposed activity supports primary production activities, including the processing of agricultural, viticultural or horticultural produce.

Benefits

The requirement for resource consent provides a process for determining whether activities not related to primary production are appropriate in the rural environment. A benefit of the policy is that it provides the opportunity for applicants to demonstrate the appropriateness of the activity. The matters in (a) to (d) provide guidance as to the matters that are relevant in making any determination in this regard before having to consider an assessment of other effects.

Costs

There is a cost created by the need for resource consent to undertake activities not related to primary production in the rural environment. Given Objective 14.1, this cost is not considered unreasonable as it provides a means for a determination to be made as to whether the activity is appropriately located in the rural environment. The matters in (a) to (d) provide certainty as to the relevant matters in terms of determining any adverse effects on primary production. The imposition of conditions to mitigate the effects of a proposal on primary production may create additional costs for the applicant. There will be a further cost to the applicant in that their aspirations will not be realised if an application for resource consent is declined.

Any cost associated with resource consent will only be incurred by new activity, as existing activity will have existing use rights (if lawfully established). It is therefore difficult to determine the significance of these costs as they will be influenced by the number and nature of future proposals.

Efficiency and Effectiveness

The policy is considered to be an efficient means of achieving Objective 14.3 as it recognises circumstances under which activities that are not associated with primary production can be appropriate in the rural environment. It also provides a process and guidance to establish the appropriateness of a particular proposal.

It is accepted that this process could involve a significant cost to the applicant, but the evaluation of efficiency also needs to be considered in light of Objective 14.1, which determines that the rural environment is to be maintained as a resource for primary production activities. This policy recognises that activities not associated with primary production can adversely affect primary production on the site or on adjoining properties. The costs incurred by the policy identified above are less than the

benefits derived from retaining the ability to undertake primary production activities and maintain production levels. The policy will therefore be effective in achieving Objective 14.3 and in addressing Issue 14A.

Other options considered to achieve Objective 14.3

Two other options were considered by the Council to achieve Objective 14.3. They were:

1. Status quo in terms of the existing provisions of the MRPS, MSRMP and WARMP

The provisions of the MRPS seek to enable the use, development and/or protection of resources, but also seek to manage adverse effects (Objective 7.1.9). This management recognises that the appropriateness of the activity in any given environment depends on the type, scale and location of activity (Policy 7.1.10). The provisions also recognise that enabling diversification provides for resilience (although the focus of the activity is on diversification of primary production species) (Policy 7.1.12). The direction above is not specific to rural environments, but can be applied to activities in the rural environment.

There are no specific provisions in either the MSRMP or WARMP that give effect to the direction of the MRPS. Provisions in the MSRMP seek to avoid any indiscriminate mixture of activities (Policy 11.3.1.4), while the provisions of the WARMP seek to enable rural land uses within the context of protecting amenity values (Policy 12.2.2.2.2). The WARMP also contains policy specific to the Rural 3 Zone (on the Wairau Plain) that seeks to avoid activities that do not require a rural location in order to maintain the life supporting capacity of the soils in the zone (Policy 12.2.2.1.3). The provisions of these existing planning documents are therefore in conflict, something that the Council does not wish to replicate in the MEP. Furthermore, the provisions of the MSRMP and WARMP do not provide for activities not associated with primary production, even those of a minor or temporary nature. This could unnecessarily constrain appropriate activity in the rural environment, especially activity that has little or no adverse effect on primary production activities.

In summary, there are good reasons why the existing provisions of the MRPS, MSRMP and WARMP would not be effective in achieving Objective 14.3.

2. Enabling a range of activities not associated with primary production

The option of enabling a wider range of activities to occur in the rural environment, in addition to those identified in Policy 14.3.1, was contemplated through the review of the MRPS, MSRMP and WARMP; in particular, the option for more activities to be permitted was considered. However, past experience through the administration of the current provisions has highlighted that there is already significant potential for conflict between rural and non-rural activities. In particular, the record of complaints shows that reverse sensitivity effects already occur in the rural environment, mostly associated with amenity outcomes. Any conflict between rural and non-rural activities has the potential to create disharmony in the community that could be exacerbated by enabling more non-primary production related activities within the rural environment.

The effect of this option was also considered in light of Objective 14.1, to ensure integrated management. The Council did not wish for rural activities to be constrained due to competition for resources and incompatible amenity expectations.

Evaluation for Issue 14B

Issue 14B – Inappropriate subdivision, land use and development can lead to the degradation of rural character and amenity values, as well as increased conflict with existing activities (reverse sensitivity).

Appropriateness of Objective 14.4

Objective 14.4 – Rural character and amenity values are maintained and enhanced and reverse sensitivity effects are avoided.

Relevance

Primary production is an important function of the rural environment (see evaluation for Objective 14.1). However, complaints are often submitted to the Council regarding the effect of primary production activities in the rural environment, particularly with respect to the use of specific management techniques such as “bird bangers”, frost fans, the application of wastewater to land and agrichemical sprays. Such complaints often come from neighbouring properties. If those complaints are based on unrealistic expectations of rural amenity, they create the potential for reverse sensitivity effects. Given Objective 14.1, any unreasonable constraint on primary production due to reverse sensitivity effects is considered inappropriate. Managing the potential for conflict between new activity and existing primary production activities is therefore considered to be very relevant.

The use of land for primary production activities contributes to the character and amenity of the rural environment. The character and amenity values of different parts of Marlborough varies and is influenced as follows:

- south Marlborough is characterised by the extensive pastoral use of the land;
- the Awatere and Wairau Valleys are characterised by the use of the land for viticulture;
- the Rai and Pelorus Valleys are characterised by more intensive pastoral use of the land and the commercial forestry on the hill country; and
- the Marlborough Sounds are characterised by the regeneration of indigenous vegetation.

The use of land for activities unrelated to primary production has the potential to change the character and amenity of the rural environment. Rural character is valued by those that live and reside in the rural environment as well as the community as a whole, due to its contribution to the overall character of the District. Furthermore, rural character also attracts visitors to Marlborough. Given the value it holds, there is clearly a need to retain the character and amenity of the rural environment and Objective 14.4 reflects this.

There is also ongoing demand for activities unrelated to primary production to be undertaken in the rural environment. This is reflected in the record of applications for resource consent to authorise the subdivision of land and the establishment of new activities. This has also influenced the Council's decision to include in the MEP this objective regarding rural character, amenity and the potential for reverse sensitivity effects.

The objective seeks to maintain the quality and amenity values of the rural environment, meeting the Council's obligations under Sections 7(c) and 7(f) of the RMA.

Feasibility

For some time the Council has been managing the establishment of new activities in the rural environment to ensure that they are compatible with the existing rural character and standard of amenity through the provisions of the MSRMP and WARMP. For this reason, it is considered that the objective involves an acceptable level of risk and can realistically be achieved by utilising the Council's functions, especially functions under Section 31 of the RMA.

Acceptability

The provisions of the MSRMP and WARMP already identify that the rural character and the potential for reverse sensitivity effects are matters that require Council intervention. As recorded above, the Council has a long history of managing inappropriate subdivision, land use and development.

For some time now land users involved in primary production activities have suggested (including through feedback during the review process) that the Council needs to be responsible for managing the potential for reverse sensitivity effects. Land users have raised concerns that some people living in the rural environment have unreasonable expectations of amenity and that there is potential for those views to severely constrain primary production activities. These users justifiably consider this to be an inappropriate outcome in a rural environment. Others have identified that the rural character in Marlborough is unique; these people value and seek to retain that character. Objective 14.4 is therefore consistent with the outcomes identified by the community through the review process.

The objective will potentially constrain activities that are not associated with primary production. Although this may result in costs in terms of the aspirations of those seeking to undertake the activity, it is not considered unjustifiable given that the principal purpose of the rural environment is to undertake primary production activities (see evaluation for Objective 14.1). These costs merely reflect the nature of the environment within which the person is attempting to establish the new activity.

The provisions that seek to achieve the objective do not necessarily prevent activities from establishing, but rather provide a means for determining whether the proposed activity is appropriate in a rural environment.

Assessment of provisions to achieve Objective 14.4

Policy 14.4.1

Policy 14.4.1 – Subdivision, use and development of Marlborough’s rural environments should be of a density, scale, intensity and location that individually and cumulatively recognises the following elements:

- (a) a lack of buildings and structures;
- (b) a very high ratio of open space in relation to areas covered by buildings;
- (c) open space areas in pasture, trees, vineyards, crops or indigenous vegetation;
- (d) areas with regenerating indigenous vegetation, particularly in the Marlborough Sounds;
- (e) tracts of unmodified natural features, indigenous vegetation, streams, rivers and wetlands;
- (f) farm animals and wildlife;
- (g) noises, smells and sights of agriculture, viticulture, horticulture and forestry;
- (h) post and wire fences, purpose-built farm buildings and scattered dwellings;
- (i) low population density;
- (j) the presence of Blenheim, Omaka and Koromiko airports;
- (k) generally narrow carriageways within wide road reserves, often unsealed with open drains, low-speed geometry and low traffic volumes; and
- (l) a general absence of urban-scale and urban-type infrastructure, such as roads with kerb and channel, footpaths, mown berms, street lights or advertising signs.

Benefits

The policy identifies a range of elements that are typical of Marlborough’s rural environments. These demonstrate that the character of the District’s rural areas is typically one of a working environment utilised for primary production. The policy establishes reasonable expectations about the nature of the environment within which people may seek to establish new activities. Defining these expectations helps to manage the potential for conflict between land use activities and therefore manages reverse sensitivity effects.

By identifying that the density, scale, intensity and location of subdivision, use and development of the rural environment are key matters that may influence the elements identified in Policy 14.4.1(a) to (l), the policy provides certainty to resource users and others in the community with respect to the key issues to consider when considering subdivision or land use change. This may also assist applicants in assessing the adverse effects of any proposal in the rural environment that requires resource consent.

Costs

There are no direct costs associated with Policy 14.4.1. The elements within the policy have been used to develop standards but can be used to determine resource consent applications for activities in the rural environment. In this way, the policy may result in indirect costs, such as modifying a proposed activity to comply with standards or to mitigate effects. These indirect costs are only incurred if subdivision or land use change is proposed. It is difficult to quantify these costs as they depend on the future intentions of landowners and others with an interest in the land.

Efficiency

Any potential costs incurred indirectly as a result of the policy will reflect the nature of the rural environment within which the activity is proposed. The community benefits of ensuring that the subdivision, use and development of land are compatible with the existing elements of the rural environment are considered significantly greater than the potential costs to the individual proposing a new activity.

Effectiveness

The policy is considered to be effective in achieving Objective 14.4 as it focusses on the potential for new subdivision, uses and developments in rural areas to change the existing character of the environment and the amenity values enjoyed within it. Policy 14.4.1 clearly signals that density, scale, intensity and location of subdivision, use and development are key matters that influence the potential for adverse effects with respect to rural character and amenity values.

Defining the elements that make up Marlborough’s rural environment has enabled the development of methods that are targeted to specific activities and adverse effects, particularly the prescription of standards. The elements were identified as a result of the Council’s administration of the provisions of the MSRMP and WARMP, in particular through information gathered from applicants and submitters in resource consent applications in which elements of the rural environment they were involved in were identified. The elements were also confirmed through consultation feedback during the review process, particularly feedback received on *Discussion Paper 3* and through focus group consideration of the draft policies.

Policies 14.4.2 to 14.4.4

<p>Policy 14.4.2 – Retain an open and spacious character in Marlborough’s rural environments with a dominance of open space and plantings over buildings by ensuring that the scale and siting of development is such that:</p> <ul style="list-style-type: none">(a) it will not unreasonably detract from the privacy or outlook of neighbouring properties;(b) sites remain open and with a rural character as viewed from roads and other publicly accessible places; and(c) the character and scale of buildings is compatible with existing development within the surrounding rural area.
<p>Policy 14.4.3 – Ensure buildings are set back a sufficient distance from property boundaries and road frontages to:</p> <ul style="list-style-type: none">(a) maintain privacy and outlook for people on adjoining allotments, including for existing houses on small allotments;(b) encourage a sense of distance between buildings as well as between buildings and road boundaries; and(c) maintain the pleasantness, coherence, openness and attractiveness of the site as viewed from the road and adjoining sites.
<p>Policy 14.4.4 – Ensure subdivision in rural areas:</p> <ul style="list-style-type: none">(a) does not lead to a pattern of land uses that will adversely affect rural character and/or amenity values; and(b) creates allotments of sufficient size for rural activities to predominate in rural areas.

Benefits

Collectively, these policies will help to retain the character of Marlborough’s rural environment and the amenity values enjoyed within it. This will benefit the social, economic and cultural wellbeing of those that live and work within the rural environment.

Policies 14.4.2 and 14.4.3 focus on the openness that currently exists in the rural environment and the importance of that openness in maintaining privacy for residents, reducing the potential for reverse sensitivity effects and the contribution it makes to the character of the rural environment. Buildings are also a feature of the rural environment, but create the potential to detract from open and spacious character due to the introduction of built form. The policies will influence the scale and siting of buildings to reduce this potential.

Allotment size and dimensions have a significant influence upon the nature of subsequent development that can occur on the property. Managing subdivision therefore plays an important role in the implementation of Policies 14.4.2 and 14.4.3 in terms of future development. In a similar manner to the other policies, Policy 14.4.4 will act to retain the character of the rural environment within which the subdivision is proposed to occur. This will primarily be achieved through standards applied to the subdivision of land. The outcome of this should be that new allotments and potential subsequent developments will retain rural character. Standards on allotment size in particular will help to retain openness as allotments must be of sufficient size to allow primary production activities continue within the environment.

Collectively, these policies identify outcomes that help to define the essential characteristics of the rural environment. This provides greater certainty to resource users and others in the community with respect to the ways in which Objective 14.4 is to be achieved.

Costs

The costs created by the implementation of the policy are potentially minimal, but they will be determined by the future aspirations of landowners and others with an interest in the rural land. There is the potential for Policies 14.4.2 and 14.4.3 to constrain people's aspirations with respect to the nature or location of new buildings. The policies are implemented through permitted activity standards and the consideration of resource consent applications. Costs will only be incurred when new buildings are proposed, as (if lawfully established) existing buildings will have existing use rights. The open and spacious character of the rural environment endures in part because existing buildings do not dominate the landscape. This indicates that in many cases, people already choose to construct buildings of a scale and in a position that is consistent with the open character of the rural environment.

The costs created by allotment standards in Policy 14.4.4 will not be significant for rural resource users, as they are designed to retain primary production options on the property. However, landowners with ambitions for the property that require smaller allotment size or for which smaller allotment size is desirable, may be constrained.

Efficiency

The policies are considered an efficient means of achieving Objective 14.4, as the benefits of retaining the character are significant while the costs to the individual are incurred only when new subdivision and development is proposed and then only when that development is inconsistent with the current character of the rural environment.

Effectiveness

The policies are considered effective in achieving Objective 14.4 as they focus on the potential for new subdivision and development in rural areas to change the existing character of the environment. They also identify outcomes that help to define the essential characteristics of the rural environment that are to be retained. This has allowed the methods that implement the policy to be targeted, particularly the prescription of standards.

The Council currently utilises similar policies (and methods to implement the policies) to achieve the same outcomes. These have proven to be effective in maintaining the character of the rural environment. This is reflected in the feedback received on the relevant discussion papers released as part of the review and through focus groups, in particular the Rural Focus Group and Landscape Group.

The minimum allotment size in that part of the rural environment to which the provisions of the MSRMP apply has been reduced from 30 to 20 ha providing greater flexibility to the relevant landowners while still resulting in the outcomes identified in (a) and (b) of Policy 14.4.4.

Policies 14.4.5 to 14.4.9

Policy 14.4.5 – Noise limits consistent with the character and amenity of the Rural and Coastal Environment Zones have been established to provide for the protection of community health and welfare.
Policy 14.4.6 – Mitigate nuisance effects on adjoining dwellings or adjoining properties caused by dust from earthworks or stockpiled material.
Policy 14.4.7 – Ensure significant adverse odour effects from rural activities are avoided or mitigated to protect lawfully established land uses.
Policy 14.4.8 – Avoid, remedy or mitigate adverse effects on the character and amenity of rural environments by controlling the number, size, location and nature of signs.
Policy 14.4.9 – Encourage the consolidation of information signs by supporting the establishment of “Welcome to” signs and information laybys at the entrance to Marlborough’s larger towns, in order to reduce the effects of directional and commercial signs on visual amenity.

Benefits

The policies collectively recognise that rural activities have the potential to adversely affect people living and working in the rural environment. The nature of the activities and their potential effects are set out in the policies.

Noise, dust and odour are common effects of activities in the rural environment. Signs are also used to advertise and convey information in the rural environment. The benefit of the policies is that management will be put in place, either by way of permitted activity standards or by conditions of resource consent, to protect the amenity values of those living and working in the rural environment.

Costs

The management required by these policies has the potential to result in costs to resource users who may need to adapt rural activities or management practices so that the adverse effects are avoided, remedied or sufficiently mitigated. The extent of the costs will depend on the nature of the activity and the specific controls applied.

The use of controls to implement the policies creates the potential for ratepayer costs associated with the monitoring and enforcement of permitted activity standards and conditions of resource consents. However, these same costs are currently experienced through the management framework of the MSRMP and WARMP.

Efficiency

The nature of the management imposed by the policies acknowledges the aim of Objective 14.1. The rural environment is recognised as an area within which rural activities occur and it is inevitable that primary production will create the effects identified in the respective policies. To some extent those effects should be accepted as an anticipated part of living and working in a rural environment. However, where noise, dust or odour creates a risk to health or becomes a significant nuisance, it is appropriate that the activity is managed to maintain community health and safety. The rules implementing the policies will reflect that fact the level of amenity to be expected in rural environments is inherently less than that experienced in residential environments; the costs incurred are therefore not be unreasonable in the context. In this way, the policies are considered efficient in achieving Objective 14.4 with respect to amenity values.

Effectiveness

The most common adverse effects experienced during the administration of both the MSRMP and more particularly the WARMP were reverse sensitivity effects. Living in the rural environment is common, either in terms of people making use of the ability to have one dwelling per property or through development in rural residential zones. People living in the rural environment may have different expectations in terms of the desired level of amenity compared to those undertaking rural activities. For example, the Council commonly receives noise complaints regarding management techniques used in the viticulture industry, as well as general complaints regarding noise, odour and dust. Complaints regarding inappropriate signage in the rural environment are also occasionally received.

The MSRMP and WARMP contain similar policies and rules for managing the potential for reverse sensitivity effects. The current provisions are relatively effective in managing reverse sensitivity effects, with the exception of frost fans (which saw the WARMP and MSRMP amended through plan changes notified in 2009 and made operative in 2014, to introduce a new management framework to manage adverse effects). The provisions do not prevent complaints being made, but enable the establishment of standards that reflect the level of amenity considered appropriate in a rural environment in order to maintain an appropriate level of amenity and community health standards. The ongoing use of such controls should ensure that the potential for reverse sensitivity conflicts remains minimal.

It should be noted that under Section 17 of the RMA, all persons have a duty to avoid, remedy or mitigate adverse effects, irrespective of the controls imposed by way of these policies.

Policy 14.4.10

Policy 14.4.10 – Control the establishment of residential activity within rural environments as a means of avoiding conflict between rural and residential amenity expectations.

Benefits

The policy will help to manage the potential for reverse sensitivity effects by limiting the opportunity for residential activity in the rural environment. This will have the effect of reducing the number of people living in the rural environment when the activity has little or no association with primary production activities. Controlling residential activity in this manner will reduce the potential for primary production activities to be constrained as a result of reverse sensitivity effects and will therefore help to enable rural activity to be efficiently and effectively undertaken.

Costs

The cost of the policy is that it will limit people's ability to exercise choice regarding their desire to live in the rural environment. The magnitude of the cost is difficult to quantify, as it will be determined by the future desire of people to live in rural environments. The policy will also influence the construction of new dwellings, subdivision of land and requests for plan changes to change the rural environment zoning. Residential activity will continue to occur in existing dwellings, provided it was lawfully established. New residential activity will also be able to occur in the Rural Living Zone. These two factors will limit the degree of costs created by the implementation of the policy.

It is important to note that Policies 14.5.3 and 14.5.4 provide the ability for residential activity to occur in rural environments in recognition that residential activity is ancillary to and necessary to support primary production activities. Refer above to the relevant evaluation of these policies.

Efficiency and Effectiveness

The policy is considered moderately effective and efficient in achieving Objective 14.4. Through experience in administering the current provisions (particularly those of the WARMP), the Council is aware that people's different expectations of amenity can significantly frustrate primary production on existing farms and vineyards. However, the ability of the Council to exercise control over residential activity through land use rules is constrained (see above).

By seeking to limit future residential activity not associated with primary production, the policy contributes to managing the potential for reverse sensitivity effects. It limits the ability for people with (potentially) high amenity expectations from establishing in the rural environment, where rural activities result in lower levels of amenity than is experienced in residential environments. However, the policy is only as effective as the Council's ability under the RMA to control new activity. People can continue to undertake residential activities in existing dwellings (provided they were lawfully established) or build new dwellings on existing titles where there is not already residential activity. In addition, residential activity in the rural environment is also necessary to support primary production activities.

Policy 14.4.11

Policy 14.4.11 – The cumulative adverse effects of subdivision and/or development on rural character and amenity values are to be avoided.

Benefits

The policy recognises that repeated subdivision and development can progressively change the character of the rural environment and the amenity values experienced within it. The subdivision of land can result in land use changes and as activities not related to primary production become more prevalent, the character of the rural environment can be compromised through successive residential, commercial or industrial developments. The policy directs that in determining whether new activities should be established in the rural environment, regard must be had to the cumulative effects of successive subdivision or development. Avoiding such cumulative effects sends a strong signal that the character of the rural environments is to be retained.

Costs

The policy will primarily be applied to the determination of resource consent applications to undertake activities not related to primary production and plan change requests to change zoning from Rural or Coastal Environment Zones. It is difficult to quantify costs as they will depend on the future aspirations of landowners and others with an interest in rural land. There is the potential that the aspirations of resource users will not be achieved, but the effect of the policy will depend upon the nature of the proposal and the rural environment within which the activity is proposed to occur. The nature of activities already occurring in the vicinity of the site will be particularly relevant to the application.

Efficiency

It is difficult to determine the efficiency of the policy as the costs cannot be established (see above).

Effectiveness

The RMA definition of 'effect' specifically includes cumulative effects (see Section 2). Considering the potential for cumulative effects is therefore a matter to be considered by decision makers, regardless of the policy. However, this policy recognises that repeated subdivision and development can subtly and progressively changes the character of the rural environment and the amenity values experienced within it. This policy therefore ensures that the potential for and extent of those changes is a matter to which decision makers must have regard to. For this reason, the policy has the potential to achieve Objective 14.4. However, the effectiveness of the policy will ultimately be determined through State of the Environment monitoring and any changes to the character and amenity values rural environment identified as a result of that monitoring.

Policies 14.4.12 and 14.4.13

<p>Policy 14.4.12 – The Omaka Valley is characterised by the following:</p> <ul style="list-style-type: none">(a) low, broad ridges, parts of which have been identified as having high amenity value and are included in the mapped Wairau Dry Hills Landscape;(b) limited building on ridgelines;(c) open character due to a lack of tall vegetation within the valley;(d) meandering watercourse patterns and topographical variation in the upper valley;(e) viticulture is a dominant land use;(f) with the exception of times around grape harvest of grapes, it is generally a low volume traffic environment;(g) lack of through roads;(h) a mix of land uses towards the lower valley where a more domesticated rural character is evident; and(i) roads located close to the broad ridges, giving a contained nature to the valley.
<p>Policy 14.4.13 – The Omaka Valley has been recognised as having specific amenity and rural character values that are to be maintained and enhanced as follows:</p> <ul style="list-style-type: none">(a) enabling primary production activities as provided for in the underlying Rural Environment Zone;(b) requiring resource consent for commercial forestry, to enable an assessment of this activity on the confined nature of the valleys in the Omaka Valley Area;(c) including the ridgelines along the valleys within the Wairau Dry Hills Landscape;

- (d) avoiding development in the form of buildings on the ridgelines surrounding the valleys;
- (e) reducing the potential for 'industrialisation' within the Omaka Valley Area through controls on the height and scale of buildings associated with primary production activities;
- (f) other than as provided for in Policy 14.3.1 and Policy 14.5.4, other activities not related to primary production in the Omaka Valley Area are to be avoided;
- (g) maintaining a low volume traffic environment to maintain a peaceful and quiet environment within the Omaka Valley Area; and
- (h) avoiding subdivision below eight hectares to help retain primary production options and a sense of openness within the Omaka Valley Area.

Benefits

Over time the Omaka Valley has developed particular characteristics considered appropriate to be managed differently to the remainder of Marlborough's rural environments. Policy 14.4.12 sets out the resource characteristics and values of this valley that separate it from other areas within Marlborough's rural environments. These characteristics and values are potentially under threat from inappropriate subdivision, use and development. To ensure that these threats do not adversely affect the characteristics and values identified here, a specific management framework will apply to the Omaka Valley in addition to the general provisions for rural environments.

Policy 14.4.13 then provides direction on the ways in which the particular amenity and rural character values can be maintained and enhanced. This policy has also allowed the development of specific standards that control the way in which activities with the potential to degrade the characteristics are undertaken.

Costs

No costs are incurred by Policy 14.4.12 as it simply identifies characteristics of the area and no management of resource use results directly from the policy.

Regarding Policy 14.4.13, the aspirations of some resource users may not be achieved if their proposal is inconsistent with the identified characteristics. However, there may be methods of mitigating adverse effects on the identified characteristics, in which case the proposal can proceed at a cost for the resource user. These costs are dependent upon landowners or others with an interest in the rural land wishing to undertake a new, non-primary production activity.

The Council has sought to minimise some costs by utilising permitted activity rules for activities proposed in this rural environment but which need to be undertaken in a manner that avoids undesirable changes in the identified characteristics.

Efficiency

Given the unique and valued character of the Omaka Valley, the costs of the policies are not considered to be unreasonable. Primary production can continue to be undertaken in this rural environment. Any new land use may incur a cost, but that cost reflects the nature of the rural environment within which the activity is proposed to be established. The community benefits of maintaining and enhancing the existing rural characteristics of the Omaka Valley are considered to be significantly greater than the potential costs to individuals proposing new land use activity.

Effectiveness

The identification of the distinct characteristics of the Omaka Valley will be particularly effective in achieving Objective 14.4. The characteristics identified in Policy 14.4.12 recognise that this area is unlike any other in the Rural Environment Zone. The characteristics in Policy 14.4.12 have been identified through consultation with valley residents and as a result of a technical assessment of amenity values. The policy should therefore reflect community expectations with respect to the desired nature of the rural environment within the Omaka Valley. The identification of the characteristics may also assist individual landowners or the community as a whole to undertake voluntary initiatives that will enhance the rural environment.

Policies 14.4.14 and 14.4.15

Policy 14.4.14 – The Wairau Plain is characterised by the following:

- (a) a highly productive land resource and the most intensively developed and farmed rural area in Marlborough;
- (b) an extensive area of flat land available for primary production;
- (c) an extensive floodplain and drainage network;
- (d) the large, braided Wairau River and its tributaries, floodplain terraces, associated backswamp wetlands, streams, coastal swamp deposits and minor inland sand dunes;
- (e) ground-fed springs in the lower plain;
- (f) viticulture as a dominant land use;
- (g) open character across the plain;
- (h) encompassing Marlborough's main urban centre of Blenheim;
- (i) the arterial roading network traversing the plain; and
- (j) a centrally located regional airport and New Zealand Defence Force airbase.

Policy 14.4.15 – The Wairau Plain has been recognised as having particular amenity and rural character values that are to be maintained and enhanced by:

- (a) enabling primary production activities as provided for in the underlying Rural Environment Zone;
- (b) avoiding subdivision below eight hectares to help retain primary production options and retain a sense of openness within the Wairau Plain Area;
- (c) controlling residential activity, other than that associated with primary production, to avoid conflict between rural and residential amenity expectations;
- (d) managing the establishment of subdivision, use and development to avoid, remedy or mitigate effects on the safety, functioning and efficiency of the arterial road network; and
- (e) ensuring that other than as provided for in Policies 14.3.1, 14.5.3 and 14.5.4, activities not related to primary production in the Wairau Plain Area are to be avoided.

Benefits

The Wairau Plain is increasingly considered the iconic rural Marlborough landscape. The Wairau Plain has historically been zoned separately (Rural 3 Zone in the former Wairau/Awatere Resource Management Plan) as its characteristics are distinct from the surrounding rural environments. It has a long history of intense rural production and continues to be a significant source of economic revenue for the District, mostly from primary production activities. With its large area of flat land, proximity to the major urban centre of Blenheim and rich alluvial soils, it is the most intensively developed and modified rural area in Marlborough, which is why this area continues to be singled out for additional management. Policy 14.4.14 therefore reflects the resource characteristics and values of the Wairau Plain. Identifying the characteristics of the area helps to ensure that the rural character of the plain and the amenity values experienced within it are retained.

Policy 14.4.15 provides direction with respect to the compatibility of certain activities on the Wairau Plain with the identified characteristics. This policy has also allowed the development of specific standards to control the way in which activities that have the potential to degrade the characteristics are undertaken. The identification of the area's significant characteristics may also assist individual landowners and the community as a whole to undertake voluntary initiatives that will enhance the rural environment. For example, the Council's Landscape Group has encouraged voluntary action by landowners to enhance the amenity values in this environment.

Costs

Policy 14.4.14 incurs no costs as it simply identifies the important characteristics of the area and it does not directly describe any management of resource use. A cost may exist where the aspirations of resource users cannot be achieved if their proposal is inconsistent with the identified characteristics. However, if it is possible to mitigate the adverse effects on the identified characteristics, the proposal can proceed. In this case, mitigation methods are likely to incur a cost for the resource user. These costs will be dependent upon land users undertaking new, non-primary production activities.

Avoiding the subdivision of land into lots of less than 8 hectares incurs a cost, but this is already the case under the provisions of the WARMP. Such subdivision is a non-complying activity and applications have tended to only be granted in exceptional circumstances. The policy will therefore not introduce any additional cost in this respect.

Efficiency

The costs of the policies are not considered to be unreasonable given the importance of the Wairau Plain and its characteristics. Primary production can continue to be undertaken in this rural environment. Subdivision and/or development of land not related to primary production may incur a cost, but that cost reflects the nature of the rural environment. The community and visitor benefits of maintaining and enhancing the existing rural characteristics of the Wairau Plain are considered to be significantly greater than the potential costs to new land use activity.

Effectiveness

The identification of the distinct characteristics of the Wairau Plain will be particularly effective at achieving Objective 14.4 in the context of this part of Marlborough's rural environment. The identification of the characteristics of the Wairau Plain in Policy 14.4.14 recognises that the area's characteristics differ from those of the rest of the Rural Environment Zone. Consultation with the community over an extended period of time has assisted in the identification of the relevant characteristics and acts to ensure that the results of management will reflect community expectations.

Other options considered to achieve Objective 14.4

Two other options were considered by the Council to achieve Objective 14.4. They were:

1. Status quo in terms of the existing provisions of the MRSP, MSRMP and WARMP

There are elements of the status quo in the provisions of the MEP. However, overall the existing provisions of the MRPS, MSRMP and WARMP are not considered to be as efficient or effective in achieving Objective 14.4 as are the provisions of the MEP.

Objective 7.1.2 of the MRPS seeks to maintain and enhance the quality of life of the people of Marlborough. One of the associated policies aims to promote the enhancement of amenity values of Marlborough's locations, including rural locations. Objective 7.1.9 and Policy 7.1.10 recognise the potential for conflict between activities and seek to control the type, scale and location of activities to minimise the potential for adverse effects. Policy 7.1.10 also specifically identifies that new activities should reflect the character and facilities available in the communities within which the activities will be located.

Objective 11.3.1 of the MSRMP and Objective 12.2.2 of the WARMP seek to maintain the character and amenity of the respective rural environments. The policies used to achieve the objectives recognise that there is the potential for conflict between rural and non-rural activities, that rural activities have the potential to create nuisance and health effects and that activities can be undertaken in ways to reduce adverse effects on rural character.

The policies evaluated in this Section 32 evaluation report are very similar to those utilised in the current planning framework, as they have proven to be efficient and effective at maintaining the rural character and amenity of Marlborough's rural environments. However, the provisions have been strengthened through the identification of the elements that contribute to the character of the rural environment generally (Policy 14.4.1) and the Omaka Valley (Policy 14.4.12) and Wairau Plain (Policy 14.4.14) specifically. These policies provide greater certainty as to the outcomes sought in each rural environment and therefore assists in determining the appropriateness of subdivision, use and development. In this way, the additional policies increase the likelihood of achieving Objective 14.4.

The MSRMP and WARMP each have two rural zonings. Rural 1 in the MSRMP is now the Coastal Environment Zone. The remaining three zones have been combined into a single rural environment zone (see Methods of Implementation evaluation). The Council has retained the identification of the spatial area encompassed by Rural 3 as an overlay. This has allowed for the application of specific policy to a part of the rural environment that has a distinct rural character.

As identified elsewhere in this evaluation, the WARMP provisions for residential living (see Issue 12.5.1 and associated provisions) have resulted in confusion regarding their intent. The review process has provided the opportunity to provide greater certainty in this regard.

2. *Not utilising overlays for the Wairau Plains and Omaka Valley*

In combining the current rural zonings, the Council had the option of not utilising overlays for the Wairau Plain and Omaka Valley, in which case the elements identified in Policy 14.4.1 would then have to have been relied on. Although some of these elements are relevant in these specific rural environments, they do reflect the qualities and characteristics identified through community consultation. As recorded above, this would have made any determination regarding the compatibility of subdivision, use or development more difficult.

Evaluation for Issue 14C

Issue 14C – Responding to pressure to use, develop and subdivide land within rural environments for residential uses.

Appropriateness of Objective 14.5

Objective 14.5 – Residential activity takes place within appropriate locations and limits within rural environments.

It is important to note that policy guidance for residential activity in the rural areas of the Marlborough Sounds coastal environment is not covered in Chapter 14. This can be found in Issue 13D of Chapter 13 - Use of the Coastal Environment.

Relevance

There is ongoing demand for living options in rural areas. This is reflected in the number of applications for building consent for new dwellings in these areas, the uptake of land within the Rural Residential Zone of the WARMP and the demand for existing residential dwellings evident in property transactions. The Council believes that providing people with choices enhances the social and cultural wellbeing of the community.

If the demand for residential activity occurs in inappropriate locations, there is the potential for significant adverse effects. These include effects on other residents, reverse sensitivity effects on primary production activities occurring on adjoining or nearby properties and adverse effects on the natural resources of the rural environment. It is therefore important that residential activity is planned and appropriately managed to avoid or sufficiently mitigate these adverse effects.

Although reasons of lifestyle have likely driven most of the demand for residential living in the rural environment, residential activity remains associated with primary production activities. Living on rural properties is still the custom in pastoral and other agricultural settings and providing for residential activity remains an important means of supporting primary production in the rural environment. The objective is therefore relevant in addressing Issue 14C in response to pressures for residential activity in rural environments.

Feasibility

The Council is able to utilise its controls over the effects of land use to provide for appropriate locations for residential activity in rural environments and set limits on the subsequent residential development and use. The Council has previously provided for residential activity in Marlborough's rural environments through the provisions of the WARMP and MSRMP, including through rules on residential activity in the rural environment and the use of specific zoning. The administration of those provisions has directly informed the review process and both methods are considered appropriate to continue on an ongoing basis.

In some locations smaller properties already exist in the rural environment that are not used for primary production. The objective may allow those properties to be utilised for residential purposes. Although this helps to provide for the demand for residential living in the rural environment, it also creates risks that reverse sensitivity issues may arise with respect to primary production activities on adjoining or nearby properties. (There is a record of complaints relating to the reverse sensitivity

effects of primary production activities during the administration of the provisions of WARMP.) The establishment of standards regarding the potential amenity effects of primary production activities as a result of other provisions of Chapter 14 will act to reduce (but not eliminate) the potential for reverse sensitivity effects. The remaining risk is considered acceptable, given the benefits that accrue from residential activity in the rural environment.

Acceptability

As noted above, there has been ongoing demand for residential activity within the rural environment (as reflected in feedback received during consultation). It is therefore considered acceptable to continue to provide for this. However, it is essential that residential activity is provided in appropriate locations to minimise the potential for adverse effects on primary production activity or on natural resources in that environment. This is reflected in feedback received from the community (particularly from those representing primary production activities), which stated that residential activity should not constrain existing or future primary production activities. The emphasis on appropriate locations within Objective 14.5 should ensure that residential activity does not result in unreasonable costs on the rural community.

Assessment of provisions to achieve Objective 14.5

Policies 14.5.1 and 14.5.2

Policy 14.5.1 – Identify areas within rural environments where residential activity is appropriate.
Policy 14.5.2 – Residential activity and subdivision for residential purposes within rural environments should take place within land zoned Rural Living, Coastal Living, Urban Residential 2 at Marlborough Ridge and Urban Residential 3, to:
(a) protect primary production options;
(b) protect rural character and amenity values;
(c) avoid sprawling or sporadic patterns of residential development;
(d) avoid any further over-allocation of water resources;
(e) avoid adverse effects on water quality and soil quality;
(f) reduce the potential for the spread of pest organisms;
(g) reduce impacts on the land transport network;
(h) protect landscape, natural character and indigenous biodiversity values; and
(i) provide a transition from urban to rural environments.

Benefits

Lifestyle choices have driven an ongoing demand for residential properties in rural settings. This is reflected in the number of subdivision consent applications and building consent applications received by the Council in recent years. The other provisions of Chapter 14 identify issues that residential activity can create within the rural environment in terms of adverse effects on primary production and the potential for reverse sensitivity effects. These provisions also provide means of managing these issues and have been evaluated elsewhere in this report.

The Council believes there is a need to provide choices in terms of residential locations, including the option of living in the rural environment. This is reflected in Policies 14.5.1 and 14.5.2, which seek to identify appropriate areas for residential living in the rural environment. Policy 14.5.2 in particular identifies specific zones that will provide for the lifestyle choice. The provision of zonings will consolidate the residential properties at particular locations. This will avoid sprawling and sporadic patterns of residential development and in doing so, result in the benefits identified in (a) to (i) of the policy. In particular, it will retain primary production options and limit the extent of residential living elsewhere in the rural environment. The latter will assist to reduce the potential for reverse sensitivity effects.

In the case of Urban Residential 3, the policies will provide a more appropriate planning framework for the subdivision, use and development of the zoned land. Much of the land to which the zoning applies has already been developed for residential purposes and the rural character has already been diminished.

Section 32: Chapter 14 – Use of Rural Environments

Some of the land to be zoned Rural Living and Urban Residential 3 is on the immediate periphery of towns. The use of this land for residential purposes but on larger allotments will provide a transition between the urban and rural environments. This will assist to reduce the potential for reverse sensitivity effects.

Costs

The cost of the policy is that primary production options will be lost on land zoned Rural Living, Coastal Living, Urban Residential 2 at Marlborough Ridge and Urban Residential 3. The extent of this cost is limited, as most of the areas identified in Policy 14.5.2 are already zoned for residential purposes in the WARMP. Where this is not the case, for example where land is zoned Urban Residential 3, primary production options have already been limited through previous residential subdivision. The character of these areas is similar to the existing rural residential zones.

Depending on individual aspirations, there may be a cost to some in the community as Policy 14.5.2 directs that residential development should occur at particular locations. Given the way in which zoned land has been developed under the WARMP, the variety of locations provided through the specific zonings and the effect of Policy 14.5.3 (see below), the Council is satisfied that this cost is not significant.

Efficiency

The policy will achieve Objective 14.5 efficiently as it provides for residential living within the rural environment without creating additional costs to those already incurred through previous planning decisions. The consolidation of the subsequent residential development in specific areas reduces the potential for other costs.

Effectiveness

The policy will be effective in achieving Objective 14.5. As noted above, many of the areas identified as appropriate through the review are already zoned for residential purposes and/or residential activity is already prevalent. The Rural Residential Zone of the WARMP has been particularly effective in providing for the demand of those who wish to live in the rural environment. The use of zoning for residential purposes has resulted in the outcomes identified in (a) to (i) of the policy, although some of the areas closer to Blenheim have been subsequently serviced as it has been either more efficient to provide for reticulated water and/or sewer or servicing has been required to resolve issues with on-site provision of services.

For the reasons identified above, the Council considers that it is appropriate to continue to provide specifically identified areas for residential activity in the rural environment in helping to achieve Objective 14.5. Through the review of the WARMP, it has been established that there is potential for further residential development on the land zoned Rural Residential. This land will provide for projected demand for the life of the MEP and with the exception of Urban Residential 3, no further zoning has been considered necessary. Urban Residential 3 will provide for unanticipated demand, provide a lifestyle choice close to urban settlements and regularise existing residential development.

The direction provided through Policy 14.5.2 ensures that the suitability of the environment for the residential development has been predetermined (by way of zoning). This ensures that any residential subdivision and development in the rural environment is planned and anticipated. The policy will also discourage residential activity from being proposed in locations that would result in adverse effects in terms of the matters identified in (a) to (i) of the policy.

Policy 14.5.3

Policy 14.5.3 – Except in the case of land developed for papakāinga, residential activity on land zoned Rural Environment will be provided for by enabling one dwelling per Computer Register.
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Benefits

This policy recognises that residential activity is often associated with primary production, especially pastoral farming. That residential activity has historically been critical to enabling the use of the property for primary production purposes. The benefit of the policy is therefore that it enables this practice to continue, providing the opportunity for new residential dwellings to be established on rural properties. This opportunity will help to maintain the current contribution of primary production to the social and economic wellbeing of Marlborough. The policy also helps to provide for the demand for

residential living opportunities in the rural environment. In particular, the policy enables this to occur without any further subdivision or rezoning of land.

The policy exempts papakāinga (which involves a more communal style of living), ensuring that such development is not constrained by the policy. This will enable papakāinga to be established on Māori land in rural environments. Policy provisions for papakāinga are included in Chapter 3 - Marlborough's tangata whenua iwi (Volume 1 of the MEP) and have been separately evaluated.

Costs

In some circumstances smaller properties already exist within the rural environment that are not used for primary production. The policy enables those properties to be utilised for residential purposes. Although this helps to provide for the demand for residential living opportunities in the rural environment, it also creates the potential for reverse sensitivity issues with respect to primary production activities on the adjoining or nearby properties. The potential for such costs is likely to be limited to existing smaller properties, as Policies 14.1.2, 14.4.1 and 14.4.4 will act to discourage the subdivision of land into non-economic blocks (from a primary production perspective).

The policy also limits the opportunity for multiple residential dwellings to be established on the same property as a permitted activity. Resource consent can still be sought to authorise a second residential dwelling, but the appropriateness of the dwelling will depend on the circumstances.

Efficiency

The policy is efficient in achieving Objective 14.5 as residential activity on properties where primary production activities occur is still considered necessary. Rural properties are therefore an appropriate location for residential activity to occur in this context. The policy allows for the construction of a dwelling on a rural property where one does not already exist without the creation of significant costs.

There is a potential for non-financial costs to be incurred if the residential use of existing smaller properties creates new reverse sensitivity effects for those undertaking primary production activities on adjoining properties. The establishment of standards with respect to the potential amenity effects of primary production activities as a result of other provisions of Chapter 14 will act to reduce (but not eliminate) the potential for reverse sensitivity effects. In spite of the remaining risk of costs to others, it is still considered efficient to have a standard entitlement for residential activity in the rural environment.

Effectiveness

This policy reflects the current provisions of the WARMP, which have proven to be effective in allowing people to reside on the properties where primary production activities are also undertaken. Although the need for residential activity associated with viticulture has diminished since the WARMP was notified (as a result of the corporate nature of the wine industry), contract growing is still a significant part of the industry. Living on rural properties is also still the custom in pastoral and other agricultural settings. For these reasons, the policy is considered to be effective at achieving Objective 14.5.

The establishment of standards with respect to the potential amenity effects of primary production activities as a result of other provisions of Chapter 14 will act to reduce (but not eliminate) the potential for reverse sensitivity effects.

Policy 14.5.4

Policy 14.5.4 – Residential activity directly associated with primary production activity occurring on the same land, seasonal worker accommodation in remote locations and homestays, will be enabled.

Benefits

The benefits of enabling the construction and use of a dwelling on rural property have been evaluated under Policy 14.5.3 and are not repeated in this section of the report.

An additional benefit of Policy 14.5.4 is that activities associated with primary production activity are similarly enabled. Enabling homestays within the primary dwelling provides flexibility to accommodate people in the rural environment without increasing the potential for adverse effects on the surrounding environment. The policy also recognises that in remote locations there is a need to accommodate farm workers. Those workers cannot practically be accommodated in urban environments due to the

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distance of travel. In this way, the policy allows primary production activities to be carried out efficiently and effectively in the rural environment.

Costs

The costs of enabling the construction and use of a dwelling on rural property have been evaluated under Policy 14.5.3 and are not repeated in this section of the report.

The costs of enabling worker accommodation in remote areas and homestays in any part of the rural environment are minimal. In the case of worker accommodation in remote locations, the potential for adverse effects is low due to the dispersed pattern of residential and other activities. Standards are established to manage the potential for the identified activities to adversely affect the surrounding environment.

Efficiency

The policy is considered efficient in achieving Objective 14.5 as it enables activities commonly associated with primary production activities and/or residential activity at minimal cost.

Effectiveness

The policy is considered effective in achieving Objective 14.5 as it enables activities linked to primary production activities and/or residential activity in the rural environment. Other provisions of the chapter determine the appropriateness of primary production and residential activity. Policy 14.4.4 provides the opportunity to undertake the associated activity with little risk of adverse effects on the surrounding environment.

Policies 14.5.5 and 14.5.6

Policy 14.5.5 – Maintain the character and amenity values of land zoned Rural Living by the setting of standards that reflect the following:

- (a) predominance of residential activity by enabling one dwelling per Computer Register;
- (b) low building density;
- (c) relatively quiet background noise levels;
- (d) privacy between individual properties;
- (e) ample sunlight to buildings;
- (f) minimal advertising signs;
- (g) views to the surrounding environment;
- (h) low building height; and
- (i) limited infrastructure and services and low volumes of road traffic.

Policy 14.5.6 – Where resource consent is required within the Rural Living Zone, ensure that residential development and/or subdivision is undertaken in a manner that:

- (a) is consistent with the matters set out in Policy 14.5.5;
- (b) is appropriate to the character of the locality in which the property is to be subdivided;
- (c) maintains and/or enhances the recreational values of the area for the wider community;
- (d) ensures the site can assimilate the disposal of domestic wastewater; and
- (e) ensures the effects of any natural hazards are able to be avoided, remedied or mitigated.

Benefits

Having identified an appropriate location for residential activity in the rural environment (i.e. within Rural Living Zones), it is important that the amenity of these zones is maintained at a standard suitable for the residential activity occurring within it. The characteristics identified in (a) to (i) of Policy 14.5.5 are important in terms of achieving this outcome. The benefit of Policy 14.5.5 is that it allows standards to be set relative to each of those characteristics, increasing the likelihood that those amenity outcomes will be achieved.

Policy 14.5.6 is used to determine whether residential activity requiring resource consent is appropriate in the Rural Living Zone. Identifying matters (a) to (e) will assist that determination. The policy also recognises that residential activity will generate human effluent and consequently ensures the potential adverse effects of the discharge of waste to land can be treated and contained within the site.

Costs

There may be minor costs incurred by those undertaking residential activity in the Rural Living Zone as a result of having to modify residential development to comply with the standards that result from Policy 14.5.5. However, this cost is already experienced under the provisions of the WARMP.

Efficiency

The policies are considered to be efficient in achieving Objective 14.5 as they enable appropriate limits to be established for rural residential living. Any costs incurred as a result of the standards are considered reasonable as they seek to maintain the character and amenity of areas specifically established for residential activity in the rural environment.

Effectiveness

The policies directly establish limits for residential activity in the rural environment. These limits include all potential adverse effects of residential activity and in this way provide for integrated management of the potential adverse effects. The effectiveness of the resulting standards will in part be measured by the number of complaints received and resource consent applications submitted to authorise non-compliance with the standards. The standards that currently apply to residential activity within the Rural Residential Zone of the WARMP have proven to be effective in maintaining a character and amenity that is consistent with residential activity within the zone, while also acknowledging the rural environment within which the residential activity occurs.

Other options considered to achieve Objective 14.5

Two other options were considered by the Council to achieve Objective 14.5. They were:

1. Status quo in terms of the existing provisions of the MRSP, MSRMP and WARMP

Policy 7.1.10 of the MRPS seeks to enable appropriate activities within rural and other environments. The provisions recognise the benefits of clustering activities with similar effects and the use of buffer zones. The benefits of consolidating residential activity in this manner are set out elsewhere in this report.

The WARMP contains a specific set of provisions on accommodating residential activity in the rural environment, including the provision of a specific zone (Rural Residential). As reflected in Policies 14.5.1 and 14.5.2, this approach is to be retained. The WARMP also enables the development and use of one dwelling per property and again, this approach is retained in recognition of the close association between residential activity and the efficient undertaking of primary production activities on rural properties.

Confusion regarding the intent of the WARMP provisions has been evident in the processing of resource consent applications and plan change requests. The confusion exists regarding whether the provisions apply to land zoned Rural Residential only or to all residential activity in the rural environment. To some extent the policies of the MEP reflect the status quo; however, refinements have been made to provide greater certainty to the approach for providing for residential activity in the rural environment.

The WARMP also contains a specific set of provisions (under Section 12.5) addressing the accommodation of rural residential living. There has been considerable confusion as to whether these provisions apply to the Rural Residential zone only or to the Rural 3 and Rural 4 zones as well. This has led to difficulties in the administration of the plan provisions.

There are some similarities between the status quo and the provisions proposed for the MEP. However, the Council considers that the proposed framework will achieve Objective 14.5 more effectively and efficiently. Providing greater direction about the appropriate locations for residential activity and why these areas are considered appropriate will more likely result in the purpose and principles of the RMA being achieved.

2. Not identifying appropriate locations for residential activity

An option considered during the review process was to discontinue the use of zoning as a means of identifying appropriate locations for residential activity. This would require people to rely on provisions enabling one dwelling per property to achieve their aspirations. However, this is not an efficient or effective means of providing for the demand for residential living options in the rural environment. In particular, the benefits of clustering residential activity (as in Policy 14.5.2) would be lost. The potential for a more sporadic pattern of residential development would increase the potential for reverse sensitivity effects, a significant concern to the Council. Providing for residential activity in this manner would therefore create an unreasonable risk to primary production activities.

Discontinuing the use of zoning could also result in an increase in demand for rural residential subdivisions, with a resulting increase in costs associated with resource consent processes and uncertainty regarding the outcomes of those applications. The processes may also necessitate the inclusion of adjoining owners in the process in order that they to protect their current or planned rural activities. This would create potential conflict within the community.

Removing the zoning of land that enables residential activity would also remove the planning framework that applies to the land. This would have the effect of reducing certainty for current or future residents of the zoned land with respect to the activities that could occur and the limits to those activities.

Methods of implementation

The most significant change from the current MRPS and the two resource management plans are the modifications to zoning. As set out elsewhere in this report, the four zonings included across the MSRMP and WARMP have been consolidated into two. The Rural 1 Zone in the MSRMP has become the Coastal Environment Zone while the Rural 2, 3 and 4 Zones have been consolidated into a single Rural Environment Zone.

Although primary production activity still occurs within the Rural 1 Zone, the character of the environment is characterised in most locations by the regeneration of indigenous vegetation and the coastal setting (under the provisions of the NZCPS 2010, all of the Marlborough Sounds is considered to be coastal environment). The provisions for sustainably managing the rural environment elsewhere in Marlborough were not considered appropriate for managing the activities that occur within this unique coastal environment. In addition to differences in land cover and setting, a range of activities commonly occur within the coastal environment of the Marlborough Sounds that do not occur to the same extent elsewhere in the rural environment. For these reasons, a specific Coastal Environment Zone has been created, allowing for the application of management to achieve sustainable outcomes relevant to the nature of this unique coastal environment.

The remainder of the rural environment exhibits certain common elements, primarily because rural character and amenity is influenced in a significant way by rural land use. These elements are identified in Policy 14.4.1. Upon review it was considered that the objectives sought with respect to the rural environment remained the same irrespective of the current zoning. For this reason, the Rural 2, 3 and 4 Zones were consolidated into a single Rural Environment Zone.

The physical setting and differences in the intensity of primary production activities creates variation in the character of the rural environment. Area overlays are utilised for the Wairau Plain and the Omaka Valley. This has allowed the extent of areas with unique rural characteristics to be identified and for more specific management to be applied to activities within these areas in order to achieve Objective 14.4.

The other main change relates to Rainbow ski field. The current policy provisions for the ski field are found within Chapter 12 (Rural Environments) of the WARMP, although the rules are within a Ski field Zone. Through the review, the policy provisions have now been incorporated into a new zone in the MEP, Open Space Four. The policy provisions for this zone are now found within Chapter 9 - Public Access and Open Space, as this is considered a more appropriate location in terms of the recreation and open space aspect of this chapter.

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 (and predecessors to it) have a considerable history of managing the rural environment as a resource for primary production activities. This includes managing the adverse effects of primary production activities, but also managing the establishment of activities that are not related to primary production in order to protect the character and amenity of the rural environment. The potential for the establishment of incompatible activities in the rural environment and the impact of reverse sensitivity effects on primary production activities has been a significant issue dealt with through the administration of the provisions of the WARMP and MSRMP.

Given the history of management, experience with the administration of the current plans and the results of community consultation, it is not considered that there are significant risks of acting in the manner set out in the provisions of Chapter 14.

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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