

1.0 Introduction

As a Unitary Authority the Marlborough District Council has the powers, functions and responsibilities of both a regional and district council. Under the Resource Management Act 1991 it therefore has an obligation to prepare a Regional Policy Statement, a Coastal Plan, a District Plan and such other Regional Plans as are necessary. With its dual responsibilities as both a district and regional authority the Council has taken the opportunity to integrate the management of the resources of the Marlborough Sounds in an unprecedented way by preparing this combined Regional, District and Coastal Plan, known as the Marlborough Sounds Resource Management Plan.

1.1 Plan Purpose

The purpose of the Plan is to promote the sustainable management of the natural and physical resources of the Marlborough Sounds area including the coastal environment while avoiding, remedying and mitigating any adverse effects of activities on the environment and to promote the integrated management of that area. In particular the Plan sets out the significant issues relating to: Natural Character; Freshwater; Indigenous Flora and Fauna and Their Habitats; Landscape; Tangata Whenua and Heritage; Air; Public Access; the Coastal Marine Area; Urban Environment; Rural Environment; Open Space; Soil Conservation; Discharges of Waste to Land; Undesirable Plants and Animals; Natural Hazards; Hazardous Substances and Facilities; Land and Water Transportation; Utilities; Outdoor Advertising; Noise; and Subdivision and Development. The Plan sets out objectives, policies and methods, including rules, to resolve these issues and to promote the sustainable management of the natural and physical resources of the Marlborough Sounds.

Accordingly, a number of issues or activities may be affected by the Objectives and Policies from several sections of the Plan. This combined plan integrates the sustainable management of natural and physical resources.

1.2 Overview of Resource Issues

Marlburians and an increasing number of people from further afield are quick to show enthusiasm for, and pay tribute to, the unique landscape and community of the Marlborough Sounds.

Although extensively modified by human activity the area is particularly interesting because of the diversity of physical features and the wide range of activities carried out.

Many people can identify with the “working environment” of the Sounds and its use as an economic base by farmers, commercial fishers, marine farmers, foresters, tourism operators and associated industry workers and business people.

Most, if not all of us appreciate the recreational opportunities the area offers - the strong landscape and seascape; the chance to “get away from it all”; places to explore from the land or the sea; the opportunity to enjoy the Sounds’ lifestyle as a visitor or as a bach owner; time to do a spot of recreational fishing, diving or boating.

Culturally the Marlborough Sounds is special to New Zealanders. Continuous human occupation of Marlborough's coastal area probably stretches back at least 1000 years. Maori place great importance on links to their traditional sites both on land and in the sea and value their mahingakai. Non Maori also appreciate many links with our country's history and the rich natural resources contained in the Sounds. An increasing number of people have already, or want to, make the Sounds their permanent home.

Another fascinating dimension is the unique plant and animal life found in the area. Native plants range from sub-tropical to sub-alpine. Some of the rarest animal and insect life in the world can be found in the Sounds.

The natural and physical resources of the Sounds and the activities which rely on these resources are all linked in some way. One activity may have an unexpected influence on resources or other activities in the Sounds' environment. For example, poorly conducted land clearing may generate sediment which gets into streams, the sea and then harms marine organisms, which in turn may affect marine farming. The sediment may also detract from the aesthetic and amenity expectations of tourists and visitors staying in nearby accommodation and using the Sounds.

We all have different values we place on the Sounds. We may also have a vision about how we would like the place to be in the future. Some want to see more commercial activity such as further diversification into marine farming. Others want limits placed on such activity. Some want to be allowed greater freedom to further subdivide their properties, others want no subdivision. Still others want to see major tourist development while some want to see no significant change. There are people who wish to promote eco-tourism, others who want further areas reserved - the list goes on.

These different visions create conflict. If the Sounds environment is to remain special, we need to manage it. To use the current terminology, we need to be managing the natural and physical resources in a "sustainable" way, so that our children and their children can appreciate the same good qualities. We must also manage the environment as a whole. In other words in an "integrated" way - not just the individual parts of it.

1.3 Plan Structure

The Marlborough Sounds Resource Management Plan is comprised of three volumes:

Volume One	Contains the introduction to the Plan which incorporates information requirements for resource consent applications, cross boundary matters and monitoring. Volume One contains the issues to be addressed by the Plan as a whole, the objectives, policies and methods to be used in promoting sustainable management of the natural and physical resources of the Marlborough Sounds and the environmental results anticipated from their implementation.
-------------------	--

Volume Two	Sets out the rules to achieve the objectives, policies and methods including the assessment criteria for those activities subjected to resource consents. Volume Two also contains the interpretation section which defines the words, terms and phrases used in the Plan.
Volume Three	Contains the planning maps for the Marlborough Sounds Resource Management Plan.

1.3.1 Areas to Which the Plan Applies

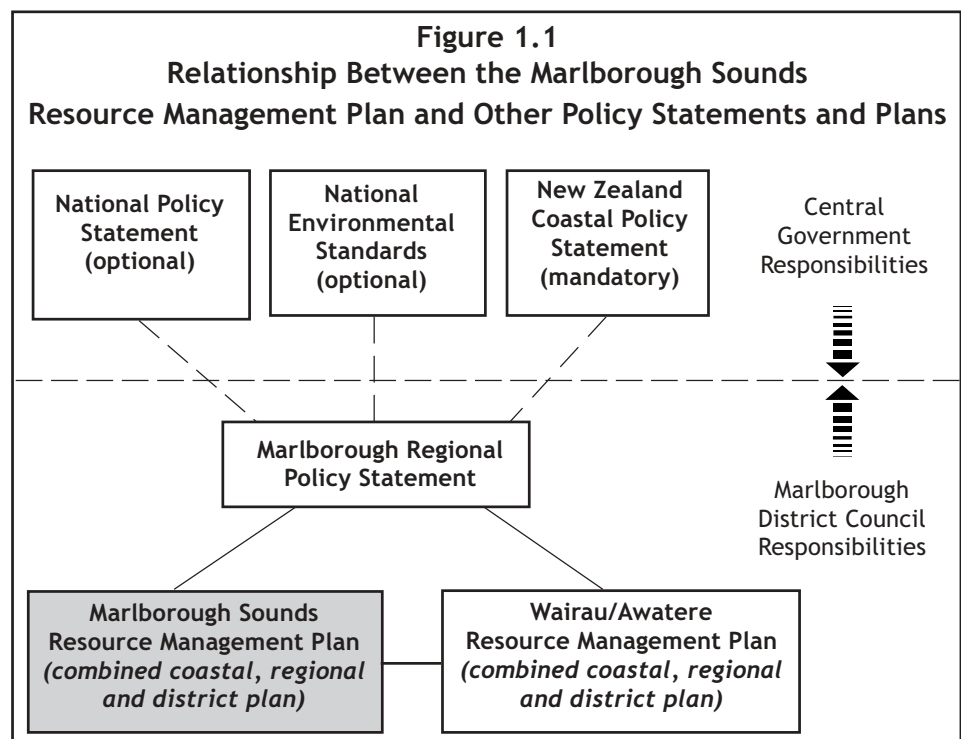
The Plan applies to the Marlborough Sounds area as defined on the planning maps; refer to Volume Three of the Marlborough Sounds Resource Management Plan.

The landward boundary follows approximately the ridgeline of the Bryant and Richmond Ranges while the seaward boundary is that of the outer limits of the Coastal Marine Area being the outer limits of the territorial sea (12 nautical miles) and the line of Mean High Water Springs (MHWS).

1.5 Plan Framework

Relationship Between the Marlborough Sounds Resource Management Plan and Other Policy Statements and Plans Prepared Under the Resource Management Act 1991

Figure 1.1 shows the relationship of the Marlborough Sounds Resource Management Plan to other policies and plans prepared under the Resource Management Act 1991. It is important to note that each level of policy or plan must not be inconsistent with the level above.



At the central government level, the Minister for the Environment is responsible for preparing National Policy Statements and National Environment Standards. Both are optional and as yet none have been prepared. National Policy Statements will guide local government decision making while National Environmental Standards, would through regulations, cover matters requiring a nation-wide approach such as pollution, ballast water, agricultural spray drift or air quality for example.

The New Zealand Coastal Policy Statement is mandatory and was prepared by the Minister of Conservation. This document sets up the framework for managing New Zealand's coastal environment within which local government prepares regional coastal plans.

The Marlborough Regional Policy Statement which is mandatory, provides an overview of the significant resource management issues of the region and contains the objectives, policies and methods to achieve integrated management of the natural and physical resources of the whole region.

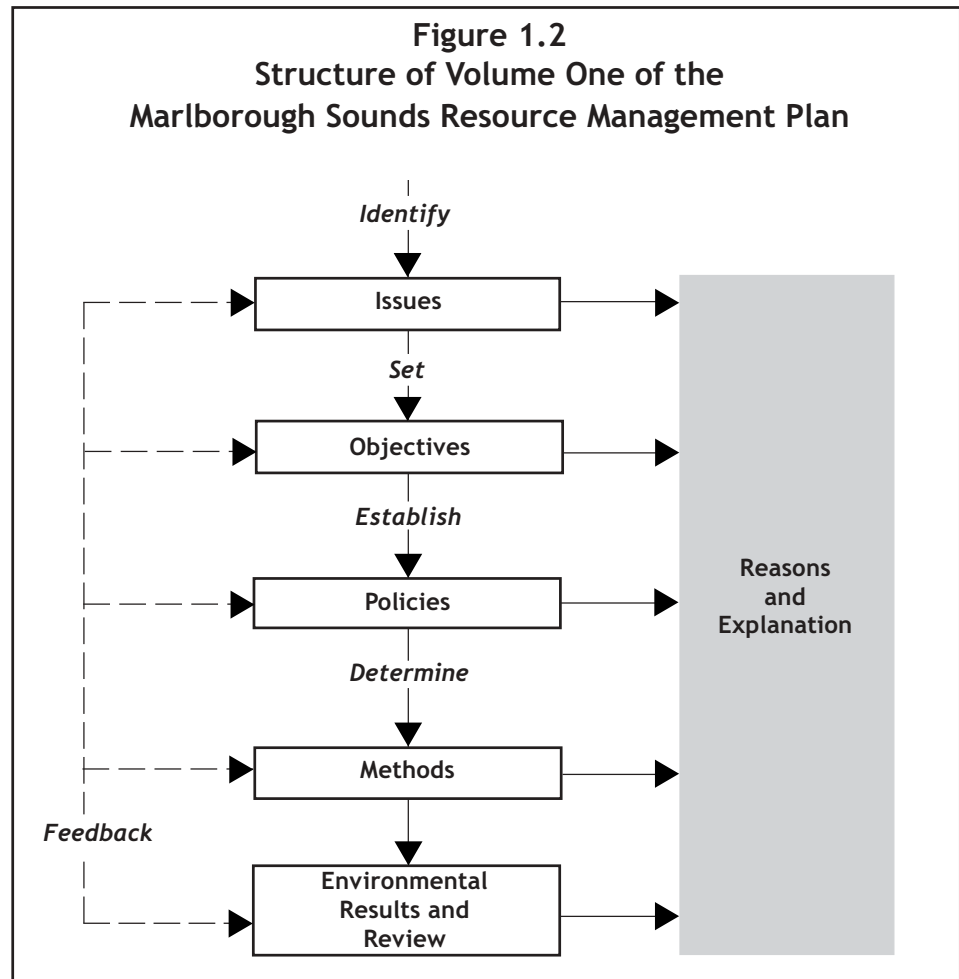
1.6 Relationship With Other Legislation

In preparing or changing regional, coastal and district plans, sections 66(2) and 74(2) of the Act require that the Council must have regard to the following:

- Management plans and strategies prepared under other Acts, in particular Conservation Management Strategies (Conservation Act 1987), Land Transport Strategies (Transit New Zealand Act 1989), Pest Management Strategies (Biosecurity Act 1993), and Reserve Management Plans (Reserves Act 1977);
- Relevant planning documents recognised by an iwi authority affected by this Resource Management Plan;
- Regulations relating to the conservation or management of taipure or fisheries;
- The Crown's interests in land of the Crown in the coastal marine area;
- Relevant entries in the Historic Places Register;
- Regulations made under the act to the extent that their content has a bearing on resource management issues of the region; and
- The extent to which this Marlborough Sounds Resource Management Plan needs to be consistent with policy statements and plans of adjacent regional councils and territorial authorities.
- Nelson/Marlborough Fish and Game Council.

1.7 Structure of Volume One

Sections 67 and 75 of the Act set out the matters to be addressed in Regional and District Plans. The matters dealt with in the greater part of Volume One of the Marlborough Sounds Resource Management Plan are shown diagrammatically in Figure 1.2. This Chapter (Introduction) also contains sections on information requirements for resource consent applications, cross boundary issues and monitoring.



1.7.1 Section 5 Resource Management Act Framework for Objectives and Policies

Volume One contains objectives and policies to address issues. These must all be read and interpreted in the context of promoting the sustainable management of natural and physical resources. Section 5(2) of the Act defines sustainable management as “managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -

- a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations;
- b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

1.7.2 Integration

The provisions of each chapter of the Plan are to be read in conjunction with all other relevant provisions of the Marlborough Sounds Resource Management Plan. For the purposes of clarity, where inconsistency between provisions may exist then the more stringent of the provisions in question will take precedence.

1.8 Information Requirements

Preamble

As a unitary authority, the Marlborough District Council has the powers, functions and responsibilities of both a regional and a district council. With these dual responsibilities the Council has taken the opportunity to integrate the management of the resources of the Marlborough Sounds area by preparing a *combined* Regional, District and Coastal Plan - the Marlborough Sounds Resource Management Plan. This is of particular advantage to applicants for resource consent, in that as a Unitary Authority, the Council has become a one stop shop for applicants and the integrated structure of its Plan provides applicants with a single source of information.

Statutory Context

Since the Act's purpose "*...is to promote the sustainable management of natural and physical resources,*" these provisions of the Plan which relate to information requirements are fundamental to the administration of the Act. They provide a means by which the Council and the community can obtain sufficient information to allow for an understanding of the activity, its potential adverse effects and way in which those effects may be avoided, remedied or mitigated.

Making an Application

The Act contains general information requirements for resource consent applications. Section 88 of the Act sets out the requirements regarding information that must accompany applications for resource consents. This includes details on assessing effects on the environment.

The required type and detail of information will vary according to the: type, scale and frequency of anticipated effects; sensitivity of the receiving environment; and presence of special values at a site. Therefore, applicants should discuss the level of information required with Council staff prior to making a formal application for resource consent. Related information and guideline details, for making an application, are available at the Council's public counter or by telephone/facsimile upon request.

Matters that should be included in an assessment of effects on the environment are set out in the Fourth Schedule to the Act, under the headings:

1. Matters that should be included in an assessment of effects on the environment; and
2. Matters that should be considered when preparing an assessment of effects on the environment.

Without limiting the scope of the requirements for provision of the information required, all applications for resource consents shall provide the following general information:

- Outline of the activity including the scale of the proposal and a description of the characteristics of the site and location;
- Map of the location;
- Explanation of why the site has been chosen;

- Drawings (plans and elevations) of all structures associated with the activity, at appropriate detail and scale to the proposal;
- Description of how the activity will be undertaken, including construction, operation and maintenance schedules;
- Description of materials to be used by the activity;
- Other consents required by the Plan or any other plan prepared under the Act; and a
- Description of any effects on the environment, including those on known cultural or archaeological sites; and any effects on public open space, including reserves, road reserve land and the coastal marine area.

It is important for applicants for resource consent to understand that application processing will be delayed until the information supplied under section 88 of the Act is sufficient to allow the Council an understanding of the nature of the activity or its effects.

Assessment Criteria

The Council has refrained from including comprehensive guidelines for “specific” resource consent applications in this information section of Volume One, as this would introduce unnecessary repetition. It has however, chosen to supplement this general information section by providing a comprehensive range of “assessment criteria” for activities in Volume Two of the Plan.

The provision of these assessment criteria for certain ranges of activity enables an applicant for resource consent to understand how any particular activity will be assessed. This method of guidance has been chosen as it enables a prospective applicant to more easily determine the appropriate range of information to be included in an application. The assessment criteria are included within the General Rules section, the section on Subdivision and also within each of the Zone sections of Volume Two.

The Volume Two section on Standard Requirements for Subdivision and Development provides comprehensive details on the information required in an application for subdivision consent. It also provides thorough guidance to an applicant for land use activities (“developments”) which include site development, physical access requirements and an involvement with the servicing infrastructure and roading.

Further Information May Be Required

Because of the exhaustive range of activities that can be applied for under the Council’s combined Plan, and the variable nature of locations within the district, it can be difficult to determine all of the specific information that is necessary to be included for any particular activity or group of activities. Accordingly, as an application is progressed, the Council may require an applicant to provide further information under section 92 of the Act. This request can only be made prior to a formal hearing and only where it is necessary to enable the Council to:

- Better understand the nature of the proposed activity;
- Understand the effect the activity will have on the environment; and
- Understand how adverse effects may be mitigated.

Where Council is of the opinion that any significant adverse effect on the environment may result from an activity, to which an application for a resource consent relates, the Council may request specific information. This includes an explanation of any possible alternative locations or methods for undertaking the activity and the applicant's reasons for making the proposed choice, as well as the consultation undertaken by the applicant.

Where the application is for a discharge permit or a coastal permit to do something that would otherwise contravene section 15 of the Act (relating to discharge of contaminants) [or s.15B], the Council may require an explanation of:

- The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects;
- The applicant's reasons for making the proposed choice; and,
- Any possible alternative methods of discharge, including discharge into any other receiving environment.

The Council may also commission a report on any matters raised in relation to the application, including a review of any information provided under s.88 (4) or s. 92 of the Act.

1.9 Cross Boundary Issues

For administrative purposes of local government and resource management, the Marlborough District Council is a unitary authority having the powers and functions of both a regional council and a district council. This gives the Council responsibility for sustainable management of resource use and the effects of resource using activities within the Marlborough Sounds. This situation reduces the potential for cross boundary issues, but does not completely avoid their occurrence.

Cross boundary issues can arise from:

- Differences in policies and methods between adjoining plans or Councils;
- Adverse effects of activities in adjoining areas; and
- Different community aspirations and goals in adjoining areas.

Councils which adjoin the Marlborough Sounds planning area include: Tasman, Nelson, Wellington and the remainder of the Marlborough District. Like Marlborough, Tasman and Nelson are Unitary Authorities, while Wellington has separate district and regional councils. As well as geographical boundaries with adjoining Councils the Plan also needs to address administrative cross boundary issues. These issues arise from dealings with bodies having statutory responsibilities for activities with implications for sustainable resource management. These bodies include: Department of Conservation, Ministry of Fisheries, Maritime Safety Authority and Ministry of Transport.

Under the Act the mean high water spring boundary separates the primary management responsibilities for the land and water of the coast between agencies. Council, in conjunction with the Minister of Conservation is responsible for the management of the coastal marine area. Landward of mean high water springs the relationship does not occur and Council has full responsibility for sustainable management of the natural and physical resources.

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

Cross boundary issues identified during the preparation of the Plan include:

- Inconsistent approach to the development of adjoining resource management plans;
- Inconsistent provision and co-ordinated management of similar recreational, cultural and tourist facilities within adjoining planning areas;
- Inconsistent approach to national roading that passes through the Plan area;
- Inconsistent management of adjoining resources within the coastal marine area including the management of coastal water quality, and coastal space for recreation and marine farming;
- Damage to natural values and features from effects of activities occurring outside the area or jurisdiction of the Plan;
- Inconsistent recognition of iwi issues; and
- Inconsistent approach to waste minimisation and management of hazardous substances, including hazardous waste.

Section 75(1)(h) of the Act requires the Plan to set out the process to resolve cross boundary issues. This Section of the Plan details the process to ensure:

- cross boundary issues are identified;
- processes for dealing with cross boundary issues are developed; and
- effects of cross boundary issues are avoided, remedied or mitigated.

To address cross boundary issues Council will:

- liaise with neighbouring regional and district councils and other statutory bodies to ensure integrated treatment of resource management issues;
- participate in inter agency groups and forums;
- exchange and share information;
- establish and maintain joint working parties;
- support research; and
- transfer its functions, powers or duties, in accordance with section 33 of the Act, where it is satisfied that the transfer is desirable when assessed according to:
 - the authority to which the transfer is made being representative of the appropriate community of interest relating to the exercise or performance of the function, power or duty;
 - efficiency; and
 - technical or special capability or expertise.

Most planning matters and resource consents are unlikely to have cross boundary effects. However, where an activity within the Plan area has effects outside the Plan area, the Council will:

- co-ordinate notification of the request or application with other statutory bodies;
- promote and facilitate pre hearing meetings;
- promote and facilitate joint and combined hearings, unless the Councils and the applicant agree the applications are sufficiently unrelated that joint hearing is unnecessary (section 102 of the Act); and
- monitor, and if necessary submit on other Councils plans, to promote consistency across regional boundaries.

Where an activity requires plan changes or resource consents near the Plan boundary and there is the potential for effects to be felt beyond the Plan area, the Council will:

- serve copies of applications and requests on adjoining Councils;
- promote and facilitate pre hearing meetings;
- promote and facilitate joint and combined hearings to involve the adjoining Council in the decision making process; and
- in terms of consultation under the First Schedule of the Act the affected community of interest will be notified even if this extends beyond the boundaries of the Plan.

1.10 Monitoring and Review

The process of monitoring and review are integral to Council's responsibilities under the Act.

Section 30(1)(a) of the Act requires the Council to:

"...review [the] objectives, policies and methods to achieve the integrated management of the natural and physical resources..."

Section 31(a) of the Act requires the Council to:

"... review [the] objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources..."

Section 35(2) of the Act requires the Council to undertake research and gather information necessary to effectively carry out its functions under the Act. It also requires Council to monitor:

- (a) The state of the whole or any part of the environment to the extent that is appropriate to enable [it] to effectively carry out its functions under [the] Act; and*
- (b) The suitability and effectiveness of any ... plan...; and*
- (c) The exercise of any functions, powers, or duties delegated or transferred by it; and*

(d) The exercise of the resource consents that have effect in [the Plan area]- and take appropriate action (having regard to the methods available under this Act) where this is shown to be necessary.”

Monitoring is an important mechanism for assessing how the Plan and the Council are fulfilling the Act’s purpose of promoting sustainable management of the natural and physical resources of the Marlborough Sounds. It is information collection, recording, analysis and comparison that makes up monitoring and review. This process includes gathering information and maintaining records in respect of specific resources, the state of the environment, and the compliance of resource consents with their conditions.

With the number and range of resource management issues, and objectives, policies, and methods relating to the sustainable management of resources, that are contained within the Plan the scope for monitoring is huge. However, practical reality means that priorities need to be set for the monitoring programme. Monitoring will be prioritised and targeted to:

- Resource components of the Marlborough Sounds environment, including freshwater, coastal and land ecosystems, and air;
- Parameters of community wellbeing; and
- Deficiencies in existing monitoring programs.

Throughout Volume One of the Plan, ‘anticipated environmental results’ are specified for groups of linked resource management issues. These results form the basis for the monitoring programme.

The monitoring and review programme will be undertaken in a comprehensive strategy made up of three major components, being:

- State of the Environment Monitoring that measures existing and cumulative effects, and establishes environmental quality against which future changes can be measured;
- Consent Compliance Monitoring that compares anticipated and actual effects of specifically approved activities; and
- Plan Achievement Monitoring that assesses the effectiveness of achieving sustainable resource management as defined by the objectives and policies within the Plan.

Using a variety of monitoring procedures the anticipated environmental results suggest the monitoring strategy will need to include assessment of the Monitoring Factors defined in Table 1.1: Monitoring Factors.

Table 1.1: Monitoring Factors

Resource Issue	Anticipated Environmental Result	Monitoring Factor
natural character	preservation of values	defined significant areas and elements consents
water - wetlands, lakes and rivers	protection	water quality contaminants flow level
	use	abstraction consents
	food gathering recreation	use complaints
	ecological value clarity	defined values clarity complaints
water - groundwater	maintenance of aquifer	water quality groundwater level
indigenous vegetation, habitats of indigenous fauna	rare and endangered species diversity of habitats	species numbers distribution
landscape	maintenance of values	consents complaints
tangata whenua and heritage	traditional relationship	use access complaints
	protection of heritage resources	consents scheduled resources
air	quality	discharges suspended solids carbon monoxide lead visibility complaints
public access	maintenance of access	consents complaints
coastal marine	use	users uses

Resource Issue	Anticipated Environmental Result	Monitoring Factor
coastal marine (cont.)	recreation values	pathogens facilities
	occupation	consents location
	structures	consents location
	marine farms	consents location
	water quality	pathogens contaminants water quality discharge permits complaints
	alteration	site profile
urban environment	urban form	population employment commerce location
	residential character	consents complaints
	rural townships	consents
	ports and marinas	consents
rural environment	character amenity	land use vegetation cover
	diversity	activity consents
	subdivision	lot size consents
	wellbeing	employment income facilities services
open space	valued characteristics	users facilities
soil conservation	land disturbance	soil quality water sedimentation complaints

Resource Issue	Anticipated Environmental Result	Monitoring Factor
soil conservation (cont.)	historical values cultural values archaeological values	consents notice of disturbance complaints
discharge of waste to land	contamination	water quality soil quality
	landfill	consents
	amenity values	consents complaints
	waste reduction	landfill material landfill volume
undesirable plants and animals	spread	species numbers location
natural hazards	resource use	damage personal injury and death consents
	information	consents requests
	event responses	warning
hazardous substances and facilities	use storage transport	complaints community health disposal consents
	site contamination	contaminants soil quality water quality consents
land transport	safe and efficient transport system	traffic accidents
	environmental effects	consents complaints
water transport	navigation and safety	accidents complaints
	environmental effects	consents complaints
network utilities	services facilities	consents community health

Resource Issue	Anticipated Environmental Result	Monitoring Factor
outdoor advertising	safety convenience amenity information	consents accidents complaints facilities
noise	individual health	intrusive noise
	community health	ambient noise consents complaints
subdivision	values character	consents financial contributions reserves
	infrastructure	facilities reserves

Where appropriate, monitoring as a condition of consent approval and at the applicants expense will be required.

The annual monitoring programme will be specified in the Annual Plan, each financial year. Changes in funding availability, work priority, and response to particular situations will influence the specific content of the monitoring program in any particular year. Continuing analysis of monitoring data will enable an assessment of the appropriateness of the monitoring being undertaken and whether it is providing information appropriate to assessment of the effectiveness of the achievement of the Plan objectives and policies.

Monitoring results may indicate a necessity to change some of the objectives, policies and methods of the Plan prior to a full review. Should this become necessary Council shall change the Plan in accordance with the plan change procedures contained within the First Schedule of the Act.

Council has powers under Part XII of the Act to require persons to cease or not commence any activity which is or is likely to:

- Contravene the Act, any regulation, a rule in the Plan, or resource consent; or
- Be noxious, dangerous, offensive, or objectionable to such an extent that it has or is likely to have an adverse effect on the environment.

Under section 38 of the Act Council has authorized officers to carry out the functions and powers of enforcement officers. Enforcement officers may serve abatement notices against persons who are breaching the Act, a rule in the Plan or a resource consent, or operating in a manner which is having an adverse effect on the environment. In relation to noise an abatement notice require the adoption of the best practicable option of ensuring that the emission of noise from land or water does not exceed a reasonable level. If abatement notices are not acted on, the Environment Court may issue an enforcement order requiring compliance.

1.11 Section 32 Requirements

Section 32 of the Act requires Council to assess the extent to which an objective, policy, rule, or other method is necessary in achieving the purpose of the Act. It also requires other alternatives to be assessed, and costs and benefits weighed up.

Marlborough District Council considers that it has fulfilled its duties under section 32 of the Act in the preparation of the Plan. Explanations, which incorporate principle reasons for adopting objectives, policies and methods (including rules) are contained throughout Volume One of the Marlborough Sounds Resource Management Plan.

In general, the Marlborough District Council has sought to infuse the spirit of section 32 throughout the process of preparing the Plan.