

## **Chapter 2: Background**

### **Draft Marlborough Regional Policy Statement Provisions**

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# Introduction

The Resource Management Act 1991 (RMA) promotes integrated management of natural and physical resources. This is reflected in the purpose of a regional policy statement, which is to promote the sustainable management of natural and physical resources in Marlborough by:

- (a) Providing an overview of the resource management issues of the district.
- (b) Identifying policies and methods to achieve *integrated management* of the natural and physical resources of the whole district.

## Identifying regionally significant issues

The following criteria were used to help determine whether an issue is a regionally significant for Marlborough.

Does the issue involve a resource that is scarce, rare, or unique, and/or is under threat?

This includes both natural and physical resources and could include the limited availability of water in some parts of Marlborough or it may include the habitats of threatened indigenous species.

Is the issue a widespread problem, which is apparent throughout Marlborough, or large areas of Marlborough?

This type of issue may even cross local authority boundary boundaries. An example of this is the management of pests.

Is there a conflict in resource use?

This may be evident where there is the presence of, or the potential for, significant conflicts in resource use. An example of this could be between recreational and commercial users of the Marlborough Sounds.

Are there any significant cumulative impacts arising from resource use?

This situation could arise in the use of both natural and physical resources. Such an example could be the expansion of our urban areas where issues with roading, effluent disposal, rural amenity and flooding may be apparent.

These criteria have been used through the review process in identifying issues needing to be addressed. Also taken into account has been the results gained through monitoring Marlborough's resources and from the emerging pressures that have become evident in recent times. (The results from monitoring have been reported regularly to the community through the Council's state of the environment monitoring reports and are available on the Council's website.)

## Review process

In carrying out the review there has been significant consultation with the Marlborough community and particularly with individual landowners. Initial consultation began with flyers to ratepayers and discussion papers seeking feedback on what were considered to be regionally significant issues for Marlborough and options to address these. Additionally the review process saw a number of supporting projects looking at key issues. Information about Marlborough's outstanding landscapes, natural character, wetlands, allocation of water, significant marine areas and freshwater values was gathered and urban growth strategies for north and south Marlborough were developed. These projects resulted in significant numbers of private landowners being directly consulted, especially landowners whose properties were identified as having significant wetland or important landscape values.

Early on in the review process, the Council considered that it would be important for the provisions to be 'tested' before the new resource management documents were formally notified under the First Schedule of the RMA. The rationale for this was that the greatest flexibility for change to provisions actually exists

prior to notification of a proposed document. Once notified, only those provisions submitted on can be changed, and then only within the scope of those submissions.

Therefore the Council set up a number of focus groups with the task of reviewing the provisions to discuss their likely effectiveness or otherwise. The aim was to identify and resolve any substantive issues prior to notification, which would then have the effect of minimising the number and size of submissions received and effectively speed up the First Schedule process.

Given the interconnections between many of the issues, resource based focus groups were established (Rural, Urban, Freshwater and Marine). Key stakeholders in each of the focus groups with experience in dealing with the resource management issues were used. A number of issue based groups had already been established by the Council. These groups included the Sounds Advisory Group, the Landscape Group and the Significant Natural Areas Project Group. An Iwi Working Group had been established early on in the review process and this continued in its existing partnership role with the Council in the development of policy. Energy and Utility groups also considered draft provisions.

A Practitioners' focus group was established so that an objective and external view of all provisions was provided from those in the planning and legal professions. The Council's view was that as these professions will use the resource management documents the most, they would be a good barometer of the workability of draft provisions.

The Council did not limit its consultation on the draft provisions to the focus groups however. There are many other organisations that were consulted directly. The provisions were also considered by internal staff and the Council's formal committees established to oversee the review process.

## **Integrated management of the Marlborough environment**

Kaitiakitanga, the environmental guardianship practiced by Marlborough's tangata whenua iwi, has its foundation in the world view that all life and the elements within the natural world that support life, are connected. As a community we also recognise the existence and importance of these connections. The concept of integrated management is an attempt to acknowledge and provide for the interconnected nature of natural and physical resources in our environment.

Natural and physical resources include land, water, air, soil, minerals, energy, all forms of plants and animals and all structures. Integrated management of the Marlborough environment is important due to the degree of connection between these resources and given the multiple agencies responsible for environment management in Marlborough.

Integrated management is an active process of managing the use, development and protection of natural and physical resources as a whole. The concept of integrated management recognises the following:

- (a) The use, development or protection of one natural or physical resource can affect other natural and physical resources or other parts of the environment. These effects can occur across space and over time.
- (b) The need for cooperation and coordination between the multiple agencies that have statutory roles and responsibilities for the management of natural and physical resources.
- (c) The effect of other statutory documents prepared by the Council and others with functions under other pieces of legislation relating to the management of natural and physical resources.
- (d) That natural and physical resources cannot be managed without having regard to the social, economic and cultural interests of the community.
- (e) The need for the support of non-statutory agencies, individuals and communities.

The integrated management of natural and physical resources is important for Marlborough. The social, economic and cultural wellbeing of our community relies on the use, development and protection of our land, water, air, soil, mineral and energy resources, plants and animals and structures. A particularly

important role for the Council in achieving the social, economic and cultural wellbeing of our community is the allocation of public resources, such as water and coastal space. There is a significant degree of connection between natural resources, especially land and water resources.

Many agencies share responsibility for ensuring Marlborough's natural and physical resources are sustainably managed. Of particular note in Marlborough is the large proportion of land administered by the Department of Conservation. Approximately 45 percent of all land is managed by the Department of Conservation, on behalf of the Crown, for conservation purposes. It is important that these various authorities have a common understanding of resource issues and that the responsibility for sustainable management is shared.

In the preparation of the RPS/RMP, the Council has consulted widely with other agencies involved with environmental management or involved in the use, development or protection of natural and physical resources. These include central government agencies, adjoining regional and district councils (in respect of cross boundary issues), groups representing the interests of particular resource users or industries, and other statutory bodies. This ensures a common understanding about the sustainable management of Marlborough's natural and physical resources, as reflected in the objectives, policies and methods contained in this document. It will also hopefully be reflected, over time, by consistency between the RPS/RMP and other statutory environment management documents (such as the Department of Conservation's Conservation Management Strategy) and the day to day actions of the Council and others involved in the use, development and protection of natural and physical resources. The extent to which these provisions are successful in achieving integrated management will be reflected in state of the environment reporting.

### **Marlborough District Council as a unitary authority**

Pursuing integrated management as a unitary authority has implications for the structure of this RPS/RMP and the Council's resource management framework. As identified above, a regional policy statement must identify regionally significant issues. The concept of "regionally significant" is applicable for the normal structure of local government, as there are resource management issues of significance at both a regional and local scale. However, as the Council is a unitary authority the boundaries between what is regarded as a regional issue as opposed to a local one are more blurred.

Many issues identified in the RPS/RMP exist because of the effects of resource use on other natural and physical resources or on other parts in the environment. The objectives that have been set in relation to these issues provide an outcome that should reflect the principle of integrated management. The Council seeks to promote an integrated approach to resolving these issues through the way in which the policies and methods are set out in Volume One of the RPS/RMP. Each provision is identified as a regional policy statement provision or a plan provision or in many cases both.

It is important to recognise that both regulatory and non-regulatory methods have a role in integrated management of natural and physical resources. One of the challenges is to ensure that the wider public also understand the concept of, and need for, integrated management. This is reflected in the range of information sharing methods set out in the RPS/RMP.

The approach taken in the preparation of the second generation resource management framework for Marlborough has been to simplify the framework. Combining a regional policy statement with regional, coastal and district plans (as enabled through section 80 of the RMA) will ensure that there is clear and concise direction on the critical resource management issues. It will also ensure a user friendly planning framework.

### **Marlborough's tangata whenua iwi**

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

The RMA sets up a special relationship between iwi, the Crown and local authorities. The relationship is initially identified through the purpose and principles of the RMA whereby those who are seeking to achieve the purpose of the RMA have to recognise and provide for as a matter of national importance:

- The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- The protection of recognised customary activities; and
- The protection of historic heritage from inappropriate subdivision, use, and development.

The RMA further requires that particular regard is had to kaitiakitanga (guardianship) and that the purpose and principles of the Te Tiriti o Waitangi are taken into account in sustainably managing Marlborough's natural and physical resources.

In developing a regional policy statement, regional plan or district plan, the Council has to take into account any relevant planning document recognised by an iwi authority and lodged with the Council, to the extent the document has a bearing on resource management issues for Marlborough<sup>1</sup>. These documents are often commonly referred to as iwi management plans.

Iwi management plans are generally prepared as an expression of rangatiratanga to help iwi and hapū exercise their kaitiaki roles and responsibilities. These plans are a written statement identifying important issues regarding the use of natural and physical resources in the rohe of an iwi and often cover more than RMA matters.

Not all of Marlborough's tangata whenua iwi had prepared iwi management plans at the time the RPS/RMP was prepared. This means that resource consent applications or plan changes made subsequent to the RPS/RMP becoming operative may need to take into account resource management related provisions of an iwi management plan.

Additionally, the RMA requires that the resource management issues of significance to iwi authorities in Marlborough must be included in a regional policy statement. Through a series of hui with Marlborough's tangata whenua iwi, three quite distinct groups of resource management issues have been identified:

- Cultural issues of fundamental importance that relate to the connection an iwi has to natural and physical resources;
- Relationship and process issues, including iwi involvement in decision making on resource consent applications and on developing policy to assist in Council's decision making; and
- Issues of significance or concern for iwi as well as for the wider community.

In light of this, issues of significance for Marlborough's tangata whenua iwi have been identified and addressed in three different ways. Firstly, Chapter 3 of Volume One provides a stand-alone chapter on the core resource management issues of significance for Marlborough's tangata whenua iwi. This chapter also includes background information on Te Tiriti o Waitangi, the Māori world view, mauri, kaitiakitanga and tikanga, and a glossary of Māori terms.

Second, Chapter 3 identifies a specific set of relationship and process issues. These include:

- A lack of representation and recognition of iwi values in decision making processes;

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<sup>1</sup> In addition the Council also has obligations in respect of planning documents prepared under the Marine and Coastal Area (Takutai Moana) Act 2011, where the content of those documents has a bearing on resource management issues in the region. At the time the RPS/RMP was notified no such management plans were in place.

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

While the issues that have been identified in Chapter 3 are those of Marlborough's tangata whenua iwi, the Council has worked with iwi to develop objectives and policies to address the first two groups of issues. These objectives and policies, which are set out in Chapter 3 are to be had regard to by those undertaking activities within the framework of the RMA.

The third way in which iwi issues have been addressed are through the remaining chapters of Volume One in which the resource management issues of significance for the whole community are identified. The management responses to these issues are set out in the remaining chapters of the RPS/RMP.

## **Working with others to sustainably manage Marlborough's natural and physical resources**

The Council has a statutory role to sustainably manage Marlborough's natural and physical resources under the RMA. That is not to say however, that others do not also have important roles to play in helping to achieve that purpose. For example:

- Other statutory agencies have specific responsibilities for managing particular natural and physical resources through separate pieces of legislation.
- Resource users play an essential role in ensuring their day-to-day activities are sustainable in the long term.
- Iwi are kaitiaki of natural resources within their rohe.
- The community is affected by the management of natural and physical resources.

It is essential that the management applied variously by management agencies, resource users, iwi authorities and the community is integrated in order to achieve the objectives established in the RPS/RMP. Those involved in managing natural and physical resources should work collaboratively and on an on-going basis to efficiently and effectively respond to resource management issues (or to avoid those issues in the first place).

The Council will meet with the groupings listed below to ensure there is regular communication and exchange of information. Feedback from the various agencies, organisations and individuals will inform the assessment of the efficiency and effectiveness of the existing resource management framework contained in the RPS/RMP. It will also enable the application of consistent or co-ordinated approaches when more than one management agency has a responsibility for the management of a particular resource.

### **Statutory Agencies**

There are a number of statutory agencies that operate under legislation, which is in some instances completely separate from the RMA. However, the responsibilities that these agencies have do overlap with the sustainable management purpose of the RMA. In some cases there is a dual responsibility with the Council to manage certain resources under the RMA such as the Department of Conservation in respect of the coastal marine area. This sees a particularly close relationship with that agency.

Statutory agencies that will be the Council's focus in establishing a collaborative approach in achieving sustainable management include the following:

- Ministry for the Environment
- Ministry for Primary Industries
- Department of Conservation
- Nelson/Marlborough Fish and Game
- New Zealand Historic Places Trust
- Adjoining local authorities

## Resource Users

Resource users play a key role in the sustainable management of natural and physical resources through their day-to-day activities. Increasingly, resource users are taking greater responsibility for managing the effects of resource use and development. This is reflected in the non-regulatory methods contained in the RPS/RMP that are aimed at providing resource users with the information and tools they need to improve management practices. Resource users may also be able to assist the Council with the implementation of other non-regulatory methods.

Resource users also play an essential role of informing the Council of practical issues with the implementation of either regulatory or non-regulatory methods.

The Council will meet with industry groups on a regular basis as the main way in which communication and exchanges of information will occur. Industry groups will include Marlborough Winegrowers, Federated Farmers, Marine Farming Association, Forestry Forum and Water User Groups.

## Iwi Authorities

As identified earlier in this chapter there are eight iwi with tangata whenua status in Marlborough: Ngāti Apa, Ngāti Koata, Ngāti Kuia, Ngāti Rārua, Ngāti Toa Rangitira, Ngāi Tahu, Rangitāne and Te Ātiawa.

Each of the Council's standing committees has an opportunity for an iwi representative to be a full member of the committee with speaking and voting rights. Representatives are appointed collectively by the eight iwi. This is one forum in which the views of Marlborough's tangata whenua iwi about the activities of the Council, not just in resource management terms, can be aired.

An Iwi Working Group was also established to identify issues of significance to iwi authorities as part of the review process for the RPS/RMP. The Iwi Working Group will continue to operate in response to future changes to the RPS/RMP.

## Community Groups

The Council meets with a variety of groups on resource management issues and the groups reflect the diverse nature and interests of Marlborough's community. Some groups are issue based such as the Landscape Group which has a focus on landscape matters across the district while others are area based such as the Sounds Advisory Group, which has a particular focus on all matters in the Marlborough Sounds. The value of these groups cannot be underestimated as they are important ears and eyes within the environment, often highlighting issues that need a resource management response. Many of these groups are already meeting with the Council on a regular basis and the intention is for this to continue.



The commitment to engage with the above groupings also reflects the Council's "Smart and Connected" vision described in x.x. The interaction ensures that the Council remains connected with its community and the management framework remains responsive to the needs and aspirations of the community.

## **Relationship of the RPS/RMP to other policy statements, standards and strategies**

The RMA provides for a hierarchy of resource management policy statements and plans related to the three principal levels of government – central, regional and district. It is important to note however, that in a Marlborough context both the regional and district level resource management functions are undertaken by the Marlborough District Council.

Diagram to be inserted in here to show relationship

### **National policy statements and national environmental standards**

National policy statements are prepared by central government and cover matters of national significance. Regional and district-level planning documents prepared under the RMA must give effect to national policy statements. The RMA requires a coastal policy statement (prepared by the Minister of Conservation) to be in place at all times. The RMA also states that the Minister for the Environment may prepare a national policy statement for other matters of national significance. Other than the New Zealand Coastal Policy Statement 2010, central government has three approved national policy statements.

- National Policy Statement on Electricity Transmission 2008
- National Policy Statement for Freshwater Management 2011
- National Policy Statement for Renewable Electricity Generation 2011

Central government can also prepare national environmental standards – these are technical standards relating to the use, development and protection of natural and physical resources. Such national standards provide an opportunity to promote the use of consistent standards, requirements or practices nationally. National standards override existing provisions in plans that require a lesser standard.

National environmental standards for air quality, sources of human drinking water, telecommunications facilities, electricity transmission and managing contaminants in soil have effect.

For details of specific national policy statements and national environmental standards, refer to the Ministry for the Environment website: [www.mfe.govt.nz](http://www.mfe.govt.nz). Copies of each of the operative national policy statements and national environmental standards are included in Volume 5 of the RPS/RMP for information and easy reference.

### **Relationship between the RPS/RMP and Long Term Plan**

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

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

One of the community outcomes included in the LTP is "environmental sustainability". Environmental sustainability is also identified as one of Marlborough's key challenges. The LTP recognises that our social and economic wellbeing relies on the quality of our environment. Given that the role of the

RPS/RMP is to promote the sustainable management of natural and physical resources, it has an obvious role in achieving the community outcome of environmental sustainability.

The RPS/RMP has also been prepared having regard to the other community outcomes in the LTP. This will ensure that implementation of the RPS/RMP contributes to these outcomes, where possible.

The review periods for the LTP and RPS/RMP do not necessarily coincide. This means that the other community outcomes could have environmental implications that may, in the future, conflict with the RPS/RMP. This does not mean that resource management decisions must comply with LTP. These decisions must still be made in accordance with the objectives and policies of the RPS/RMP and under the framework of the RMA.

The LTP also sets out how the Council proposes to fund its activities, including the implementation of the methods set out in the RPS/RMP. The Council has had to prioritise the methods given the limited funding available. As a result, the methods included in the RPS/RMP are those considered essential to achieving the objectives. The LTP is updated every three years. This means that the methods contained in the RPS/RMP that are not currently reflected in the LTP can be included in the future.

## Other strategies and plans

There are a number of national strategies drawn up by central government and its agencies prepared under other Acts. A council is required to have regard to such management plans and strategies when preparing or changing a regional policy statement or plan to the extent that their content has a bearing on resource management issues of the district. They assist in the identification of natural and physical resource management issues, choices made at a national level and priorities for action if New Zealand is to reach goals for the future, and often contain objectives.

Some of the documents and strategies the Council has considered in the development of the RPS/RMP include the New Zealand Energy Strategy to 2050 (2007), the New Zealand Energy Efficiency and Conservation Strategy (2007), the Regional Renewable Energy Assessment for the Marlborough (2006), the New Zealand Urban Design Protocol (2006) and National Priorities for Action for Protecting Biodiversity on Private Land (2007).

Similarly, the Marlborough Regional Land Transport Strategy has contributed to policies and methods on infrastructure and energy, urban form and reverse sensitivity.

There are also a number of statutes that can be thought of as companions to the RMA, in that their purpose can be interpreted as further supporting the sustainable management of natural and physical resources (e.g., the Conservation Act and the Reserves Act), or have some other relationship with resource management functions (e.g., the Civil Defence Emergency Management Act and the Biosecurity Act).

At a local level there have been other strategies and visions developed by the Council in response to matters such as economic development and future growth. These have not been prepared in terms of being required under particular statutes but are in response to perceived needs for guiding how Marlborough should develop and grow.

In particular, the Marlborough Urban Growth Strategy "Growing Marlborough" has provided the basis for the policies and methods on urban form and growth management, and infrastructure. The strategy has been prepared in three parts: Blenheim Town Centre Project; North Marlborough Project; and South Marlborough Project. Collectively the outcomes have focussed on ecological sustainability, appropriate areas for residential growth, identifying areas to cater for employment growth, stronger town centres, strong communities, public open space and future proofing transport networks.

A vision developed by the Council in response to how Marlborough should progress economically signals that *"Over the next decade, Marlborough will become a globally-connected district of progressive, high-value enterprise, known for our economic efficiency, quality lifestyle, desirable location and natural environment."* Marlborough will be *"smart and connected."* The vision recognises that the economic performance of a region depends on a raft of things – including physical infrastructure and the

management of natural resources. The RPS/RMP therefore complements the “Smart and Connected” vision by enabling people to use and develop natural and physical resources in appropriate ways. By doing so, the Council seeks to create conditions for economic growth to occur, but growth that is environmentally sustainable.

## Issues that cross local authority boundaries

Taken from existing resource management documents – has been reviewed but may need change once discussions have taken place with adjoining authorities

Section 62(h) of the RMA requires the Council to identify the processes to be used to deal with issues that cross local authority boundaries, and issues between territorial authorities or between regions. For the administrative purposes of local government and resource management the Council is a unitary authority having the powers and functions of both a regional council and a district council. 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 regional policy statements or plans of adjoining local authorities;
- Adverse effects of activities in adjoining areas; and/or
- Different community aspirations and goals in adjoining areas.

Councils that adjoin Marlborough include: Canterbury and Wellington Regional Councils; Kaikoura, Tasman and Hurunui District Councils; and Nelson City Council. Like Marlborough, Tasman and Nelson are unitary authorities.

As well as geographical boundaries with adjoining councils the RPS/RMP also needs to address administrative cross boundary issues. These issues arise from dealings with bodies having statutory responsibilities for activities with implications for resource management. These bodies include the Department of Conservation, Ministry of Primary Industries, Nelson/Marlborough Fish and Game Council, Maritime Safety Authority, the Ministry of Transport and the New Zealand Transport Agency.

Under the RMA the mean high water spring boundary separates the primary management responsibilities for the land and water of the coast between agencies. The 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 the Council has full responsibility for sustainably managing Marlborough’s natural and physical resources.

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

To address cross boundary issues the Council will use the following processes:

Monitoring	Through monitoring, issues that may have cross boundary implications, will be identified.
Consultation	Consult with central government and adjoining territorial authorities and regional councils on cross boundary issues.
Protocols	Establish, in conjunction with central government and other local authorities, mechanisms for the identification, discussion and resolution of cross boundary issues.
Liaison	Establish, where appropriate, with central government and other local authorities joint working groups, joint committees and other co-operative systems for dealing with and

resolving cross boundary issues.

Resource Consent Applications, Plan Changes

Use, where appropriate, the provisions in the RMA for joint hearings when applications are made to two or more consent authorities for resource consents for the same activity.

Most planning matters and resource consents are unlikely to have cross boundary effects. However, where an activity requires plan changes or resource consents near the district boundary and there is the potential for effects to be felt beyond Marlborough, the Council will:

- Serve copies of applications and requests on adjoining councils;
- Promote and facilitate pre-hearing meetings;
- Promote and facilitate joint and combined hearings to involve the adjoining council in the decision making process; and

Notify in terms of consultation under the First Schedule of the RMA, the affected community of interest even if this extends beyond the boundaries of the RPS/RMP.

Advocacy

Promote the Council's perspective on resource management issues to adjoining local authorities and central government including, where appropriate, making submissions on proposed national policy statements, and policy statements of adjoining territorial authorities.

Implementation

Actively monitor any requirement for plan changes to the RPS/RMP to address cross boundary issues, and make application for such changes in a timely fashion.

## Monitoring the efficiency and effectiveness of the policies or methods

Monitoring is an important part of decision-making processes. It enables a check on the progress being made towards the achievement of objectives and the efficiency and effectiveness of the policy options that have been chosen. The RMA recognises the value of monitoring and gives the Council major responsibilities in this area through section 35 of the RMA.

Of direct relevance for the RPS/RMP, section 35 of the RMA requires the Council to monitor:

- the state of the environment;
- the efficiency and effectiveness of policies, rules and other methods contained within the RPS/RMP; and
- the exercise of resource consents.

Monitoring is an important mechanism for assessing how the RPS/RMP and the Council are fulfilling the purpose of the RMA in promoting the sustainable management of the natural and physical resources of Marlborough. With the number and range of resource management issues, and objectives, policies, and methods contained within the RPS/RMP, the scope for monitoring is large. However, practical reality means that priorities will need to be set for the monitoring program.

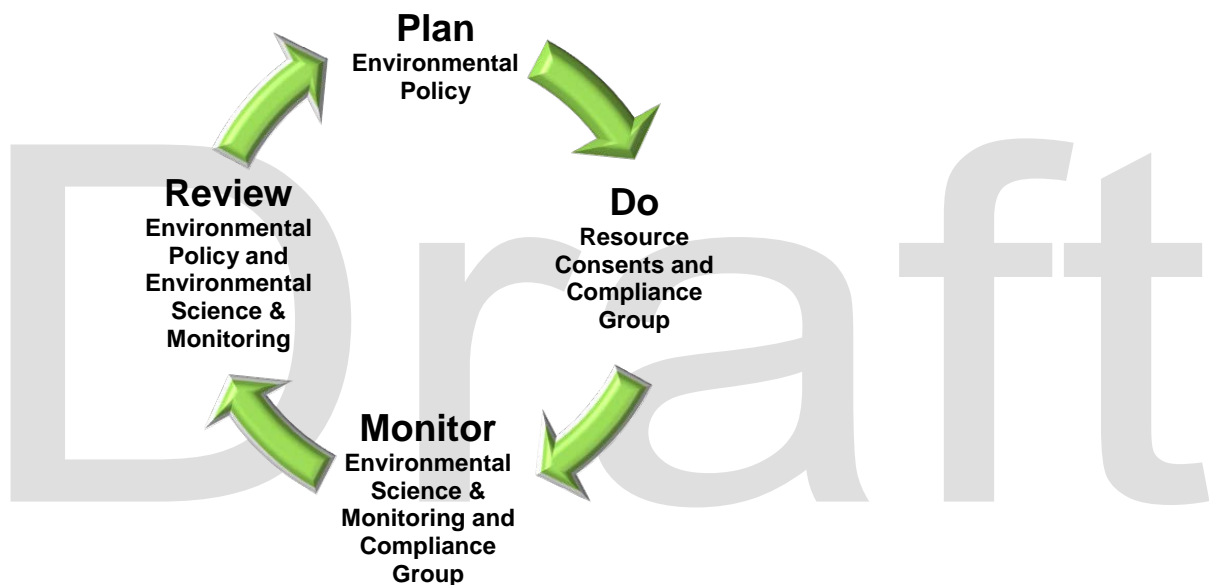
Within Chapters xx to xx of Volume One anticipated environmental results are identified, which are the intended outcomes of implementing the provisions of the chapter in order to address the resource management issues of significance. The anticipated environmental results are 10 year targets, unless otherwise specified. For each anticipated environmental result, there are a series of indicators that will be used to monitor the effectiveness of the provisions. These indicators form the basis for the Council's monitoring program and will, where appropriate or necessary, be prioritised.

The monitoring program will be undertaken in a comprehensive strategy comprising three major components, which reflect the responsibilities given to the Council under section 35 of the RMA. These include:

- State of the Environment Monitoring which measures existing and cumulative effects, and establishes levels of environmental quality against which future changes can be measured;
- Compliance Monitoring which compares anticipated and actual effects of permitted activities and their standards and consented activities and their conditions; and
- RPS/RMP Achievement Monitoring which assesses the effectiveness of the objectives and policies within the RPS/RMP in achieving sustainable resource management.

The data and information gathered from this allows an assessment as to whether environmental quality is improving, remaining the same or becoming degraded. The provision of information on the environment helps inform the community about the condition of the environment, key pressures, assisting decision makers on resource allocation and the consequences of actions. Importantly it can help tell us how well the policies and methods of the RPS/RMP are working in practice and essentially closes the loop in the 'Plan-Do-Monitor-Review' cycle – see Figure 1 below.

**Figure xx - Plan-Do-Monitor-Review Cycle**



The gathering of monitoring information is integrated between a number of sections within the Council (Compliance, Consents, Policy, Assets and Services) and is reported on to meet both local and national level requirements.

At times we do not fully understand our natural resources or environmental issues that continue to change due to different pressures. Investigations are undertaken on key issues to assist our understanding of our natural resources, which enables us to provide information to help inform the community, and our own RMA policy development to promote the sustainable management of Marlborough's resources.

Resource investigations are undertaken internally and by external providers. Collaboration and an integrated approach between councils, government agencies and research organisations help deliver effective and efficient services.

Where through the subsequent analysis of monitoring and/or investigations, one or more of the following situations arise, there may be a need for the Council to undertake a review of the provisions of the RPS/RMP in order to ensure that the sustainable management purpose of the RMA is achieved.

- Monitoring effectiveness of the RPS/RMP identifies the need to enhance progress toward achieving anticipated environmental results; or

- Major resource management developments arise such as significant amendments to the RMA or the adoption of national policy statements or national environmental standards that impact on the contents of the RPS/RMP; or
- The results of new scientific work enhance the RPS/RMP and make provisions more certain for resource users; or
- There is a need to reflect new or changing needs or issues of importance to Marlborough's community.

The Council also has a requirement under section 79 of the RMA to review its policy statement and plans if the provisions of the policy statement or plans have not been subject to review or change in the previous 10 years.

An important component of monitoring is making available the results of that monitoring. Historically, the Council has done this through state of the environment reports, some of which have been significant documents. In addition to assessing the overall resource management framework for Marlborough, reporting on the state of the environment can help influence peoples' actions about their own use of the natural and physical resources of Marlborough.

The development of reporting through annual report cards and more comprehensive state of the environment reports will be coordinated so that it provides the necessary information for the five-yearly report on a review of the efficiency and effectiveness of policies, rules, or other methods of the RPS/RMP, as required by section 35(2A) of the RMA.

## **How to use the RPS/RMP**

### **Identifying regional policy statement, regional plan, regional coastal plan and district plan provisions**

Volumes One and Two contain a combination of regional policy statement, regional plan, regional coastal plan and district plan provisions. Section 80 of the RMA requires the Council to identify, when there is a combined document, the provisions that are the regional policy statement, the regional coastal plan, the regional plan or the district plan.

The Council has identified each provision in the RPS/RMP with one of the following notations: rps (regional policy statement), rcp (regional coastal plan), rp (regional plan) or dp (district plan). In some cases policy may have both an rps notation and a plan notation. In these instances the policy is able to be changed through the private plan change process.

#### **Interpretation of lists**

Many parts of the RPS/RMP contain lists. These lists should be regarded as cumulative except where indicated otherwise.

### **Identifying the rules in the RMP that have immediate legal effect**

Under section 86B of the RMA a rule in a proposed plan has legal effect only when a decision on submissions relating to a rule has been made and publicly notified by the council. The exception to this is where the rule, either:

- protects or relates to water, air or soil (for soil conservation); or
- protects areas of significant indigenous vegetation; or
- protects areas of significant habitats of indigenous fauna; or

- protects historic heritage; or
- provides for or relates to aquaculture activities.

The rules that have immediate legal effect from [notification date] are identified by xxx of the relevant text. The associated controls, information requirements, definitions and appendices applicable to those rules also have immediate legal effect.

## Use of RMA terms

The Council has used a number of terms and/or words throughout the RPS/RMP, some of which are defined in the RMA and many which are not. Words that are already defined within section 2 of the RMA, such as 'effect', or 'contaminant' have established meanings and over time have been interpreted through the courts. These definitions are not included within the RPS/RMP. Words or terms not given meaning through the RMA may be given meaning through the RPS/RMP Glossary section, or where they are not so defined then should be read for their normal dictionary definition.

Other terms such as 'inappropriate', 'significant' and 'life supporting capacity' are used in the RMA without their meanings being defined in section 2. It is important for these terms to be interpreted in the context of the issue being considered. Guidance as to what may be considered 'inappropriate' or 'significant' for example in a particular circumstance should be gained from the wording of the issue, objective or policy itself, and from the explanation accompanying these.

Guidance is provided below on how several commonly used words are to be interpreted. This guidance is provided so the reader or decision maker can place the appropriate interpretation on the use of the word within a particular provision and because the terms are used widely throughout the RPS/RMP.

### Enable

The RMA has been described as an enabling piece of legislation. The reason for this can be found in the purpose of the RMA at section 5(2) where it states "*sustainable management*" means *managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while ...*'

Additionally, in drafting rules there are different approaches needed for different activities. In general, section 9 of the RMA states that no person may use land (including the surface of water in any river or lake) in a way that contravenes a rule in a district plan or regional plan. This means that if there is no rule in a plan, then there is no need for restriction on the activity under Section 9 or a need to obtain resource consent.

Sections 12, 13, 14 and 15 adopt the opposite approach. These sections place restrictions on use of the coastal marine area, on certain uses of the beds of lakes and rivers, on the taking, use, damming or diversion of water and on discharging contaminants into the environment. Essentially the restrictions mean there has to be a national environmental standard, a resource consent or a rule in a plan that allows activities of the nature envisaged in Sections 12-15, to occur. This includes permitted activity rules for an activity or effect of a minor nature, which are considered to be enabling rules.

So where the word 'enable' appears within a provision in the RPS/RMP, this means there will be a related rules method.

### Avoid

Use of the word 'avoid' may or may not have the same meaning as prevent. In some cases the method used to implement a policy is a rule that will 'prohibit' something from occurring. In this case the word 'prohibit' is used within the rules method. There are other policies that use 'avoid' but this is not implemented through a prohibited activity rule. In these policies 'avoiding' an effect can be achieved through undertaking an activity in such a way that the effect does not occur or is significantly reduced. The policies where this is the case clearly identify that remediation and/or mitigation is an option. It will

be important that the explanations and methods accompanying the policies are read to help inform decision makers of the intent of the word 'avoid' where it is used.

### **Control**

'Control' has direct connotations with the implementation of rules. However, 'control' can be at the permitted activity end of the spectrum with associated standards that have to be met in order for an activity to be permitted, through to a discretionary activity where the full range of effects need to be considered through the resource consent process. The rules methods will identify where controls are necessary to give effect to the policies.

### **Manage**

Where the word 'manage' or 'managing' is used in relation to particular activities or effects, this can be in the context of regulatory and/or non-regulatory methods. For some activities or effects, rules will be the mechanism by which management occurs. This could range from permitted activity through to discretionary activity status. Management is also appropriate through a wide range of non-regulatory methods or through regulatory methods available under other statutes. These can include information sharing, use of guidelines, codes of practice, bylaws etc.

### **Protect**

Similar to the interpretation of other words in this section, 'protect' can be interpreted in a number of ways. This includes interpretation in a narrow way that may effectively limit future use and development of some of Marlborough's natural and physical resources occurring. However, 'protect' essentially means to keep safe from harm and this can be achieved in a variety of ways. For example, the protection of areas of indigenous biodiversity could be achieved through rules in a plan, through legal protection of land, fencing, active pest control and/or improved land management practices, or a combination of these approaches.

It is therefore very important that decision makers or those using the RPS/RMP provisions' read the explanation of the relevant provision as this will inform how 'protection' is to occur. Unless there is a clear direction within a protection policy or its explanation or associated method that an activity/effect is to be prevented from occurring then it is open to interpret such a policy in a broader way.

In any event the protection anticipated by Sections 6(a) and (b) is not an absolute protection: rather it is protection from inappropriate subdivision, use and development that is to occur. Identifying what is inappropriate is informed through other policies of the RPS/RMP.