

3. NATURAL AND HUMAN USE VALUES

3.1 Introduction

This Plan recognises the dependence of people and communities on land and water resources and the need for continued use, development, and protection. However, in enabling continued use, development, and protection, it is important that adverse effects on the existing natural and human use values supported on land or by water bodies are avoided, remedied, or mitigated.

This Chapter provides protection for the natural and human use values supported by the West Coast's land resources and water bodies and forms an overarching set of Objectives and Policies to the following Chapters to be taken into consideration during the processing and granting of resource consents.

Schedule 7 identifies particular natural and human use values supported by the West Coast's lakes and rivers.

In addition to the natural and human use values identified in Schedule 7, West Coast water bodies can have other natural and human use values which are protected by the Plan, including natural character, outstanding natural features and landscapes, significant indigenous vegetation and significant habitat of indigenous fauna, existing public access to and along lakes and rivers, historic heritage, and existing lawful uses.

3.2 Objectives

3.2.1 To provide for the sustainable use and development of land and water resources.

Explanation

This Objective recognises that traditionally people have made extensive use of land and water resources and the ability to continue to sustainably use and develop these resources is important.

3.2.2 To protect water bodies from inappropriate use and development by maintaining and where appropriate enhancing their natural and amenity values including natural character and the life supporting capacity of aquatic ecosystems.

Explanation

Many West Coast water bodies contain significant values some of which are identified for specific water bodies in Schedules 7A and 7B of this Plan. These Schedules are not exhaustive. Schedule 7A provides some examples of habitats of threatened species and Schedule 7B identifies those community water supply takes known at the time of drafting this Plan. This Objective not only seeks to avoid the loss or degradation of such values, but also provides for their enhancement.

3.2.3. To maintain or where appropriate enhance the spiritual and cultural values and uses of significance to Poutini Ngāi Tahu.

Explanation

Chapter 2 of this Plan identifies the issues of concern to Poutini Ngai Tahu. The issues reflect the strong relationship Poutini Ngai Tahu have with the West Coast's water bodies through their spiritual and cultural values and uses associated primarily with water, and land to a lesser extent. Values and uses are identified for specific water bodies in Schedule 7C of this Plan. This Objective seeks to avoid the loss or degradation of values and uses and, where practicable enhance them. These Schedules are not exhaustive, but reflect the level of knowledge of individual water bodies gained during the Plan-making process.

3.2.4 To avoid or mitigate the exacerbation of any natural hazard or the creation of a hazard.

Explanation

People and communities rely on existing standards of protection from natural hazards, such as flooding, to be maintained or enhanced. Any activity that results in a higher risk of hazard such as flooding, erosion, land instability or sedimentation, or in property damage, could adversely affect infrastructure such as transport routes, the health and safety, and the social, economic, and cultural wellbeing of

people and communities. Where avoidance is not possible, mitigation measures will be considered by Council to manage the adverse effects of the activity.

3.2.5 To provide for new and existing renewable electricity generation activities in the region, including small and community-scale generation by:

- (a) **Recognising the national significance of these activities;**
- (b) **Recognising the national, regional and local benefits associated with these activities;**
- (c) **Ensuring that the individual and collective generation output of existing and consented renewable electricity generation activities is not reduced;**
- (d) **Recognising the practical constraints associated with the development, operation, maintenance and upgrading of these activities;**
- (e) **Recognising the contribution these activities make towards achieving the national renewable electricity generation target.**

3.2.6 To enable new technologies using renewable energy resources to be investigated and established in the region.

3.3 Policies

3.3.1 In the management of any activity involving water to give priority to avoiding, in preference to remedying or mitigating:

- (1) **Adverse effects on:**
 - (a) **The habitats of threatened species identified in Schedule 7A;**
 - (b) **Water supply values identified in Schedule 7B;**
 - (c) **Spiritual and cultural values and uses of significance to Poutini Ngäi Tahu identified in Schedule 7C;**
 - (d) **The significant natural character of wetlands, and lakes and rivers and their margins;**
 - (e) **Outstanding natural features and landscapes;**
 - (f) **Significant indigenous vegetation and significant habitat of indigenous fauna assessed in accordance with Policy 9.2 of the West Coast Regional Policy Statement;**
 - (g) **Existing public access to and along lakes and rivers;**
 - (h) **Significant historic heritage;**
- (2) **Adverse effects which cause or exacerbate flooding, erosion, land instability, sedimentation or property damage;**
- (3) **Adverse effects on existing lawful uses including regionally significant infrastructure.**

Explanation

The above values of the West Coast's water bodies are matters of national importance under Section 6 of the RMA, plus community water supply values and existing lawful uses. These values can be adversely affected by the following activities:

- (a) Earthworks, including humping and hollowing, flipping, and v-blading;
- (b) Vegetation disturbance;
- (c) Activities in the beds of lakes and rivers;
- (d) The taking damming and diversion of surface water;
- (e) The taking and use of groundwater (which can affect surface water);
- (f) Discharges to land and water.

Some activities can cause or exacerbate hazards and lessen the ability of people and communities to prevent, or protect themselves from the hazard.

When considering these activities, priority must be given to avoiding adverse effects, in preference to remedying or mitigating them. The avoidance of adverse effects on the identified values will be sought in the first instance.

Where adverse effects are considered to be unavoidable, a resource consent may be declined or, if granted, may be subject to conditions requiring unavoidable adverse effects to be remedied, mitigated, or, in the case of diversion, reclamation or damming, to be appropriately compensated for.

When reading 3.3.1(d) and 3.3.1(h) it is important to remember that the degree of natural character, or the value of historic heritage, varies along a continuum (for natural character this will be assessed having regard to the matters in Policy 3.3.6). Where a water body contains significant natural character, or the activity will affect significant historic heritage, preference will be given to avoiding adverse effects of development on that respective value. Giving priority to avoiding adverse effects on the value is more important the higher the significance of the natural character or historic heritage value.

The criteria in Policy 9.2 of the Regional Policy Statement will be used to determine 'significance' in relation to Policy 3.3.1(f). In doing so, it should be recognised that not all of the criteria will be relevant in assessing and determining significance in relation to aquatic ecosystems.

Note: Chapter 6: Wetland Management outlines the management of significant wetlands and their values.

3.3.2 To take into account the benefits from the use and development of renewable energy and associated regionally significant infrastructure (e.g. transmission lines), including the social and economic benefits.

Explanation

This Policy recognises that renewable energy developments and associated infrastructure can provide significant community benefits, both locally and nationally as recognised in Section 7(j) of the RMA and in terms of the National Policy Statement on Electricity Transmission. Where renewable energy developments provide significant community benefits (locally and nationally), it may be sufficient to mitigate or remedy unavoidable effects.

3.3.3 Recognise the location, operational and technical constraints of renewable electricity generation activities when considering resource consent applications for their development, operation, maintenance, and upgrading.

3.3.4 Where the adverse effects of renewable electricity generation activities cannot be practically avoided, remedied or mitigated, consideration shall be given, in determining a resource consent application and imposing any resource consent conditions, to any offset measures and/or environmental compensation offered by an applicant.

3.3.5 Where particular adverse effects of renewable electricity generation activities are either not fully known or uncertain, consideration shall be given, in determining a resource consent application and imposing any resource consent conditions, to the use of adaptive management measures to avoid, remedy or mitigate any adverse effects.

3.3.6 Provide for the development, operation, maintenance and upgrading of small and community scale renewable electricity generation activities where the adverse effects on the environment are avoided, remedied or mitigated.

3.3.7 In the management of any activity involving water, to avoid, remedy, or mitigate adverse effects on:

- (a) **Water quality;**
- (b) **Amenity values;**
- (c) **Indigenous biological diversity;**
- (d) **Intrinsic values of ecosystems;**
- (e) **The natural character of wetlands, and lakes and rivers and their margins, not described in 3.3.1(1)(d); and**
- (f) **Historic heritage not described in 3.3.1(1)(h).**

3.3.8 To recognise Poutini Ngāi Tahu's interests by promoting opportunities for their involvement in resource consent processing.

Explanation

Poutini Ngāi Tahu are provided with information on all resource consents. Poutini Ngāi Tahu may be treated as an affected party with regards to some applications, and may be notified of publically notified

applications. This will allow Poutini Ngāi Tahu to assess the implications of each resource consent application on their spiritual and cultural values, and uses as they relate to land and water.

3.3.9 To recognise and provide for the National Water Conservation (Grey River) Order 1991 and the Water Conservation (Buller River) Order 2001.

Explanation

The management of the waters protected under national water conservation orders must also be recognised and provided for under this Plan. The Plan and any consents granted under it cannot be inconsistent with the water conservation orders. The two water conservation orders are reproduced in Schedules 5 and 6 of this Plan.

3.3.10 To recognise and provide for the following features of water bodies when considering adverse effects on their natural character:

- (a) The topography, including the setting and bed form;**
- (b) The natural flow characteristics;**
- (c) The natural water level and its fluctuation;**
- (d) The natural water colour and clarity;**
- (e) The ecology; and**
- (f) The extent of use or development within the catchment, including the extent to which that use and development has influenced (a) to (e).**

Explanation

The features of water bodies that can contribute to their natural character are identified above. These features need to be taken into account when considering applications for resource consents. New activities will affect water bodies with a high degree of natural character more significantly than they affect highly modified water bodies.

3.3.11 To have particular regard to the following qualities or characteristics of water bodies when considering adverse effects on amenity values:

- (a) Aesthetic values associated with the water body;**
- (b) Recreational opportunities provided by the water body;**
- (c) Sports fish habitats, as outlined in Schedule 8; and**
- (d) The extent of use or development within the catchment, including the extent to which that use and development has influenced (a) to (c).**

Explanation

The qualities and characteristics listed above contribute to a water body's amenity values. The nature of amenity values can change over time. The recreational opportunities provided by the West Coast's water bodies can include angling, hunting and a range of other active and passive recreation. These qualities and characteristics must be taken into account when preparing plans under the RMA and when considering applications for resource consents.

3.3.12 To provide for activities that have no more than minor adverse effects on water bodies without the need for a resource consent.

Explanation

The Rules Chapter of this Plan identifies a number of permitted activities that may occur without the need for a resource consent. Providing the permitted activity criteria are met, the activity will have no more than a minor adverse effect.

3.4 Method

- 3.4.1 The Council will provide advice about the likely susceptibility of the location of any proposed structure to flooding, either when a resource consent applicant, or other individual, requests the information, or when a district council requires the information in preparing district plans.