

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 (the Act) it therefore has an obligation to prepare a Regional Policy Statement, a Regional 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 Wairau/Awatere area by preparing this combined Regional, District and Coastal Plan, known as the 'Wairau/Awatere Resource Management Plan' (the Plan).

1.1 Areas to Which the Plan Applies

This Plan applies to the Wairau/Awatere Plan area as defined on the planning maps, Volume Three of the Wairau/Awatere Resource Management Plan.

The northern landward boundary adjoins that of the Marlborough Sounds Resource Management Plan and approximately follows the ridgeline of the Bryant and Richmond Ranges.

The coastal boundary runs between Whites Bay to the north and Willawa Point in the south. The outer coastal limits extend 12 nautical miles out to sea.

From Willawa Point the boundary generally extends inland along the Inland Kaikouras then crosses to the seaward Kaikouras at its southernmost extent. The western boundary is delineated along the St Arnaud and Richmond Ranges.

1.2 Plan Purpose

The purpose of this plan is to promote the sustainable management of the natural and physical resources of the Wairau/Awatere area, including the coastal environment and to promote the integrated management of that area. In particular, the plan sets out the significant issues relating to: Natural Character; Indigenous Flora and Fauna and their Habitats; Landscape; Tangata Whenua; Heritage; Air; Water; Public Access; the Coastal Marine area; the Urban Environment; the Rural Environment; Open Space; Land Disturbance; Discharges to Land; Undesirable Plants and Animals; Natural Hazard Management; Hazardous Substances; Land Transportation; Utilities; Outdoor Advertising; Noise and the Subdivision of Land. 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 Wairau/Awatere area.

1.3 Life of the Plan

The Council is obliged to commence a full review of the Plan not later than 10 years after the Plan becomes operative.

In view of possible resource management issue or policy changes in the District over the next 10 years, provision is made in the Act for changes to the Plan. These may be initiated by the Council or by private request.

1.4 History of the Plan

The Wairau/Awatere Plan replaces the following District Schemes prepared under the Town and Country Planning Act 1977 and deemed to be sections of the Operative Transitional Marlborough District Plan under the Act:

- The County of Marlborough: Marlborough Division District Scheme.
- The County of Marlborough: Wairau Plains Section.
- The County of Marlborough: Awatere Division District Scheme.
- The Borough of Blenheim District Scheme.

The Wairau/Awatere Plan also replaces the following Regional Plans:

- The Wairau River Floodways Management Plan, 1994.
- The Marlborough Resource Management Plan, Land Disturbance Control, 1995.
- The Nelson/Marlborough Regional Council Transitional Regional Plan, 1991.
- Marlborough United Council Regional Planning Scheme, 1982.

1.5 How the Wairau/Awatere Resource Management Plan Works

The Plan sets out the manner in which the Council intends to deal with its functions under the Act. In doing this, the Plan specifies objectives, policies, rules and other methods, in relation to the resource management issues of the Plan area, to achieve the integrated and sustainable management of natural and physical resources of this part of the District.

In managing the use, development and protection of the natural and physical resources over the next ten years, the Plan must reflect and provide for the principal resource management issues pertaining to the Plan area. The Plan examines and discusses the issues that have been identified by the Community and sets out the objectives and policies in regard to those issues. The objectives are framed as the end state or situation that the Plan aims to achieve. The policies are the course of action being followed through the Plan to achieve the objective.

To achieve the objectives and policies of the Plan, rules are included which prohibit, regulate or allow activities. The Council has adopted the practice of zoning. This technique recognises that different locations within the plan area will have different resources, character and levels of amenity and that the community will seek different environmental outcomes for these areas. The zones provide opportunities for future development in keeping with the character and amenity sought for these different areas. Any particular activity must comply with the rules applicable to the zone in which it is situated, as well as general rules covering a range of matters such as subdivision, heritage values and transportation.

1.6 Plan Structure

The Wairau/Awatere Resource Management Plan comprises 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

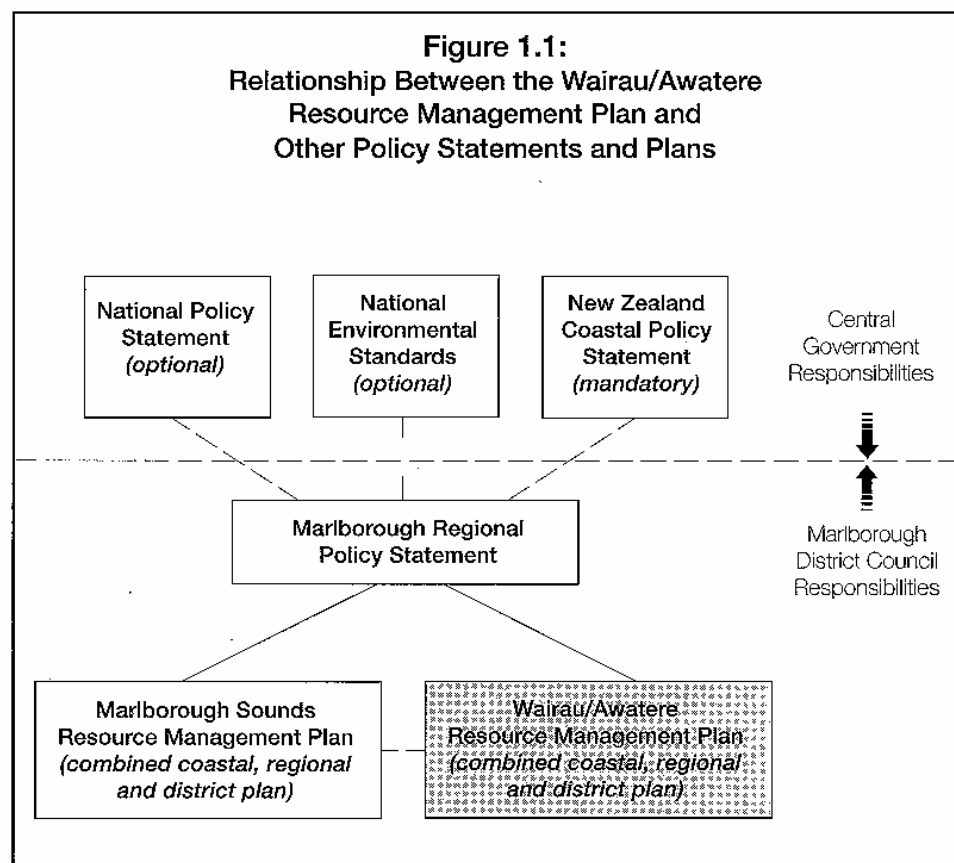
to be addressed by the Plan as a whole, the objectives, policies and methods to be used in promoting sustainable management of the natural and physical resources of the Wairau/Awatere and the environmental results anticipated from their implementation.

Volume Two	Sets out the rules to achieve the objectives, policies and methods including assessment criteria for those activities which require 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 Wairau/Awatere Resource Management Plan, which are an integral part of the Plan in that they establish graphically the areas to which the rules set out in Volume Two apply.

1.7 Plan Framework

1.7.1 Relationship Between the Wairau/Awatere Resource Management Plan and Other Policy Statements and Plans Prepared Under the Resource Management Act 1991

Figure 1.1 shows the relationship of the Plan with other policies and plans prepared under the Act. It is important to note that each level of policy or Plan must be consistent with the level above.



At the central government level, the Minister for the Environment is responsible for preparing National Policy Statements and National Environmental Standards. Both are optional and as yet none has 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.

1.7.2 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), Reserve Management Plans (Reserves Act 1977), Land Transport Strategies (Transit New Zealand Act 1989) and Pest Management Strategies (Biosecurity Act 1993);
- Relevant planning documents recognised by an iwi authority affected by this Resource Management Plan;
- Regulations relating to the conservation or management of taiapure 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 Wairau/Awatere Resource Management Plan needs to be consistent with policy statements and plans of adjacent regional councils and territorial authorities.

1.7.3 Coastal Environment

As explained in 1.7.1 the New Zealand Coastal Policy Statement sets out the framework for managing New Zealand's coastal environment. The term 'coastal environment' is not defined in the Act but does have meaning in case law established in previous planning legislation.

For the purposes of this Plan the coastal environment incorporates the environment in which the coast is usually a significant part or element. The coastal environment will vary from place to place, depending upon the extent to which it affects or is (directly) affected by coastal processes and the management issue concerned. It includes three distinct, but interrelated parts:

- The coastal marine area;
- The active coastal zone; and

- The land backdrop.

The coastal environment includes at least the coastal marine area, the water, plants animals, and the atmosphere above it; and all tidal waters and foreshore (whether above or below mean high water springs), dunes, beaches, areas of coastal vegetation and coastal associated animals, areas subject to coastal erosion or flooding, salt marshes, sea cliffs and coastal wetlands including estuaries. It may also include up to the dominant ridge behind the coast, where there are hills behind the coast.

The elements which comprise the coastal environment are inextricably linked, regardless of where they lie in relation to mean high water springs (MHWS), and should be treated as an entity. Important values and issues include natural character, significant areas of flora and fauna, natural features and landscapes, cultural values, public access and natural coastal hazards. It would be difficult to effectively manage those qualities, which exist within the coastal marine area, in isolation from those existing on the land.

1.8 Regional Coastal Plan

Section 28 of the Act requires the Minister of Conservation to approve a Regional Coastal Plan. In this Plan the Regional Coastal Plan is comprised of provisions contained within the following parts of the plan which relate to the coastal marine area:

- Volume One Chapter 9.0, Coastal Marine
Chapter 10.0, Natural Character
Chapter 12.8, Lake Grassmere Salt Works Area to the extent that the provisions apply to the coastal marine area
Chapter 17.4, Coastal Hazards
- Volume Two Coastal Marine Zone
Port Zone
Lake Grassmere Salt Works Zone to the extent that the rules apply to activities occurring in the coastal marine area.
Appendix D - Areas of Significant Conservation Value
- Volume Three Planning Maps

That part of Chapter 17 which relates to the management of coastal hazard and the rules for the Coastal Marine Zone and Port Zone contained in Volume Two set out the circumstances in which activities that have a significant or irreversible effect on the coastal marine area will be made restricted coastal activities:

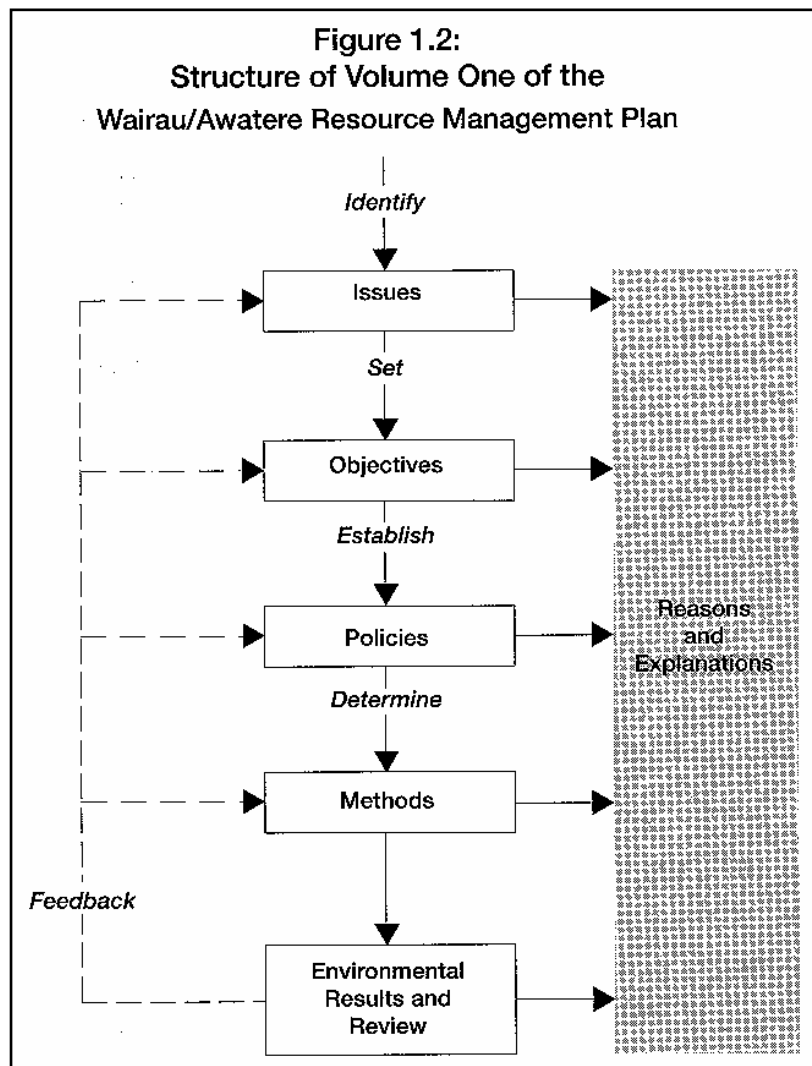
Applications for restricted coastal activities are made to the Council, but the Minister of Conservation makes the final decision, after receiving a recommendation from a Hearings Committee arranged by the Council. The Minister has discretion to grant or refuse consent. Conditions of any type authorised by the Act (including financial contributions) may be imposed if consent is granted.

1.9 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 Wairau/Awatere 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.

1.9.1 Section 5 RMA 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. Sustainable management is defined in the Act 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 sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and, safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and, avoiding, remedying, or mitigating any adverse effects of activities on the environment.



1.9.2 Integration

The provisions of each chapter of this Plan are to be read in conjunction with all other relevant provisions of the Wairau/Awatere 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.

1.10 Cross Boundary Issues

For the 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 the sustainable management of resource use and the effects of resource using activities within Marlborough. 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/or
- Different community aspirations and goals in adjoining areas.

Councils which adjoin the Wairau/Awatere planning area include: The Canterbury Regional Council; Kaikoura, Tasman, Hurunui District Councils; Nelson City, and the remainder of the Marlborough District. Like Marlborough, Tasman and Nelson are unitary authorities. 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, The Fish and Game Council, Maritime Safety Authority and the Ministry of Transport.

Under the Act the Mean High Water Spring (MHWS) 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 (CMA). Landward of mean high water springs the relationship does not occur and the 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 Wairau/Awatere, 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 Wairau/Awatere.

Sections 67(2)(f) and 75(2)(f) of the Act requires this 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 the
- Effects of cross boundary issues are avoided, remedied or mitigated.

To address cross boundary issues the Council will adopt the following methods:

- (a) Monitoring

To identify resource management issues which have cross boundary implications.

(b) Consultation

To consult with central government and adjoining territorial authorities on cross boundary issues.

(c) Protocols

To establish, in conjunction with central government and other local authorities, mechanisms for the identification, discussion and resolution of cross boundary issues.

(d) Liaison

To 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.

(e) Resource Consent Applications, Plan Changes

To use, where appropriate, the provisions in the Act 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 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
- Notify in terms of consultation under the First Schedule of the Act, the affected community of interest even if this extends beyond the boundaries of this Plan.

(f) Advocacy

To promote the Marlborough District Council 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.

(g) Implementation

To actively monitor any requirement for plan changes to the plan to address cross boundary issues, and make application for such changes in a timely fashion.

1.11 Information Requirements

The Act sets out requirements for information to accompany resource consent applications in Section 88 and the Fourth Schedule of the Act. To ensure adverse effects on the environment are adequately considered, the Council will also develop activity specific information requirements.

The type and level of detail of information required will vary according to the type, scale and frequency of anticipated effects; the sensitivity of the receiving environment; and the presence of special values at a site. Therefore, applicants should discuss their information requirements with the Council staff prior to lodging a formal application for a resource consent. With any application, sufficient information is required to enable understanding of the:

- Type, nature, and scale of the proposed activity, including its intended location;
- Type, nature, intensity, frequency and impact of anticipated effects of the proposed activity, together with ways it is proposed to mitigate those effects;
- Level and nature of environmental risk associated with the activity;
- Alternative locations or methods, as well as an explanation for choosing the selected option; and
- consultation undertaken and the attitude of those consulted toward the Proposed activity.

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

- Outline of the activity;
- Description of the characteristics of the site and location;
- Map of the location;
- Explanation of why the location is necessary for the activity;
- Alternative activities, and locations considered;
- Plans showing site activity and where appropriate site contours and vegetation;
- Plans 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 this Plan or any other plan prepared under the Act; and
- Access location in relation to other accesses, road intersections and topographical features within 500m of the access.

Volume Two of this Plan defines assessment criteria for specific activities. The Plan emphasis is on defining these assessment criteria rather than consent application information requirements. In this way resource consent applicants can understand how their application will be assessed, and therefore they are better able to determine the appropriate information required for that assessment.

Processing applications will be delayed where the information supplied is insufficient to allow understanding of the nature of the activity or its effects. This delay will continue until sufficient information is received. Section 92 of the Act enables the Council to require further information before processing an application for a resource consent. Also, the Council may commission a report on any matters raised in relation to an application. These requirements can only be implemented where it is necessary to enable the Council to better understand the nature of an activity, its effects or ways the effects may be avoided, remedied, or mitigated.

Use of these provisions relating to further information requirements ensures that the Council and the community have adequate information to allow understanding of the nature of proposed activities, their adverse effects, and ways the effects can be avoided, remedied or mitigated.

1.12 Monitoring and Review

The process of monitoring and review are integral to the Council's responsibilities under Sections 30, 31 and 35 of the Act.

Monitoring is an important mechanism for assessing how this Plan and the Council are fulfilling the purpose of the Act promoting sustainable management of the natural and physical resources of the Wairau/Awatere. Monitoring and Review is made up of information collection, recording, analysis and comparison. 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 this Plan, the scope for monitoring is large. However, practical reality means that priorities need to be set for the monitoring program. Monitoring will be prioritised and targeted to:

- Resource components of the Wairau/Awatere 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 program.

The monitoring and review program will be undertaken in a comprehensive strategy comprising the following three major components:

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

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
water - wetlands, lakes and rivers	protection	water quality contaminants flow level
	provision for use options	abstraction consents
	provision for food gathering provision for recreation	discharges use water quality complaints
	ecological value maintained or enhanced clarity maintained or enhanced	habitat changes defined values turbidity complaints valued species
water - groundwater	maintenance of aquifer	water quality groundwater level
indigenous vegetation, habitats of indigenous fauna	preservation of rare and endangered species diversity of habitats	species numbers distribution
landscape	maintenance of values	consents complaints
tangata whenua	recognition of and where appropriate, provision for traditional relationship	use access complaints
heritage	protection of heritage resources	consents scheduled resources
air	maintenance of high quality	suspended solids carbon monoxide odour lead visibility complaints
public access	maintenance of access	consents complaints
coastal marine	provision for public use where appropriate	users uses
	protection of recreation values	pathogens public use of facilities
	minimal effect from private occupation	consents location
	multiple use of structures	consents location
	marine farms which minimise effects on public use of coast	consents location
	high standard of water quality	pathogens contaminants water quality discharge permits complaints
	minimise alteration	site profile

Table 1.1: Monitoring Factors		
Resource Issue	Anticipated Environmental Result	Monitoring Factor
natural character	preservation of values	defined significant areas and elements consents
urban environment	an appropriate urban form	population employment commerce location
	maintenance of existing residential character	consents complaints
	appropriate levels of activities in rural townships	consents
rural environment	maintenance or enhancement of character maintenance or enhancement of amenity	land use vegetation cover
	provision for diversity	activity consents
	appropriate levels of subdivision	lot size consents
	provision for wellbeing	employment income facilities services
open space	provision of valued characteristics	users facilities
land disturbance	minimise adverse environmental effects of land disturbance	soil quality water sedimentation complaints
	protect historical values protect and provide for cultural values protect archaeological values	consents notice of disturbance complaints
discharge of waste to land	water free from contamination	water quality soil quality
	protection of amenity values	consents complaints
	waste reduction	landfill material landfill volume
undesirable plants and animals	reduced spread	species numbers location
natural hazards	minimise adverse effects and risk from resource use	damage personal injury and death consents
	collate information	consents requests
	provision of event responses	warning
hazardous substances and facilities	safe use safe storage safe transport	community health disposal consents
	minimise site contamination	contaminants soil quality water quality consents

Table 1.1: Monitoring Factors		
Resource Issue	Anticipated Environmental Result	Monitoring Factor
land transport	safe and efficient transport system	traffic accidents
	environmental effects minimised	consents complaints
network utilities	provision of services provision of facilities	consents community health
outdoor advertising	minimise safety effects provision for convenience maintain amenity provision of information	consents accidents complaints facilities
noise	provision for individual health provision for community health	ambient (background) noise consents complaints
subdivision	protection of natural character conservation of open space	consents financial contributions reserves
	provide for and minimise effects on infrastructure	facilities reserves

The annual monitoring program 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 where some of the objectives, policies and methods of the Plan require modification prior to a full review. Should this become necessary, the Council shall change the Plan in accordance with the plan change procedures contained within the First Schedule of the Act.

The 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 this 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 the Council can authorise 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 may require the adoption of the best practicable option to ensure that the emission of noise from land or water does not exceed a reasonable level. If abatement notices are not acted upon, the Environment Court may issue an enforcement order requiring compliance.

1.13 Section 32 Requirements

Section 32 of the Act requires the 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.

The Marlborough District Council considers that it has fulfilled its duties under Section 32 of the Act in the preparation of this Plan. Explanations, which incorporate principle reasons for adopting objectives, policies and methods (including rules) are contained throughout Volume One of the Plan. Much more detailed internal reports have been prepared by the Council on various topics which outline the reasons for approaches undertaken.

In general, the Marlborough District Council has sought to infuse the spirit of Section 32 throughout the process of preparing this plan.