

THE WEST COAST REGIONAL COUNCIL

WEST COAST REGIONAL POLICY STATEMENT

Approved 8 February 2000

Operative 10 March 2000

The common seal of the)
West Coast Regional Council)
was affixed in the presence of:)

.....
CHAIRMAN

.....
CHIEF EXECUTIVE OFFICER

COVER PHOTO: Pancake Rocks, Punakaiki (Stewart Nimmo Photography).

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CHAIRMAN'S FOREWORD

It gives me great pleasure to present the operative West Coast Regional Policy Statement.

This version of the Proposed West Coast Regional Policy Statement was publicly notified in 1996. Following the statutory process of submissions, hearings and appeals, this Regional Policy Statement became operative on 10 March 2000.

The Regional Policy Statement was the first major policy document that has been completed by the West Coast Regional Council under the Resource Management Act, 1991. It sets the framework for the sustainable management of the West Coast's natural and physical resources. More details are contained in a series of regional plans that are being prepared. These deal with management of resources such as land, the coastal environment and air.

Through the exercise of its role to promote the sustainable management of natural and physical resources, the Regional Council's vision is to maintain and improve the quality of our environment by achievement of the following.

1. The use, development and protection of:
 - natural and modified ecosystems,
 - land and soil resources,
 - surface water, groundwater and geothermal water, and
 - the coastal environment;being conducted in a manner that avoids, remedies or mitigates adverse environmental effects arising from inappropriate subdivision, use and development.
2. Management of air quality throughout the region in a manner that is consistent with national health and environmental standards.
3. Protection of the environment from the adverse effects of waste disposal and any effects resulting from the storage, use, transportation, treatment and disposal of hazardous substances.
4. Avoiding or mitigating the effects of natural hazards on the West Coast community.
5. A reduction of pest populations for the purposes of soil conservation and protection of indigenous ecosystems.

Over the years access to natural and physical resources on Crown land in the region has become restricted. Therefore careful consideration is required on how resources are used, developed or protected in order that the West Coast's social, economic and ecological goals are not further undermined. This Regional Policy Statement is intended to be a major vehicle for fulfilling the vision of improved quality of the environment, which includes people and

communities.

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On behalf of Council I would like to thank all of those who participated in the submission and hearings process. Your contributions have assisted us greatly and resulted in meaningful changes in how we manage our natural and physical resources.

I look forward to continue to work with you toward a sustainable future.

John Clayton
CHAIRMAN

Chapter 1

THE RESOURCE MANAGEMENT FRAMEWORK

INTRODUCTION

This West Coast Regional Policy Statement (RPS) has been prepared by the West Coast Regional Council (the Regional Council) as required under the Resource Management Act 1991 (the Act). The Act provides a basis for integrating the management of the natural and physical resources of the whole region, which section 2 of the Act defines as including:

...land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

PURPOSE OF THE REGIONAL POLICY STATEMENT

The Regional Council is required under section 60(1) of the Act to prepare this RPS. Section 59 states:

The purpose of a regional policy statement is to achieve the purpose of the Act by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.

The purpose of the Act as set out in section 5(1) is:

...to promote the sustainable management of natural and physical resources.

Sustainable management in section 5(2):

...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 well being and for their health and safety while-

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Sustainable management implies a long term approach, enabling people and communities to meet their social, economic and cultural needs, within a sustainable management framework (See Appendix 1). The RPS does this through the identification of issues, objectives, policies, methods and indicators of achievement in Chapters 5 to 17. The objectives and policies in these chapters are intended to provide guidance and certainty for all people and organisations, including the Regional Council, who have interests, functions and powers under the Act on the West Coast.

Sustainable management means that decision-making about the use, development or protection of natural or physical resources should take into account the likely effects on other resources. If controls are tightened on one resource they could put pressure on others.

As well as requiring the Regional Council to consider the interconnections between different resources, the Act requires integration of functions between different agencies – particularly the Regional Council and territorial authorities. If this is not done, the response to resource management issues will be unco-ordinated and *ad hoc*, without clear reference to the effects on other resources. This matter is covered in more detail in Chapter 4 (Cross Boundary Issues and Integrated Management).

Sections 6 to 8 of the Act outline a number of matters which must be considered in achieving its purpose (See Appendix 1).

Section 6 relates to the recognition of, and provision for, matters of national importance. Subsections (a) - (c) relate to lakes, rivers, wetlands and their margins and the coastal environment, natural features and indigenous flora and fauna where the key words are *preservation* and *protection*; subsection (d) relates to the maintenance and enhancement of public access to the coastal marine area, lakes and rivers; and subsection (e) specifies *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*.

Section 7 specifies matters to which *particular regard* shall be given. Some of these matters concern the maintenance, enhancement and, in some cases, protection of natural and physical features but subsection (a) refers, specifically, to *Kaitiakitanga* and subsection (b) to the *efficient use and development of natural and physical resources*.

Section 8 states that all persons exercising functions and powers under the Act shall *take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi)*.

PROCESS OF PREPARING THE REGIONAL POLICY STATEMENT

This RPS has been prepared in accordance with the requirements contained in the First Schedule of the Act. In summary, the process has involved:

1. Consultation with the Minister for the Environment, other Ministers of

the Crown who may be affected; local authorities, Poutini Ngai Tahu, who are the tangata whenua of the region and other individuals and organisations selected by the Regional Council.

2. Public notification of an earlier version of the *Proposed Regional Policy Statement* and receipt of submissions.
3. Public notification of the receipt of the submissions on the RPS and the availability of a summary of them.
4. Receipt of further submissions in support of, or in opposition to, the earlier submissions.
5. Public hearings.

The *Proposed Regional Policy Statement* was originally notified in August 1993. It was redrafted following submissions, further submissions and public hearings. It was subsequently withdrawn due to the comprehensive changes that were required. As a result this new RPS has been publicly notified by the Regional Council in its place, with steps 3 to 5 having been repeated. Later steps included resolution of references to the Environment Court, final approval and public notification of this operative RPS.

Further details of consultation already carried out and the process followed in preparing this document are in Appendix 2.

CONTENTS OF THE REGIONAL POLICY STATEMENT

Section 62(1) of the Act provides:

A regional policy statement shall make provision for such of the matters set out in Part I of the Second Schedule (and such matters set out in Part II of that Schedule as are of regional significance), that are appropriate to the circumstances of the region and shall state:

- (a) *The significant resource management issues of the region; and*
- (b) *Matters of resource management significance to iwi authorities; and*
- (c) *The objectives sought to be achieved by the statement; and*
- (d) *The policies in regard to those significant issues and objectives, and*
an explanation of those policies; and
- (e) *The methods used or to be used to implement the policies; and*
- (f) *The principal reasons for adopting the objectives, policies, and methods of implementation set out in the statement; and*
- (g) *The environmental results anticipated from implementation of those policies and methods; and*
- (h) *The processes to be used to deal with issues which cross local authority boundaries, and issues between territorial authorities or between regions; and*
- (ha) *For the region or any part of the region, which local authority*

shall have responsibility within its own area for developing objectives, policies, and rules relating to the control of the use of the land for-

- (i) The avoidance or mitigation of natural hazards:*
- (ii) The prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances-*
and may state particular responsibilities for particular hazards or hazardous substances or groups of hazards or hazardous substances; but if no responsibilities for a hazard or hazardous substance are identified in the policy statement, the regional council shall retain primary responsibility for the hazard or hazardous substance; and
- (i) The procedures to be used to review the matters set out in paragraphs (a) to (ha), and to monitor the effectiveness of the statement as a means of achieving its objectives and policies; and*
- (j) Any other information that the regional council considers appropriate; and*
- (k) Such additional matters as may be appropriate for the purpose of fulfilling the regional council's functions, powers, and duties under this Act.*

FUNCTIONS OF THE WEST COAST REGIONAL COUNCIL

The main functions of the Regional Council are:

1. Integrated management of the natural and physical resources of the region. This includes the preparation, review and implementation of policies to achieve integrated management of the Region's natural and physical resources, as well as co-ordination and co-operation between agencies.
2. The control of certain aspects of land and water use, coastal areas, and the discharge of contaminants. Essentially, this entails the provision of a framework within which the effects of activities can be controlled where the sustainability of resource use may be in question.
3. The preparation of objectives, policies and methods for the use, development and protection of resources which are of regional significance.

The full range of Regional Council functions is set out in section 30 of the Act.

FUNCTIONS OF TERRITORIAL AUTHORITIES

All resource management issues which are the responsibility of the Regional Council are addressed in this RPS. However, there are many resource

management issues that require no direct Regional Council involvement. Section 31 of the Act provides that they shall be administered by the appropriate territorial authority, (however any territorial authority function which is of regional significance is also a Regional Council function). This includes control of land subdivision, noise emissions and activities on the surface of lakes and rivers. However, there are functions which, under the Act, are overlapping functions of the Regional Council and territorial authorities. The RPS is an appropriate means of rationalising the administration of these overlapping functions.

REGIONAL PLANS

The RPS identifies resource management issues, the objectives of managing each issue, the policies to achieve these objectives and the general approach to be adopted in implementing the policies. Regional plans will, however, be prepared to cover the specific means of implementing policies - including requirements for assessments of effects on the environment, resource consent monitoring requirements and rules which will effectively detail performance standards. The advantage to resource users, the public and the Regional Council of having regional plans are that they remove *ad hoc* decision-making when considering resource consent applications and give greater clarity as to performance standards.

The Regional Council is currently in the process of preparing a number of regional plans.

Section 67(2)(c) of the Act states that regional plans shall not be inconsistent with the RPS or any other regional plan of the region concerned. Similarly section 75(2)(c) states that district plans shall not be inconsistent with the RPS and regional plans in regard to any matter of regional significance or for which the regional council has primary responsibility under Part IV of the Act. Therefore this RPS, regional plans and district plans enable a co-ordinated approach to resource management and it has a direct influence as to the content and approach to resource management issues, as articulated herein.

Chapter 2 THE WEST COAST REGION

The West Coast Region (Te Kaunihera Whakakotahi o Te Tai Poutini) extends over a distance of 600 km from Kahurangi Point in the north to Awarua Point in the south - greater than the distance between Auckland and Wellington. It is bounded in the east by the Southern Alps and in the west by the Tasman Sea and has a land area of 23,000 square kilometres, or 8.5% of New Zealand's land area (See Figure 1). By area this makes the West Coast the third largest region in New Zealand.

In addition to this, the Regional Council manages, in conjunction with the Minister of Conservation, the coastal marine area (which is the foreshore, sea bed, and coastal water and the air space above the water) from the line of mean high water spring tides out to the territorial (12 mile) limit. Fisheries utilisation and allocation within this area are managed by the Ministry of Fisheries, except Maori customary fisheries, whitebait or other unprotected indigenous species. The taking of whitebait and the protection of marine mammals is administered by the Department of Conservation.

LANDFORMS AND GEOMORPHOLOGY

The West Coast has been described as a region of mountains, rainfall and rivers. These features combined with the processes of uplift and erosion - have resulted in a landscape of unique character, two thirds of which is mountainous.

The Alpine Fault runs most of the length of the region. East of the fault are deeply dissected mountain ranges. To the west, rivers and streams are steeply graded - the distance from source to sea seldom exceeding 50 km. Towards the coast alluvial and beach deposits occupy a 10-15 km wide strip which extends inland along river systems. Plains areas are, with some exceptions, generally localised and composed of outwash silts and gravels. They are subject to frequent flooding.

The West Coast is composed of a variety of rock types of variable age. The old resistant granites and gneisses form the bulk of the mountainous terrain to the north of Greymouth. Younger schists and greywackes form the alpine sequences to the east. Outcrops of granite occur at isolated locations further south and west of the Alpine Fault.

Sedimentary rocks throughout the region comprise sandstones, siltstones, limestones and mudstones. These form scenic attractions including the Pancake Rocks, limestone caves, and karst landscapes.

Slope stability problems occur on a wide variety of formations throughout the region. Failures, sometimes catastrophic, may be induced by intense rainfalls or earthquakes or a combination of both.

Mineralisation is associated with many older rocks in the region where they have come into contact with adjacent granitic rocks. The Reefton goldfield, where the second largest gold mine in the country operated for over half a century, is the most significant example of this.

Detrital gold, which remains as a lag deposit in outwash gravels after glacial retreat, is an important resource which has sustained mining in the region for over a century. Today, the scale of commercial operations varies from large dredges to small digger and trommel units.

Extensive bituminous and sub-bituminous coal-fields exist north of Greymouth. Currently extraction accounts for a significant amount of the national coal production. The low ash and low sulphur bituminous coal deposits offer future long term export opportunities.

Reserves of ilmenite are spread throughout the region in coastal beach sands. Potentially commercially viable deposits are concentrated near Barrytown and around Cape Foulwind. The mineral originates from widely dispersed plutonic and metamorphic rocks within the region.

Greenstone or *pounamu* is found east of the Alpine Fault, principally in the catchments that lie between the Taramakau and Arahura rivers, but also in the region's far south. It has traditionally featured as a tradeable commodity. Pounamu is considered by Poutini Ngai Tahu to be a taonga or treasure protected by the *taniwha* Poutini. It is prominent in their oral tradition and lore. Regional pounamu resources contribute significantly to the *mana* of Poutini Ngai Tahu.

A number of industrial minerals are found throughout the region. These include rock, gravel and sand for road and railway formation and the construction industry. Limestone is used for cement and clay for pottery and ceramics.

CLIMATE AND AIR QUALITY

By national and international standards the region receives a generous and reliable rainfall. Near the Main Divide this exceeds 8000 mm annually - declining to 2000 mm at the coast. At high altitudes there are snowfalls all year round. In the region's southern parts this contributes to glaciers that reach to within a few hundred metres above sea level.

However, away from these areas, the climate is generally mild and near the coast sunshine hours are similar to those experienced on the east coast.

Surface winds do not reflect the prevailing westerly flow at higher altitudes. More sheltered locations provide a variety of different microclimates.

Weather systems crossing the region produce marked changes in wind direction and air mass characteristics. The approach of fronts produces a warm moist airflow of tropical origin. The passage of a front is usually followed by a cold dry airflow of polar origin. In both cases the air travels

considerable distances over the open sea, the nearest land mass being over 1600 km distant. As a consequence, the air quality is generally high.

A low pressure area to the east of the South Island may promote an easterly airflow over the region. On these occasions, particularly in winter, strong easterly winds may descend down major river valleys. In more sheltered inland locations, cold air may be trapped in valleys forming temperature inversions, fog and, in some cases, smog.

SOILS

With most of the region being mountainous or hilly and forested, soils are generally leached podsolised yellow brown earths or gley podsolis which are shallow in depth and low in fertility. The combination of steep slopes, high rainfall and seismic activity commonly result in high erosion rates. At high altitudes the crests of the ranges are frequently bare. In the valley floors the soils are recent gley or organic soils. On higher terraces these are the poorly drained and badly leached *pakihi* soils. On lower lying sites closer to valley floors, the soils are more freely drained and have a higher natural fertility. These soils are more productive and form an essential element in the region's agricultural economy. Susceptibility to flooding and bank erosion can, however, be a constraint on their use.

WATER

The region contains a number of large rivers. As a direct reflection of the region's high rainfall, some, on a national basis, have the highest mean and flood flows.

Despite large sediment discharges, as a consequence of natural erosion and mountainous terrain, water quality is generally high. Degraded water quality is usually restricted to waters near river mouths that are adjacent to areas of urban settlement or where there is significant mining or agricultural activity.

VEGETATION

Three quarters of the region consists of indigenous forests. Much of the indigenous forests, including habitats of indigenous fauna, are administered by the Department of Conservation. This is characteristically podocarp, beech or other hardwoods or a mix of all three. In the north, there is a preponderance of beech forest but between Greymouth and Bruce Bay, beech forest is entirely replaced by a pure podocarp or podocarp/hardwood mix. Large tracts of West Coast forests remain untouched by logging or fire. Intact altitudinal sequences of vegetation from valley floors or the coast to the mountain tops are represented in the region's national parks and numerous reserves. These mountain-to-sea sequences of unlogged vegetation are found in few other parts of New Zealand and are of major ecological importance and international significance. Wetland vegetation in the form of bogs and swamps is better represented on the West Coast than anywhere else in New Zealand.

West Coast vegetation is a major component of the region's natural beauty. A small area (7% of the total forest area) has been set aside for sustained production, as part of the 1986 West Coast Accord. This includes integrated use of podocarp, beech and exotic forests. The native timbers are particularly valued for their high quality wood.

FAUNA

The West Coast is the only breeding place of a number of native birds. These include the Westland black petrel and the white heron or kotuku. In addition, the region is home to a variety of rare and endangered bird species including the New Zealand falcon, the blue duck, various parakeet and kiwi species, the fernbird, the yellowhead and the kaka. Native freshwater fish are well represented. The *inanga* provides the basis for a thriving whitebait fishery while other galaxiid species still maintain relatively high local populations. Introduced fish such as brown trout are widespread. A few rivers host rainbow trout and/or salmon.

Some introduced herbivorous mammals such as possums, deer and thar are causing severe damage to indigenous vegetation. Over recent years the numbers of possums have increased to such an extent that up to 90% of rata/kamahia forest in the central West Coast has been significantly modified. This parallels changes in other parts of the country.

Possums are also carriers of bovine tuberculosis, which is of concern to the agricultural industry.

SOCIAL

According to the 1991 Census the resident population of the West Coast Region was 31,500. The importance of the visitor industry is shown by the fact that, on average, the number of visitors staying on any given night, represents 8% of the resident population. The majority of visitors are over the summer season.

Of the region's three districts, Grey has the greatest population and Westland the smallest.

While the population has fluctuated a little over the last 20 years, there was a decline between 1986 and 1991. This has been due, in part, to the restructuring of the state sector. The decline was particularly marked in the 15-29 age group: that is, those people who are most mobile. The departure of the young and able from the region is not a new phenomenon. There is, correspondingly, a high percentage of elderly people in the population.

Income is one of the most common indicators of socio-economic status. In recent years, the average income on the West Coast, already significantly lower than the national average, has fallen still further.

At the time of the last Household Labour Force Survey conducted on the

West Coast in 1991, there were 1500 unemployed people. This represented an unemployment rate of 13.9%, - almost 3% higher than the overall national rate. However, in 1994/95 the number of unemployed on the West Coast declined.

The combination of a small and dispersed population, together with a high proportion of elderly and other beneficiaries, means that a high standard of health and social services are essential but difficult and expensive to deliver. More employment, including greater diversity of employment sources, would make a significant contribution to the region's social development.

ECONOMIC

The West Coast economy has historically been based on the utilisation of the region's natural resources: notably gold, timber and coal. Early this century farming came to occupy a pre-eminent place in the regional economy. Tourism, long established at the glaciers, but now developing rapidly elsewhere, has recently begun to rival this.

A comparison of the national and West Coast economies based on employment patterns in 1991 shows significant differences. Substantially higher than national percentages were employed within the region in primary industries (eg farming, forestry, fishing and mining) and slightly higher percentages employed in some service sectors (eg retail, accommodation and social services). Far fewer locally than nationally, were employed in manufacturing and business services.

Consistent and reliable financial data for the West Coast economy are not readily available. However, estimates made by the Regional Council highlight the importance of resource-based industries to the regional economy. The estimated current annual value of the region's products as at 1996 are:

1. Mining and quarrying - \$90-100m.
2. Forestry - \$28m
3. Fishing - \$25-30m.
4. Pastoral Farming - \$100m
5. Sphagnum moss - \$12-15m.
6. Whitebait - \$5-7m

Substantial deposits of coal, gold and industrial minerals are found in the region. Certain of these deposits are of national strategic and economic importance and contribute significantly to the region's welfare by representing raw materials available for local consumption, direct employment and energy sources (see Chapter 16 Minerals).

The New Zealand Tourism Board estimates that in 1990-91 tourist expenditure on the West Coast was in the order of \$117m. This has since grown to almost \$130m. The economic importance of tourism to the West Coast continues to increase and, alone, it is a major industry. The conservation estate which comprises the bulk of the region's habitats and

landscapes (see Chapter 9) is a major economic contributor to tourism. In 1993 97% of international visitors to the West Coast visited one or more of its national parks.

Other economic contributions by the conservation estate to the region's economy include grazing, sphagnum moss harvesting, mining and commercial hunting.

The recent establishment of chain retail outlets in Greymouth has increased opportunities for employment, particularly in the 20-29 year age group. Similar prospects exist with the potential to develop large nearby coalfields.

LAND TENURE

Compared with 40% for the rest of New Zealand, a total of 87% of the region's land is administered by the Crown. The Crown conservation estate accounts for 78% of the region's area - compared with 26% for the rest of New Zealand.

With only 21% of the land being fully or partly rateable, West Coast residents on the basis of regional rates paid per head of population, are the highest rated in the country. This places inordinate financial pressures on the region's local authorities and ratepayers alike.

There continues to be a reduction in the area of rateable land due to land transfers for protection purposes.

Chapter 3

STRUCTURE OF THE REGIONAL POLICY STATEMENT

This chapter explains the rationale behind the approach adopted in Chapters 4 to 17.

Each chapter commences with a preamble concerning the topic and its general relevance to the West Coast.

Sections 59 and 62 and Parts I and II of the Second Schedule of the Act determine what shall be stated in a RPS. Generally, each topic which comprises each chapter is dealt with sequentially under a number of headings. These are explained as follows:

Issues. These refer to matters which need to be addressed in the RPS to achieve the purpose of the Act. They relate to an environmental problem, usually include its cause and recognise some kind of environmental outcome. Sections 6, 7 and 8 of the Act effectively set out matters which will generate the issues to be considered.

Objectives. These are statements of desired environmental outcomes from the resolution of the issue and determine the ultimate state of the resource or environmental value that is sought.

Policies. These are intended to address the effects or the issue in order to achieve the objective and be capable of guiding resource consent decision-making. They are intended to lead to effects-based decisions and to state how the effect is going to be dealt with. Most of the policies are cross referenced to related policies in other chapters to give an indication of the other resources to which they apply. In addition some policies are cross referenced to corresponding policies (of the same words) in complementary chapters. Readers should also refer to the methods of achieving those policies. The purpose of these cross references is to assist the integrated management of natural and physical resources - one of the principal aims of the Act. It should be noted that cross references are not exhaustive and cannot possibly deal with every contingency. In such instances it is appropriate to refer to the Act's provisions.

Some policies include lists of "matters to be considered", which will be used to guide decision making. For example whether the effects of an activity are likely to be considered adverse or when a feature might be considered significant or outstanding. These lists, which for many policies are not exhaustive, help give resource users and the public certainty.

Methods. These are the specific actions, techniques, programmes and procedures to be adopted, to implement the policies. They are wide ranging and fall under several broad categories - promotion, service delivery,

regulation and economic instruments. The options chosen are intended to minimise the costs of resource management, maximise the benefits of resource use and at the same time lead to sustainable management. Section 32 of the Act provides the necessary guidance when assessing the application of methods for use in achieving the objective and meeting the policy requirements. Several options are available under each of the above categories viz:

Promotion

Information and advice

This includes the preparation of educational material such as brochures, displays, press releases, supplemented through direct contact by organising and conducting workshops, courses and seminars.

Advocacy

Involves making representations and submissions to other agencies including the Crown - through lobbying, persuasion, voluntary agreements and encouragement.

Service Delivery

Provision of goods and services

Examples are the Regional Council providing design of flood protection works and hydraulic calculations for culverts and bridges. At a more practical level it could include providing rock for flood protection works, where this is cost effective, and undertaking pest and weed control.

Collection and distribution of information

There are situations where different agencies and organisations collect data on issues of common interest. The sharing of this information can often be of mutual benefit. One example is the assessment of areas at risk from natural hazards.

Monitoring

This consists of gathering environmental data to assist the Regional Council in making resource management decisions and to ensure performance specifications are met. To be of practical value, this information should be made available to potential or existing resource users. Examples include monitoring water quality, river cross sections and beach profiles.

Regulation

These are more formal means available to control the effects of activities on the environment and include:

1. The application and enforcement of regulations authorised under statute and set by the Crown;
2. The application of water conservation orders;
3. Adopting codes of practice, negotiated agreement between parties, charters, covenants or contracts as conditions placed on resource consents;
4. Use of the best practicable option, which weighs the costs and benefits of dealing with the potentially adverse effects of an existing or proposed resource use;
5. Enforcement of resource consent conditions, regulations made under the Act and rules and performance standards in regional and district plans; and
6. Prosecutions for breaches of resource consent conditions.

Economic Instruments

These are financial incentives or mechanisms for encouraging resource users to achieve desired outcomes. They include the application of:

1. Subsidies, grants and rates relief.
2. Levies.
3. Bonds.
4. Tradeable permits for use of a resource, with a ceiling set on the total permissible rate of use of a resource.

The Regional Council prefers to use promotion where possible, in preference to the application of service delivery, regulation or economic instruments. Resource user charges will be considered during the preparation of regional plans as a source of funding for monitoring their effectiveness, compliance monitoring of resource consents and the restoration of degraded environments. Regulation will be used in situations where there is significant potential for adverse effects from an activity. The deterrent of paying for repeated inspections of activities in breach of resource consent conditions is considered to be an economic instrument which applies to the management of most activities.

In the event of breach of resource consent conditions, abatement notices, enforcement orders and prosecution are further avenues open to the Regional Council under the Act.

Explanation. This section contains principal reasons for adopting the objectives, policies and methods. Resource management options for any issue are chosen following an evaluation as required under section 32 of the Act. The explanation also discusses who is responsible for managing the effects of the activity to which the issue relates and, where appropriate, who

manages any complementary functions.

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Anticipated Environmental Results. These are expected environmental outcomes and provide a way of determining whether the objective has been achieved in accordance with the provisions of the Act.

Chapter 4 CROSS BOUNDARY ISSUES AND INTEGRATED MANAGEMENT

PREAMBLE

The West Coast Regional Council shares a boundary with three other regional councils: Southland, Otago and Canterbury. There are three district councils within the Council's region and the Council shares boundaries with Tasman, Hurunui, Selwyn, Ashburton, Timaru, MacKenzie, Waitaki, Queenstown/Lakes and Southland district councils.

Section 61(2)(b) of the Act requires the Regional Council in preparation of the RPS to have regard to:

The extent to which the regional policy statement needs to be consistent with the policy statements and plans of adjacent regional councils;

and under section 62(1)(h) requires the Regional Council to state:

The processes to be used to deal with issues which cross local authority boundaries, and issues between territorial authorities or between regions;...

These provisions make it clear that the RPS should identify and provide a means of maintaining consistency and compatibility in the way in which issues that:

1. traverse the boundaries of neighbouring regional councils or,
2. are common to two or more territorial local authorities wholly or partially contained in the region are addressed.

Further section 75(2)(c) of the Act requires that district plans (prepared by territorial authorities) shall not be inconsistent with:

The regional policy statement, or any regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part IV.

While the onus of this provision is on territorial authorities to maintain this consistency, this can, in practical terms, best be achieved by the Regional Council consulting with territorial authorities as district plans are undergoing preparation or change.

A function of the Regional Council as set out under section 30(1)(a) of the Act is:

The establishment, implementation and review of objectives, policies

and methods to achieve the integrated management of natural and physical resources of the region:

To achieve this, the RPS must:

- Take into account sections 61(2)(b), 62(1)(h) and 75(2)(c); and
- Where possible ensure consistency and compatibility with the policies of other statutory bodies carrying out complementary functions such as the Department of Conservation and
- Ensure that there is consistency within the RPS itself in the way issues are dealt with.

ISSUE 4. Cross boundary issues and/or matters which require an integrated approach between different local authorities within the region, neighbouring regions and neighbouring district councils outside the region and official agencies carrying out related or complementary functions include:

Administrative:

- a) Any differences in approach to resolution of resource management issues of a regional nature in the upper Buller River catchment, administered by Tasman District Council;
- b) Contingency planning for spills of hazardous substances;
- c) The transportation and disposal of hazardous wastes and substances;
- d) Inter-regional consistency in approaches to the production and transmission of energy;
- e) Co-ordinated control and funding of pests and weeds;
- f) Overlaps between local authority geographic boundaries and those of government departments and other statutory authorities;
- g) The region's land transport network and the movement of road and rail traffic;
- h) The monitoring and control of tuberculosis infection of livestock from possums and feral deer;
- i) Complementary Regional Council and district council functions, and
- j) Complementary Regional Council and government department functions.

Physical:

- a) Protection of historic sites through an inter agency approach;
- b) Effects of land use on communities;
- c) Movement of contaminated water and the extent of ground water resources;
- d) Effects of activities on the coast and the effects of coastal processes on land;
- e) Downstream effects of taking, using, damming or diversion of water;
- f) Discharge of contaminants into the air or water or onto land;
- g) The effects of natural hazards, and
- h) Loss of ecological, aesthetic and productive values due to pests and weeds.

Some of the above issues rarely cross boundaries. The carriage of air

pollution across regional or district boundaries has not been an issue of concern on the West Coast. However the spread of noxious weeds and pests is a distinct possibility.

The upper Buller catchment is administered by the Tasman District Council. Here the Regional Council's main interest is in the potential of activities to impact on the lower Buller. Flood monitoring of the upper Buller catchment should continue.

Resource management issues of common concern to Buller, Grey and Westland district councils may require a joint approach. An example of this is a need for uniformity in environmental standards that apply to landfill siting and design and the possibility of developing single facilities to serve the needs of adjacent district councils.

Resource consent applications that cross district council boundaries should be jointly heard and processed.

Other cross boundary issues are not physical but relate to complementary inter agency administrative functions. For example the Regional Council is responsible for the regulation of whitebait stands and managing the effects of activities that might adversely affect a whitebait spawning habitat. The Department of Conservation is responsible for managing the fishery itself. Co-ordinated management and decision-making on such issues is essential to ensure that there is an integrated approach to the management of this and similarly affected natural and physical resources.

Section 61 of the Act states that the Regional Council shall have regard to *...any management plans and strategies prepared under other Acts,...* Examples of this on the West Coast are conservation management strategies and management plans prepared by the Department of Conservation.

With resource consent applications for activities that have a potential to affect a wide range of interested parties, inter agency dialogue is essential.

OBJECTIVE 4.0 Consistent and coordinated resource management planning processes to achieve effective integrated management of the region's natural and physical resources.

CROSS BOUNDARY ISSUES AND INTEGRATED MANAGEMENT POLICIES

POLICY 4 Promote co-operation and an integrated approach in the:

- a) Development of regional and district plans;***
- b) Response to issues that cross regional or district boundaries;***
- c) Inter agency co-operation in the management of natural and physical resources; and***
- d) Collection, sharing and use of information on natural and physical resources.***

Cross reference
policy 4.1
with all other
policies in this RPS

METHODS

- 4.1 Consult with neighbouring regional and district councils and other affected parties to ensure that there is a consistent approach to management of cross boundary issues such as the functions of network utility operators as defined under section 166 of the Act. Promote and encourage the development of protocols with these agencies to achieve such consistency and to provide greater certainty as to when such consultation should occur.
- 4.2 Promote and encourage regular cross boundary consultation, mutual free information sharing, use of pre-hearing conferences and meetings, joint working groups, joint council committees and other joint approaches between appropriate territorial local authorities, regional councils and key regulatory agencies to consider and resolve cross boundary issues.
- 4.3 Liaise with the Tasman District Council to develop policies and procedures, acceptable to the Regional Council, to deal with resource consent issues in the upper Buller catchment.
- 4.4 Combine with the appropriate district and regional councils in jointly processing resource consent applications that cross administrative boundaries.
- 4.5 Consult all relevant agencies and other affected parties when resource consent applications have the potential to affect the manner in which they manage natural and physical resources.
- 4.6 Prepare submissions to regional policy statements, regional plans and district plans of adjacent and constituent local authorities; and to strategies and plans being developed by other relevant agencies.
- 4.7 Regulate activities by way of rules in regional plans rather than by way of *ad hoc* individual resource consents.
- 4.8 Develop policies and rules in regional plans that are consistent with this RPS.

EXPLANATION

Policy 4.1 is intended to encourage inter agency co-operation at all levels where the Act is in operation. This will ensure consistency of approach on resource management issues in cases where they cross geographic boundaries and by those agencies that carry out complementary roles. Information is often the key to being able to develop and establish an integrated approach to resource management issues.

Section 62(1)(h) of the Act requires coverage of processes to deal with cross boundary issues.

If there was no co-ordinated approach to issues of cross boundary significance, nor any semblance of inter agency co-operation, each regional and district council and other statutory authorities with an interest would deal with issues in isolation from the other. This would cause conflicts in approaches to resource management issues and, contrary to the Act, result in a lack of integration of functions.

All local authorities and agencies exercising functions and powers under the Act can play a part in promoting integrated management and resolution of cross boundary issues.

Policy 4.1 also recognises that resolution of any particular resource management issue cannot be addressed in isolation from other issues, or the related, or complementary functions of the Crown or statutory agencies.

ANTICIPATED ENVIRONMENTAL RESULTS

- 4.1 Co-ordination of resource management functions at the regional and district council level.
- 4.2 Co-ordinated approaches to resource management issues with other agencies and between different statutes.

Chapter 5

MATTERS OF SIGNIFICANCE TO POUTINI NGAI TAHU

PREAMBLE

Poutini Ngai Tahu are the tangata whenua of Te Tai Poutini (the West Coast). Under section 9 of the Te Runanga O Ngai Tahu Act 1996 the two runanga who hold such status on the West Coast are Te Runaka O Katiwaewae and Te Runanga O Makawhio.

The Act recognises that the principles of the Treaty of Waitangi (Te Tiriti O Waitangi) and Maori values are an integral part of promoting the sustainable management of natural and physical resources. Apart from a general requirement under section 5(2) which provides for managing the use, development and protection of natural and physical resources in a way or at a rate which enables communities to provide for their social, economic and *cultural* well being, the Act specifically requires in achieving its purpose:

... all persons exercising functions and powers under (the Act) shall recognise and provide for the following matters of national importance... (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. (Section 6 (e)); and

*...all persons exercising functions and powers under (the Act) shall have particular regard to-
Kaitiakitanga. (Section 7 (a))*

A regional policy statement shall state - ...

(b) Matters of resource management significance to iwi authorities. (Section 62)(1) (b); and

...when preparing or changing a regional policy statement, the regional council shall have regard to ...

(a) any...

(ii) relevant planning document recognised by an iwi authority affected by the regional policy statement; and.

(iii) regulations relating to the conservation or management of taiapure or fisheries. (Section 61 (2)(a)(ii) and (iii)).

In order to meet these statutory requirements, the Regional Council recognises the need to consult with Poutini Ngai Tahu - and to provide appropriate opportunities for resource management participation.

Clause 3(d) of Part I of the First Schedule of the Act requires the Regional Council to consult with Poutini Ngai Tahu through iwi authorities and

tribal runanga in terms of preparation of this RPS and regional plans.

Poutini Ngai Tahu have indicated that there are a number of cultural and spiritual values which are matters of resource management significance to iwi authorities. Their views include:

- *The connection between the natural world and Poutini Ngai Tahu through whakapapa, where people are descended from Papatuanuku, the ancestral earth mother and Ranginuiatea the ancestral sky father. The care of natural resources is an act of whanaungatanga (caring for the family) which recognises that people are dependent on resources and have reciprocal obligations to care for, conserve and protect them.*
- *The need for integrated environmental management of and between all resources,*
- *The obligation to compensate and restore where environmental degradation has occurred,*
- *The need to use resources to sustain the community,*
- *The obligation to preserve the environmental integrity of the natural world for future generations,*
- *The wise and efficient allocation and use of non-mineral resources within their capacity to regenerate themselves, and having regard to the effects of the use.*

This chapter deals with two issues of significance to Poutini Ngai Tahu.

ISSUE 5.1 Taking into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi) in the sustainable management of the natural and physical resources of the West Coast Region.

The Act gives the Regional Council the statutory function to exercise certain laws and regulations in respect of the management of the region's natural and physical resources. The Regional Council recognises that under the Act, through Section 8 it has a statutory responsibility to protect the rangatiratanga of Poutini Ngai Tahu.

In this context, the Regional Council also recognises that the Treaty affords Poutini Ngai Tahu a status distinct from other interest groups or members of the public. The Regional Council recognises its obligation to consult with Poutini Ngai Tahu.

The full text of the Treaty of Waitangi is in Appendix 3.

OBJECTIVE 5.1: To take into account the principles of the Treaty of Waitangi in the exercise of functions and powers under the Resource Management Act.

The term “principles of the Treaty of Waitangi” originates from the Treaty of Waitangi Act 1975. The Court of Appeal has emphasised that it is the principles of the Treaty which are to be applied, not the literal words. The Privy Council characterised the Treaty principles as a dynamic force in that they reflect the intent of the Treaty as a whole and include, but are not confined to, the express terms of the Treaty. With the passage of time the principles which underlie the Treaty have become more important than its precise terms.

Although specific implementation of Treaty principles has to be enunciated through legislation, it is generally accepted that the Treaty is the founding document of New Zealand. Because it creates a relationship akin to a partnership there is a duty for the Treaty partners to act in good faith toward one another.

In this context the Regional Council’s responsibility is to take into account the principles of the Treaty as defined by the Act and clarified by the courts.

The Regional Council will endeavour to:

- (a) Ensure that its understanding of the interpretation of the principles of the Treaty is consistent with the current interpretation of the courts;
- (b) Take into account the following principles which have been identified;
 - act reasonably and in good faith;
 - make informed decisions;
 - consider whether active steps are needed to protect Maori interests;
 - not take actions which would prevent the redress of claims, and
 - recognise that the government must be able to govern.

POUTINI NGAI TAHU POLICIES 5.1

POLICY 5.1.1 The principles of the Treaty of Waitangi will be taken into account in the sustainable management of natural and physical resources in the West Coast Region.

METHODS

- 5.1.1 Provide for consultation with Poutini Ngai Tahu in a way which is timely, practicable, meaningful and continuous as provided by the Te Pūnanga O Ngai Tahu Act 1996. As far as practicable this will

**Cross reference
policy 5.1
to other policies in
this RPS**

Te Runanga O Ngai Tahu Act 1996. As far as practicable this will be in accordance with Poutini Ngai Tahu tikanga through hui and workshops. The Regional Council will provide information, technical, administrative and other support to facilitate participation of Poutini Ngai Tahu in the resource management of the region through an iwi liaison officer or such other means as agreed by Poutini Ngai Tahu.

- 5.1.2 Consider providing opportunities for the transfer of resource management functions or powers to *iwi authorities* as provided for under section 33 of the Act.
- 5.1.3 Provide for Poutini Ngai Tahu tikanga in the resource consents process by holding pre-hearing meetings and hearings on marae or other places as may be appropriate.

EXPLANATION

All those exercising functions and powers under the Act are required by section 8 to take into account the principles of the Treaty of Waitangi. The Regional Council therefore has a responsibility to consult with Poutini Ngai Tahu, and provide for their participation in the management of the region's natural and physical resources. The Te Runanga O Ngai Tahu Act 1996 determines Poutini Ngai Tahu representation.

The Regional Council will provide for Poutini Ngai Tahu participation in resource management through the development of regional plans and in the resource consent process. It will also support Poutini Ngai Tahu initiatives to articulate their resource management values and methods through *iwi management plans*, and also consider opportunities for the transfer of functions to iwi authorities under section 33 of the Act.

Section 39 (2) of the Act provides that in determining an appropriate hearing procedure the local authority, consent authority or person authorised to conduct hearings shall avoid unnecessary formality and recognise tikanga Maori where appropriate, and receive evidence written or spoken in Maori.

Section 42 of the Act provides for a local authority to exclude the public from the whole or any part of any hearing or prohibit or restrict publication of material. This applies to when a local authority is satisfied such action is necessary to avoid serious offence to tikanga Maori or to avoid the disclosure of the location of *waahi tapu*, if the interest in avoiding offence or preventing disclosure outweighs the public interest in making the information available.

Additional hui or workshops may be held from time to time on specific resource management issues or plans. The Regional Council will assist in the facilitation of consultation.

ANTICIPATED ENVIRONMENTAL RESULT

5.1.1 Increased recognition and understanding of the principles of the Treaty of Waitangi, including resource management decisions which take these principles into account.

ISSUE 5.2

(a) Recognition and provision for the relationship of Poutini Ngai Tahu and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga as a matter of national importance.

(b) The role of kaitiakitanga in resource management on the West Coast.

The Regional Council is responsible for the protection of waahi tapu through regional plans and the resource consents process. As district councils have particular responsibility for the use, development and protection of land, they have particular responsibility for waahi tapu protection within each district.

Maori view the preservation of waahi tapu as of paramount importance.

Waahi tapu are sacred places of spiritual and cultural significance to Maori for reasons related to their associations with their tupuna (ancestors) and historical events. There is no definition of waahi tapu in the Act.

The deep spiritual value of waahi tapu is inadequately described and suffers in translation as “sacred place”. In this region waahi tapu link Poutini Ngai Tahu to their tupuna, and to the land, with bonds which are not broken by the passage of time.

Waahi tapu can include urupa (burial sites) ana tupapaku (burial caves) tauranga waka (canoe landing sites), battleground’s, mountains, rivers and lakes, symbolic and legendary landscape features, places from which important taonga are sourced (for example *waahi pounamu* or *taonga raranga*) or places associated with religious ritual.

Only Poutini Ngai Tahu can define the nature and extent of waahi tapu in the West Coast region. As *kaitiaki* of waahi tapu, Poutini Ngai Tahu have the prerogative to choose how much information they wish to disclose to local authorities. It is vital that Poutini Ngai Tahu retain access to waahi tapu to maintain their special relationship with these places, and to enable them to perform their obligations under kaitiakitanga.

Section 2 of the Act defines kaitiakitanga as:

the exercise of guardianship; and in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.

The statutory interpretation of kaitiakitanga can only be understood in the

context of the holistic approach Maori hold in terms of natural and physical resources including elements of guardianship, custodial protection, advocacy and indicators of the wellbeing of resources. Kaitiaki may be human or non-human. Poutini, the *taniwha* which according to tradition protects the people and *mauri* or spiritual essence of pounamu, is an example of an important local kaitiaki.

The human realm of kaitiakitanga relates to obligations of care for the natural environment to protect the mauri of resources themselves, and to protect the ability of future generations of people to utilise the resources to sustain themselves. The role of Poutini Ngai Tahu as kaitiaki is an integral part of the special relationship Poutini Ngai Tahu have with their land and all living things.

Further explanation of kaitiakitanga is provided in the Report and Recommendations of the Board of Inquiry into the New Zealand Coastal Policy Statement (Department of Conservation 1994).

OBJECTIVE 5.2: (a) Recognise and provide for the relationship of Poutini Ngai Tahu and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga within the West Coast Region.

(b) To have particular regard to kaitiakitanga in the management of the use, development and protection of natural and physical resources in the West Coast Region.

POUTINI NGAI TAHU POLICIES 5.2

POLICY 5.2.1 Provide for the protection of ancestral land, waahi tapu water, sites and other taonga in consultation with Poutini Ngai Tahu.

POLICY 5.2.2 Promote resource management decisions and practices which accommodate the economic, cultural and spiritual values which are the basis for the special relationship between Poutini Ngai Tahu and their taonga.

POLICY 5.2.3 Recognise the role of kaitiakitanga in the management of natural and physical resources on the West Coast.

Cross reference policies 5.2.1 - 5.2.3 to other policies in this RPS.

METHODS

- 5.2.1 Consult Poutini Ngai Tahu over the meaning of kaitiakitanga and to establish a process for the identification of ancestral lands, water, sites, waahi tapu and other taonga, in order to determine appropriate ways of protecting them.
- 5.2.2 The Regional Council, on the recommendation of an iwi authority will consider giving notice of a requirement for a heritage order.

- 5.2.3 Provide access to waahi tapu for Poutini Ngai Tahu on land owned or administered by the Regional Council, and encourage other land holders to permit access to waahi tapu on their land.
- 5.2.4 Encourage Poutini Ngai Tahu participation in the planning and implementation of environmental monitoring. Resource development levies may be applied to contract the services of Poutini Ngai Tahu for this purpose.
- 5.2.5 Consider developing opportunities for using traditional Maori resource management methods as an alternative means of achieving sustainable management or protecting taonga and incorporate such methods in regional plans and resource consent conditions - where appropriate and in accord with Poutini Ngai Tahu and their tikanga.

EXPLANATION

Poutini Ngai Tahu retain the knowledge of their cultural and spiritual values. They have the right and responsibility to articulate them in a way that will enable the Regional Council to carry out its obligation under the Act to recognise and provide for the relationship of Poutini Ngai Tahu, their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. A similar right and responsibility exists to give guidance to other resource managers in the region.

The Regional Council is reliant on information from Poutini Ngai Tahu about waahi tapu and appropriate means of protection, and can only provide for the culturally appropriate protection of waahi tapu in regional plans and through the resource consents process by consultation with Poutini Ngai Tahu.

As heritage protection authorities may incur costs relating to the protection of sites, iwi authorities may, as provided under section 188 of the Act, prefer instead that the Regional council become such an authority.

The policies and methods recognise that the meaning of kaitiakitanga and the role of tribal kaitiaki can only be given regard to properly by the West Coast Regional Council through consultation with Poutini Ngai Tahu on a resource specific basis.

ANTICIPATED ENVIRONMENTAL RESULTS

- 5.2.1 Maintenance and enhancement of the relationship of Poutini Ngai Tahu and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga within the West Coast region.
- 5.2.2 Identification and protection of waahi tapu in the West Coast region.
- 5.2.3 Increased understanding of the meaning of kaitiakitanga in the West

Coast context.

- 5.2.4 Resource management decisions which reflect the philosophy of kaitiakitanga.

Chapter 6 HERITAGE

PREAMBLE

The West Coast has many cultural and heritage resources associated with a rich regional history of Maori and European settlement and activities which provide tangible links to the past. The heritage of the West Coast is distinct from other parts of New Zealand. This is an important basis for its tourist industry. Heritage also gives identity to the people and communities of the region.

Section 7 of the Act requires that all persons (including the regional council and territorial authorities) exercising powers and functions under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

...(c) Maintenance and enhancement of amenity values...

...(e) Recognition and protection of the heritage values of sites, buildings, places, or areas...

The relationship of Maori and their culture and traditions with their waahi tapu and other taonga and kaitiakitanga under Sections 6(e) and 7(a) respectively, are recognised and provided for in Chapter 5 on Matters of Significance to Poutini Ngai Tahu.

The Historic Places Act 1993 establishes the New Zealand Historic Places Trust to specifically address the protection and management of historic places. Accordingly, the role of consent authorities including the Regional Council, territorial authorities, and the Department of Conservation is complementary to, and supportive of, the Trust and its Maori Heritage Council. Before an archaeological site is disturbed, damaged or destroyed the Historic Places Act requires that the Trust gives its approval.

Section 187 of the Act provides that heritage orders may be provided in district plans to give effect to the requirement of a heritage protection authority under sections 189 and 189A. Section 189(1) states that a heritage order may be made for the purpose of protecting:

(a) Any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua for spiritual, cultural, or historic reasons; and

(b) Such area of land (if any) surrounding that place as is reasonably necessary for the purpose of ensuring the protection and reasonable enjoyment of that place.

Section 189(2) of the Act provides that a place may be of special interest by

having special cultural, architectural, historical, scientific, ecological or other interest.

Clause 4(c) of Part I of the Second Schedule of the Act provides that any matter relating to the management of any actual or potential effects of any use, development, or protection of any natural and physical resources, for which the Regional Council has responsibility, on natural, physical, or cultural heritage sites and values, including landscape, landforms, historic places, and waahi tapu may be provided for in regional policy statements and plans.

Heritage values relate to resources the Regional Council has responsibility for managing, in particular Water, Habitats and Landscapes and the Coastal Environment (Chapters 8-10 respectively).

A further matter of interest is the need to preserve heritage items such as archives and artefacts and ensure that they are properly maintained.

ISSUES:

6.1 Adverse effects of resource use and development on heritage values.

6.2 The loss of heritage values and archaeological sites.

Resource use and development involves a wide range of land uses. These may have social and economic benefit to the region but must be conducted in a sustainable manner. Under the Act, as well as giving rise to issues related to the natural environment, the effects of activities on our heritage values must also be considered. Much of the identity of the West Coast lies in its rich and diverse cultural history. Evidence of this manifests itself in many forms, not the least being social customs of West Coast people but also of history preserved in the landscape. Many visitors to the region are attracted by the recreational value of its heritage. These include archaeological sites, areas or buildings of special historical and architectural interest, areas of amenity value and places of cultural significance to Poutini Ngai Tahu. There is a lack of protection of some heritage values and historic sites, with a subsequent threat of loss.

OBJECTIVE 6: To avoid, remedy or mitigate actual or potential adverse effects of resource use, development or protection on heritage and archaeological sites and values that contribute to the West Coast's distinctive character and sense of identity.

HERITAGE POLICY 6

POLICY 6.1 Promote the identification and protection of heritage values of the region, which include the following:

- a) Archaeological sites;***
- b) Places or areas of special historical, cultural or architectural interest or significance;***
- c) Places or areas of intrinsic, recreational or amenity value or of visual appeal.***

Cross reference policy
All Poutini Ngai Tahu policies Habitat and Landscape policies, Coastal Environment policies 10.1.1-10.1.4.

Matters to be considered when assessing heritage places or sites include:

- a) The extent to which the place reflects important or representative aspects of New Zealand history;*
- b) The level of association of the place with events, persons, or ideas of importance in the history of the (district/region);*
- c) The importance of the place to Poutini Ngai Tahu;*
- d) The level of community association with, or public esteem for, the place;*
- e) The potential of the place for public education;*
- f) The level of technical accomplishment or value, or design of the place including the rarity of technical accomplishment or design;*
- g) The symbolic or commemorative value of the place;*
- h) Whether it is an historic place known to date from early periods of the district's settlement i.e., such items are likely to be included in the schedule;*
- i) The rarity of the type of historic place; and*
- j) The extent to which the place forms a key part of a wider historical and cultural complex or historical and cultural landscape.*

METHODS

- 6.1 Recognise and provide for the identification and protection of heritage and amenity values in regional plans and in the consideration of resource consent applications.
- 6.2 In conjunction with territorial authorities, the Department of Conservation, Poutini Ngai Tahu, Historic Places Trust and other interested parties who have more information, or as otherwise appropriate, establish criteria for identifying heritage sites of regional significance and develop procedures to ensure that information regarding heritage resources is shared. The Regional Council will support the development of an inventory of historic and cultural places of the region to be used when assessing resource consent applications.
- 6.3 Ensure an adequate assessment of effects on heritage values is provided with resource consent applications as required by clause 2(d) of the Fourth Schedule of the Act so that adverse effects of activities on heritage values are avoided, remedied or mitigated, where appropriate.
- 6.4 As a heritage protection authority, the Regional Council will implement heritage protection orders where they are seen as appropriate and recognise and support other heritage protection authorities in carrying out their functions and duties.
- 6.5 Support the statutory functions of the New Zealand Historic Places Trust and other relevant agencies for the purpose of protecting the region's heritage values. This will include encouraging provision of advice and education to raise awareness within the community of

heritage values and archaeological sites, and practicable means for their enhancement.

- 6.6 Encourage territorial authorities to include provisions in their district plans for:
- a) The identification, protection and enhancement of buildings, structures, places, features or areas of heritage value;
 - b) The maintenance and enhancement of amenity values associated with heritage and archeological sites, and buildings;
 - c) The realisation of their heritage protection authority status.
- 6.7 Include in resource consents appropriate conditions for the maintenance, enhancement or protection of heritage values.
- 6.8 Consider the use of economic instruments such as rates relief and encourage their use in district plans.

EXPLANATION

The West Coast Regional Council's main function in relation to amenity and heritage values is to have particular regard to those values contained in section 7 of the Act.

Other agencies in the region including territorial authorities, the Department of Conservation, NZ Historic Places Trust and Poutini Ngai Tahu have important roles in relation to integrated management of amenity and heritage values. The policies and methods adopted above support these parties working together, sharing information, and ensuring that regional and district plans and the resource consent process are able to provide effective protection of amenity and heritage values.

The Regional Council's consideration of protection of heritage values in this RPS is designed to provide clear directions on these matters within the region, and thereby making it easier to meet the requirements of section 7 (a), (c), (e), (f) and (g) of the Act. When deciding whether or not to require a heritage order, the list of matters to be considered under the policy in this chapter for assessing heritage places or sites, provide guidance.

ANTICIPATED ENVIRONMENTAL RESULTS

- 6.1 The protection and conservation of the region's heritage values, including buildings, structures, features, places and areas of heritage value.
- 6.2 The maintenance and improvement of heritage values and people's continued enjoyment of them.

Chapter 7 SOILS AND RIVERS

PREAMBLE

Soil conservation is the process of maintaining life supporting capacity of the land. In the high rainfall and steep terrain of the West Coast, soil erosion is an ongoing process.

The scope of this chapter includes rivers, particularly focusing on their beds and banks. Aggradation of riverbeds is a related matter, which is also covered in Chapter 11 because it contributes to natural hazards.

Section 5(2)(b) of the Act identifies as part of its purpose the application of sustainable management while:

safeguarding the life supporting capacity of air, water, soil and ecosystems.

Clause 1(e)(i) of Part I of the Second Schedule of the Act states that a RPS may provide for any matter relating to the use, development or protection of natural and physical resources, including control of the use of the land for soil conservation.

ISSUE 7.1 Losses of the life supporting capacity of soils as a result of erosion and land use.

Any activity which leaves large areas of soil stripped of vegetative cover, has the potential to lead to substantial topsoil loss. This reduces soil fertility and productive value. Uncontrolled removal of vegetation may result in the formation of erosion gullies. In addition, removal of vegetation reduces the water holding capacity of the land, which may contribute to an increase in flood severity.

Land use can include vegetation clearance, burning, cultivation, spraying, road construction, land contouring, land excavation and filling, diversion of water bodies, and waste disposal. While these activities are important to the region's social and economic well being, they must be conducted in a manner that results in sustainable management of natural and physical resources. Some of these activities, as well as (or instead of) causing soil erosion, may also result in loss of the soil mantle through burial.

Unless properly managed most land uses have the potential to cause adverse effects on ecosystems, landscapes and habitats, such as decreased slope stability, accelerated erosion, undermining of structures, increased runoff, damage to riverbanks, reduced water quality, sedimentation and a long term decline in soil productivity. Disposal of liquid and solid wastes can also result in contamination of land if hazardous substances are involved.

An increase in flooding or erosion may cause or be caused by aggradation of river channels and channel instability. This is commonly caused by natural processes such as earthquakes and intense rainfall. Similar problems are associated with an increase in runoff caused by land use activities or channelling of stormwater. Appropriate location, design, and construction of structures such as bridges, culverts and stop banks is important to minimise the damage to the structures themselves. In addition, the building of structures in water bodies has the potential to increase erosion and/or flooding. In all of the above examples there can be associated adverse effects on stream ecology due to high turbidity, enrichment, depressed oxygen levels and an increase in bed load. In addition, some of the above activities can initiate changes in vegetation, impact on ground water levels and reduce the availability of water for stock.

ISSUE 7.2 Adverse effects of activities and natural processes on river beds and banks including undermining of structures, increased erosion and damage to aquatic ecosystems.

Fluvial and glacial erosion has resulted in the deposition of silts, sands and gravel in the region within valleys and has formed substantial terrace deposits west of the Alpine Fault. Gravel is an essential resource for maintaining and improving the region's infrastructure and economy. Quantities of deposited gravel and the rate of supply vary from place to place. In some catchments controls on the rate of extraction are necessary due to the low rate of natural replenishment. At the other extreme, substantial volumes of gravel are accumulating - resulting in a build up of river beds. In such cases extraction is desirable. However, uncontrolled gravel extraction and other activities related to water bodies have the potential to cause or aggravate erosion, as well as damage aquatic habitats.

The Regional Council has a responsibility to regulate river channel management and flood mitigation. Significant funds and time have been invested in achieving the considerable degree of protection that existing works provide to communities and landowners (See Chapter 11 on Natural Hazards).

OBJECTIVE 7.1 The sustainable management of soil to meet a range of uses, including the reasonably foreseeable needs of future generations and the prevention of further long-term degradation of the soil resource; and to maintain or restore the soil quality factors that contribute to its life supporting capacity including:

- a) Soil depth, structure and fertility;
- b) Soil fauna;
- c) Organic matter;

and to retain soils of ecological, scientific or cultural value.

OBJECTIVE 7.2 To avoid, remedy or mitigate degradation of water resources and aquatic ecosystems resulting from the instability, or use or development, of the beds and banks of rivers.

SOILS AND RIVERS POLICY

POLICY 7. *To sustain the potential of the soil and water to meet the reasonably foreseeable needs of future generations, activities will be managed so that adverse effects are avoided, remedied or mitigated, including those effects caused by:*

- (a) Erosion, soil loss or the potential for soil loss;*
- (b) Instability of river channels, land and structures;*
- (c) Contamination of soil, groundwater and surface water;*
- (d) Long term decline in life supporting capacity of soil and land;*
- (e) Decline in the quality of aquatic ecosystems and other instream values;*
- (e) Damage to the relationship of Poutini Ngai Tahu and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;*
- (f) Damage to ecosystems, including the quality of aquatic ecosystems and other instream values, landscapes and habitats;*
- (g) Increased flooding and runoff.*

METHODS

- 7.1 Promote appropriate practices during contact with land users and through publications, newsletters, field days and displays.
- 7.2 Apply regional rules, principally those in the *Soil Conservation and Erosion Control Plan*. Such rules may require management of the effects of activities by way of performance standards on resource consents. Other mechanisms may include bonds and prosecutions for breaches of conditions.
- 7.3 Consider the application of selected codes of practice as a means of ensuring compliance with regional rules.
- 7.4 In the event of consent holders being unable or unwilling to ensure that damaged areas are rehabilitated, the Regional Council may use funds secured through bonds to undertake the work.
- 7.5 Encourage the inclusion of relevant provisions for land use in district plans for example particular land use locations and performance standards, which protect the life supporting capacity of soil.
- 7.6 Where applicable, conditions providing for sustainable management of the region's gravel resource will be promoted during consultation on the development of *minerals programmes*, as provided for in the Crown Minerals Act 1991.
- 7.7 The Regional Council will monitor the cost efficiency and effectiveness of catchment flood and channel management in consultation with all parties before intervening with existing levels

Cross reference policy 7

Water policies 8.2.1 and 8.2.2, Habitats and Landscapes policies 9.1-9.6. Coastal Environment policies 10.1.1-10.1.4, 10.2.1, 10.3.1, 10.4.1-4.2, 10.5.6 and Natural Hazards policies 11.1-11.4.

of works maintenance as either part of Council's river management responsibilities or if requested by a river rating district.

7.8 The *Land and Riverbed Management Plan* will establish where in the beds of water bodies gravel may be extracted from and the monitoring that will be undertaken.

7.9 Use economic instruments where appropriate.

EXPLANATION

The policy includes a list of adverse effects that should be taken into account when considering resource consent applications. It also meets the requirements of section 5 of the Act. It includes a description of the resources that are to be sustainably managed when activities are carried out in the beds and banks of water bodies.

Objective 7.2 and point (b) in the policy refer to 'instability'. Stability of river beds and banks relate to maintenance of an overall equilibrium, which may well change in a dynamic environment due to natural processes. Use of the word "instability" is not intended to preclude activities related to structures where adverse effects are restricted to a small area and occur for only a limited time.

The methods of implementing the policies represent a range of options open to the Regional Council. Those methods relating to maintenance of channel and floodway protection, the economic effectiveness of flood and channel management and rating districts reflect the Regional Council's operational responsibilities in management of river resources. These matters are also related to Chapter 11 (Natural Hazards).

The Regional Council has, through the development of policies and methods, the statutory responsibility to control the use of the land for the purpose of soil conservation. The above considerations reflect this.

Promotion of practices which prevent loss or erosion of soil is the preferred method of achieving the objective. This can be a cost effective alternative to regulation by way of performance standards placed on a resource consent. Regulation through rules in regional plans and consent conditions may also be used to control activities that contribute to erosion, loss of life supporting capacity or soil contamination. Such regulation may be by way of performance standards, including incorporation of those aspects of an industry code of practice that the Regional Council wishes to apply. Adherence to codes of practice are not considered a substitute for regulation, even though the application of such codes may reduce the extent of its need.

"Life supporting capacity" has a broad meaning. In the context of this chapter it means that the Regional Council may impose controls on the use of land but only in respect of the matters related to its functions under section 30 of the Act.

The Soil Conservation and Erosion Control Plan (Part 1) has an important role in implementing the policies in this chapter. It covers disturbance of the land surface and earthworks. The Land and Riverbed Management Plan will replace this Plan and will also cover activities in the beds and banks of rivers, including management of effects of gravel extraction and the construction/maintenance of structures.

A service delivery role in terms of technical advice to land users is not considered desirable. Such a role would be in conflict with the Regional Council's regulatory role. In any event, expertise is available in the private sector.

In some circumstances the application of bonds are considered to be a useful vehicle to ensure any necessary rehabilitation of land occurs. Instances where this might be appropriate include the need to avoid environmental damage in the event that a consent holder ceases operations before completion of the work, or is unable to finance the rehabilitation. The absence of bonds in the past resulted in some land being left in a derelict state or the regional community having to pay for rehabilitation through rates. Neither of those adverse effects are acceptable.

From a soil conservation and erosion perspective, management of any adverse effects arising from the use of land is a Regional Council function. The Regional Council will decide whether revegetation or any remedial action for soil conservation purposes is required. Territorial authorities, through rules contained in their district plans, control whether a particular land use can be permitted.

In addition to controls exercised by the Regional Council or a territorial authority, extraction of minerals is subject to the granting of a permit under the Crown Minerals Act 1991.

The Regional Council is responsible for approval of the siting of structures in water bodies under section 30(1)(c) of the Act, including for the purpose of soil conservation. The relevant territorial authority has overlapping responsibility for their safety under section 31(b).

ANTICIPATED ENVIRONMENTAL RESULTS

- 7.1 Land use operations carried out without long term loss of life supporting capacity of the soil.
- 7.2 Maintenance or enhancement of water quality to a level which safeguards the life supporting capacity of water bodies, which may be affected by erosion arising from land uses.
- 7.3 Reduced adverse effects as a result of activities in the beds of water bodies.

Chapter 8 WATER

PREAMBLE

Water is essential to sustain life. While water is not normally in short supply on the West Coast, occasional conflicts between users occur. Of those who take water the main users are pastoral farmers for domestic and stock requirements, residential and industrial users. The main industrial users are coal and gold miners, sawmills, abattoirs and primary processors. Water is also taken from rivers in the region to generate electricity.

The quality of waters (rivers, wetlands, lakes, estuaries and the sea) is an important resource management issue (see also Chapter 9 on Habitats and Landscapes). The relationship between Poutini Ngai Tahu and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is a matter which the Regional Council is required to recognise and provide for as a matter of national importance. (Refer to Chapter 5 on Matters of Significance to Poutini Ngai Tahu). In particular, water gives meaning to the identity of Poutini Ngai Tahu.

Maori classification of water is related to its use. The purest form of water, *Waiora*, is usually used for ritual purposes as it is considered to be the physical and spiritual embodiment of the tears of Ranginui, as he wept for Papatuanuku. *Waimaori* is drinking water for normal use. *Waitohi* is water used for naming and dedicating children. *Waimate* is not drinkable as it is considered to be physically and/or spiritually polluted, and has lost its life sustaining properties.

The West Coast has a relatively low and scattered population. The region's natural beauty and resulting popularity with tourists is, in no small measure, due to the pristine nature of most of its water resources. Water also has high recreational and habitat values so it is important to safeguard or protect future needs for water, protect its life supporting capacity and avoid, remedy or mitigate adverse environmental effects arising from its use. However health risks arising from the use of some of the region's water resources exist (Southern Regional Health Authority 1996).

Section 14 of the Act places restrictions on taking, using, damming or diverting water. Section 15(1)(a) controls the discharge of contaminants or water into water, while section 15(1)(b) controls the discharge of contaminants to land in circumstances where the contaminant or some variation of it may enter water. Clause 1(a), (b), (c) and (e) of Part I of the Second Schedule of the Act discusses matters relating to water which may be included in a RPS.

ISSUE 8.1.**Water quantity.**

Adverse effects of taking of water or change of water levels and flows on indigenous flora and fauna and on recreational, amenity, intrinsic, ecological, aquatic and Poutini Ngai Tahu values.

Unlike in other regions, due to its plentiful supply, few problems generally arise from the taking of water from lakes and rivers on the West Coast.

However, there are circumstances when potentially conflicting demands on water resources arise. For example, water is taken from two separate intakes in Lake Kaniere, one providing the water supply for Hokitika and the other for hydro electricity generation. Excessive demand of water for the latter, particularly during spells of dry weather, has the potential to adversely affect the ability of Hokitika to meet its water needs. To avoid this a minimum lake level has been set.

Alteration of flow regimes may produce effects such as water bodies not being able to flush out gravel or discharge, flash floods and estuaries and wetlands being bypassed.

Water availability also has effects on the intrinsic, amenity, recreational, habitat, cultural and community values of water.

Lake Christabel and the Ahaura River in its gorge, have water conservation orders over them. In 1996 the Planning Tribunal recommended that the Buller River from its source to Te Kuha, including some of its tributaries, be made the subject of a national water conservation order. The Regional Council will have regard to any relevant water conservation order or draft water conservation order when considering resource consent applications. The purpose of a water conservation order is to preserve or protect outstanding features or characteristics in water bodies.

OBJECTIVE 8.1.1

To manage the quantity of the Region's water resources so as to:

- a. Meet the needs of a range of uses, including the reasonably foreseeable needs of future generations; and**
- b. Safeguard the life-supporting capacity of water and related ecosystems.**

WATER POLICIES 8.1

POLICY 8.1.1 When making decisions over water levels or river flows, or allocating water, the Regional Council will consider the following matters:

- a) The natural availability of the water resource or natural range of levels and/or flows;***
- b) The existing and reasonably foreseeable future demands on water***

**Cross reference
policy 8.1.1
Habitats and
Landscapes
policies 9.1 – 9.3
and Soil
Conservation and
Rivers policy 7.**

resources;

- c) Conservation of water and its efficient allocation and use;*
- d) The relationship of Poutini Ngai Tahu and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;*
- e) The potential demand for water resources which could have an effect the following:*
 - (i) Recreational, amenity and intrinsic ecological values,*
 - (ii) Ecological and aquatic values,*
 - (iii) Indigenous flora and fauna.*
- f) Habitats of trout and salmon;*
- g) When allocating surface water resources, residual flows are sufficient to maintain or enhance the life supporting capacity of aquatic habitats and provide for aquatic, amenity and habitat values;*
- h) Existing allocations to resource users and reliance on these for their continued operations;*
- i) Cumulative effects of water extraction; and*
- j) The relationship between water quantity and water quality and the effects that water abstraction may have on the ability of a water body to assimilate waste.*

Policy 8.1.1 corresponds with Water Policy 8.3.1

POLICY 8.1.2 *Where insufficient water exists to meet existing and potential demands, priority be given for firefighting, domestic use and stock water.*

Cross reference
policy 8.1.2
Habitat and
Landscape policies
9.1-9.3 and Natural
Hazards policies
11.1 and 11.2.

METHODS

- 8.1.1 Use the public notification of plans, postal circulars, brochures, incidental contact with water users, and newspaper advertisements to inform resource users of unacceptable effects.
- 8.1.2 Monitor the effects of water abstraction on changes in water levels when it is considered that the sustainability of the resource is likely to be compromised.
- 8.1.3 Investigate flows and where appropriate set minimum levels and flow regimes.
- 8.1.4 Allocate water resources according to rules in a Regional Water Management Plan.
- 8.1.5 Consider charging users of water, creation of tradeable water rights and applying bonds to major users.
- 8.1.6 Consult with Poutini Ngai Tahu when considering resource consent applications.
- 8.1.7 If considered necessary issue directions under section 329 of the Act to apportion or suspend the taking of water.

8.1.8 Consider the use of economic instruments where appropriate.

W **EXPLANATION**

A **T** **E** **R**

Policy 8.1.1 recognises that activities affecting the levels of lakes or the flow of rivers could make it difficult for people and communities to provide for their social, economic and cultural well being and for their health and safety. At the same time it recognises that the life supporting capacity of ecosystems needs to be safeguarded. Policy 8.1.1 corresponds with policy 8.3.1 in this chapter because it also applies to the management of geothermal water.

In the event of having to impose restrictions on the taking of water to maintain lake levels or flows of water in rivers, Policy 8.1.2 requires the Regional Council to accord priority to firefighting, domestic and stock needs over other uses. Water will only be allocated after the matters in policy 8.1.1 have been considered and it has been demonstrated that the requirements of policy 8.1.2 can still be met.

There is normally an abundance of water but, because water shortages and water allocation conflicts do occur on the West Coast, the Regional Council in its water management role, needs to have various methods at its disposal to ensure that available water is allocated efficiently. In most cases this is not a problem. However on occasions when there is a shortage of water or the potential for conflicts, the availability of methods such as education, encouragement, monitoring, setting minimum flows, resource consents and economic instruments are needed to manage the resource.

The Regional Council will manage the allocation of water, any artificial change of water levels or flows and the effects of taking of water. It may impose restrictions on the taking, using, damming or diversion of water in the event of a temporary shortage.

ANTICIPATED ENVIRONMENTAL RESULTS

- 8.1.1 No water shortages due to abstraction by users, or artificial changes to lake levels and river flows.
- 8.1.2 Maintenance and enhancement of intrinsic, ecological, recreational, amenity, aquatic and Poutini Ngai Tahu values.

ISSUE 8.2

Surface and groundwater quality.

Point and non point source discharges into water, interference with waterways and land use practices can affect water quality, causing adverse environmental effects which include one or more of the following:

- a) Human health risk;**

- b) Conspicuous change in colour or clarity;**
- c) Objectionable odours;**
- d) Destruction of aquatic ecosystems and habitats;**
- e) Consequent loss of ecological, cultural, aesthetic, fishery, amenity and recreational values; and**
- f) Impacts on the relationship between Poutini Ngai Tahu and their culture and traditions associated with ancestral waters.**

Water quality is affected by:

1. Discharges of biological wastes such as sewage, contaminated stormwater and animal effluent;
2. Disposal of biological wastes such as human sewage from campervans.
3. Suspended solids from land use activities;
4. Contamination of ground and surface water by leaching and runoff from rubbish dumps, mining operations and industrial sites, including those no longer in operation;
5. Discharges which originate from the disposal of acid mine drainage, trade wastes, farming and industrial activities; and
6. Runoff from chemical spraying and fertiliser application.

The effects of such activities can vary. The discharge of some contaminants such as used oil, paint thinners, leachate from rubbish dumps and land contaminated from other past and present activities can cause major and lasting contamination of surface and ground water. Other activities - such as land disturbance - may result in turbidity, discolouration and suffocation of aquatic life. These effects may be short term, depending on controls already in place at the source and the type and duration of the discharge. In addition, activities within waterways (for example dams, diversions and culverts) can impede fish passage and change the dynamics of waterways.

Untreated human sewage is discharged directly into rivers adjacent to Westport, Reefton and Greymouth. These discharges may pose health risks in terms of contact recreation and adversely affect the cultural relationship of Poutini Ngai Tahu with these waters. Additional health risks from sewage discharges may exist to those who consume whitebait and other species caught within the tidal reaches of the Buller and Grey Rivers. Section 386(3) of the Act states that existing permits for those discharges expire on 1 October 2001. Future options for such discharges are treatment and disposal by either land, water or other methods.

Human sewage continues to be discharged from campervans on roadsides. Inevitably, some finds its way into water bodies. These undesirable practices will lessen as the number of official sewage disposal sites for campervans increases. Toilet wastes at some roadside rest areas are also a problem. Discharges from these mobile sources are covered in Chapter 12 on Solid and Hazardous Waste.

Contamination of water by effluent from septic tanks is also a regional issue. Problems that have arisen include the overloading of such systems and poor siting where subsurface materials do not provide adequate

soakage. This and the overloading of soakage fields can result in contamination of water bodies. The region's rainfall and high water tables undoubtedly decrease the effectiveness of septic tanks, particularly the traditional single chambered unit. Modern domestic treatment systems are multi chambered and treat sewage more effectively. Further technological advances are likely.

Stormwater disposal is a problem in some towns. In Greymouth, the steep impermeable mudstone escarpment channels water into the built up areas along the toe of the slope, producing a variety of surface flooding and sedimentation problems. Sedimentation of stormwater results when runoff from down pipes, paving and modified stream channels travels over bare surfaces. The suspended silt and debris can cover and settle in gardens, enter garages and basements and block drains. In most New Zealand towns the common practice is to link drainage from roofs, and paved surfaces into a reticulated stormwater system. On the West Coast this practice has not always been adopted, particularly near the margins of towns. As a result some downpipes run directly to the surface of land.

Contaminated stormwater disposal from standing areas such as garage forecourts and industrial sites may also be a problem.

Many mine discharges on the West Coast result from earlier mining activity. It is therefore difficult to mitigate damage from these sources. However, the establishment of new mines in old workings, where acid mine discharges occur, may offer coincidental low cost opportunities to remedy or mitigate their effects. Where appropriate, conditions can be incorporated into resource consents. The Government and other organisations may have an obligation to remedy the effects of discharges from some old coal workings. Liability for the discharges from these workings would have to be determined on a case by case basis.

Current mining, particularly hard rock mining, does have the potential to pollute water bodies. The Regional Council has a responsibility to ensure that these effects are avoided, remedied or mitigated. In particular, discharges of heavy metals, where these occur, will be regulated on the basis of an assessment of environmental effects through the resource consent process.

Coastal water quality is discussed in Chapter 10 (The Coastal Environment) under Issue 5.

OBJECTIVE 8.2.1 To maintain, and where water quality is degraded, enhance the quality of the region's surface, ground and coastal water resources by:

- a) **Recognising and providing for the relationship of Poutini Ngai Tahu and their culture and tradition with their ancestral water;**
- b) **Ensuring that land and water resources are used and managed so that their life supporting capacity, intrinsic, amenity, recreational and cultural values are maintained or enhanced by :**
 - (i) **Sufficient flow or levels in natural water bodies to achieve desired**

- water quality; and
- (ii) Avoid, remedy or mitigate the adverse effects of soil loss, erosion and the contamination of water bodies with chemicals, sediment, bacteria or nutrients.

WATER POLICIES 8.2

POLICY 8.2.1 *Avoid, remedy or mitigate the adverse effects of discharges into surface, coastal and ground water particularly where these cause or are likely to cause:*

- a) *Risks to human health;*
- b) *The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;*
- c) *Any conspicuous change in the colour or visual clarity;*
- d) *Any emission of objectionable odours;*
- e) *The rendering of fresh water unsuitable for consumption by farm animals;*
- f) *Any significant adverse effects on aquatic life;*
- g) *Loss of ecological, cultural, aesthetic, fishery, amenity and recreational values; and*
- h) *The relationship of Poutini Ngai Tahu and their culture and traditions with ancestral water and other taonga to be compromised.*

Policy 8.2.1 corresponds with Water Policy 8.3.2

POLICY 8.2.2 *To maintain, enhance or restore water quality in surface, coastal and ground water, taking into account:*

- a) *The public uses of water resources;*
- b) *The sensitivity of the receiving waters to adverse effects;*
- c) *The current state of technical knowledge and treatment and disposal options for discharges;*
- d) *Existing lawful discharges;*
- e) *The relationship of Poutini Ngai Tahu and their culture and traditions with ancestral water; and*
- f) *The setting of progressively higher water quality standards water bodies that are unacceptably degraded.*

Policy 8.2.2 corresponds with Coastal Environment Policy 10.5.1.

POLICY 8.2.3 *To promote, where appropriate, well-vegetated riparian margins while considering the need to reduce threats caused by flooding and erosion.*

POLICY 8.2.4 *To manage land use practices in order to avoid, remedy or mitigate the entry of soil, silt and other contaminants into the region's water bodies.*

Cross reference policies 8.2.1 & 8.2.2

All Poutini Ngai Tahu policies; Soil and Rivers policies 7; Habitat and Landscape policies 9.1 – 9.4, and Solid and Hazardous Waste policies 121.1-1,6, 1.8, 12.2.1 and 12.3.1

Cross reference policies 8.2.3 and 8.2.4.

Soil and Rivers policy 7 and Habitats and Landscape policies 9.1-9.6

METHODS

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- 8.2.1 Through publications and contact with resource users promote the maintenance and enhancement of the region's water resources.
- 8.2.2 Advocate the Crown's assistance to eliminate discharges of polluted waters that are beyond the Regional Council's resources to remedy. Acid discharges from old mine workings are an example of where this could apply.
- 8.2.3 Encourage territorial authorities, other agencies and those responsible for discharges, to provide signposts to warn the public of the effects of using polluted water.
- 8.2.4 Promote, encourage and where necessary, require the creation, retention and enhancement of riparian margins.
- 8.2.5 Consider development of a method of classifying riparian areas.
- 8.2.6 Encourage chemical waste recovery, recycling and neutralisation.
- 8.2.7 Establish an assessment and monitoring programme in order to identify water quality issues.
- 8.2.8 Consult Poutini Ngai Tahu.
- 8.2.9 Require the disposal of chemical wastes at approved sites only.
- 8.2.10 Require the treatment of raw sewage prior to discharge.
- 8.2.11 Regulate land use practices and discharges of contaminants into water according to regional rules in regional plans. Some land use practices will also be controlled through resource consents and enforcement.
- 8.2.12 Consider classifying waters according to the Third Schedule of the Act.
- 8.2.13 Impose restrictions or prohibit the discharge of contaminants into water in the event of a temporary serious shortage of water as provided for by section 329 of the Act.
- 8.2.14 Consider the application of selected codes of practice as a means of ensuring compliance with regional rules.
- 8.2.15 Consider the use of economic instruments where appropriate, including bonds to ensure compliance with resource consent conditions and as a means of financing remedial work.

EXPLANATION

Policy 8.2.1 recognises that high water quality is important for safeguarding the life- supporting capacity of the region's water resources. Much of the West Coast's scenic values stem from the visibly high quality of water in rivers and lakes. The attraction of the area for aquatic recreational activities such as canoeing or fishing is also dependent on this.

This policy has much in common with geothermal water. Accordingly, policy 8.2.1 corresponds with policy 8.3.2 in this chapter.

Policy 8.2.2 allows for the fact that some waters, already degraded to an unacceptable degree, need to be restored. It provides a method for reviewing standards when existing resource consents expire. The discharge of raw sewage into some of the region's rivers is an example of how water quality is degraded. Section 386(3) of the Act provides that authority for those discharges expires on 1 October 2001. However, it is recognised that it may not be realistic to eliminate all discharges of polluted surface or groundwaters in the short term. As an example of how the setting of progressively higher water quality standards could be applied, attention could be focused on the restoration of unacceptably degraded waters, such as the lower reaches of the Buller and Grey rivers which are affected by discharges of raw sewage (See text under explanation to Issue 10.5).

Fresh water quality issues have much in common with coastal water quality. Accordingly, policy 8.2.2 corresponds with Policy 10.5.1 in Chapter 10 (The Coastal Environment).

The option of classification of water as provided for in the Third Schedule of the Act gives the Regional Council a further method of setting water quality standards. There are, at present, no specific plans to implement such classification.

Policy 8.2.3 recognises that the management of riparian margins can assist in the attainment of water quality objectives. Riparian margins are of benefit to downstream values and general water quality, instream and marginal communities, invertebrates, indigenous fish species, public access, wildlife habitats and natural character and landscape values. At the same time the use of vegetated riparian strips is not always practical. This is discussed further in the Explanation under Chapter 9 (Habitats and Landscapes).

Policy 8.2.4 addresses the effect of land use practices on water quality.

Because there is a perception that the region is relatively unaffected by development, the Regional Council could decide to safeguard the life supporting capacity of water through non-regulatory methods. While the importance of promotion should not be underestimated, experience has shown that without monitoring, regulation and enforcement, water quality will decline as a result of discharges into water. This makes regulation necessary. There is a strong community expectation that water quality

should be sustained, and in places, improved. This would also help the region to retain its reputation as one of natural beauty and relatively free of water pollution.

Although it would appear desirable to clean up all polluted waters, limitations exist as to what can be realistically achieved in the short or long term - both in terms of finance and technology. For this reason the RPS cannot give an undertaking to maintain at, or restore water quality to, a particular standard.

The Regional Council may consider the use of economic instruments. These may be implemented through rules in a regional water management plan.

The Regional Council is responsible for developing objectives, policies and rules for water quality as well as managing the effects of all activities that result in discharges to water.

ANTICIPATED ENVIRONMENTAL RESULTS

- 8.2.1 Protection and enhancement of the life supporting capacity of water, including its intrinsic, amenity, recreational and cultural values.
- 8.2.2 Improvement in water quality through lower turbidity, suspended solids and water more suitable for uses such as aquatic ecosystems, food gathering, contact recreation and water supply purposes.

ISSUE 8.3 Geothermal water. The management and use of geothermal water.

The West Coast Region has a number of geothermal resources. Most occur as small hot springs scattered along the lower slopes of the western flanks of the Southern Alps. The most significant of these occurs in the upper reaches of the Maruia River, a tributary of the Buller, at Maruia Springs. This resource has, for a long period, been tapped and developed as a commercial spa.

Another spring in the headwaters of the Haupiri River was also the site of a commercial spa developed by the Crown about the turn of the century. It has since fallen into disuse.

Some West Coast geothermal water resources '*waiwera*' of Te Tai Poutini, are used by Poutini Ngai Tahu for customary cultural purposes.

Section 14(3)(c) of the Act provides that the water, heat or energy of geothermal water may be taken, used, dammed or diverted in accordance with tikanga Maori for communal benefit of the tangata whenua - providing it does not have an adverse effect on the environment. Otherwise, the general provisions of section 14 apply that prohibit the taking, use, damming and diversion of water, or heat or energy from water unless either provided for by a rule in a regional plan or expressly allowed by a resource

consent, or generally, if the activity was lawfully established, until the time a relevant regional plan or proposed regional plan becomes effective.

Geothermal waters are relatively sensitive to adverse environmental effects. They can be depleted or substantially modified by poor resource management. Their discharge into receiving waters can also have adverse environmental effects.

The areas of geothermal significance remain to be determined and the assembly of an inventory of such resources may be warranted.

OBJECTIVE 8.3 The sustainable management of West Coast geothermal water.

WATER POLICIES 8.3

POLICY 8.3.1 When making decisions over geothermal water levels or flows, or allocating geothermal water, the Regional Council will consider the following matters:

- a) The natural availability of the water resource or natural range of levels and/or flows;*
- b) The existing and reasonably foreseeable future demands on water resources;*
- c) Conservation of water and its efficient allocation;*
- d) The relationship of Poutini Ngai Tahu and their culture and traditions with geothermal water;*
- e) The potential demand for water resources which could have an effect the following:*
 - (i) recreational, amenity and intrinsic ecological values;*
 - (ii) ecological and aquatic values;*
 - (iii) indigenous flora and fauna.*
- (f) Habitats of trout and salmon;*
- (g) When allocating surface water resources, residual flows meet the needs of aquatic, amenity and habitat values including the maintenance of life supporting capacity of aquatic habitats;*
- (h) Existing allocations to resource users and reliance on these for their continued operations;*
- (i) Cumulative effects of water extraction; and*
- (j) The relationship between water quantity and water quality and to consider the effects that a water allocation would have on the ability of a water body to assimilate waste.*

Policy 8.3.1 corresponds with Water Policy 8.1.1

POLICY 8.3.2 Avoid, remedy or mitigate the adverse effects of discharges of geothermal water into surface, coastal and ground water particularly where these cause or are likely to cause:

- a) Risks to human health;*
- b) The production of any conspicuous oil or grease films, scums or*

**Cross reference
policy 8.3.1 and
8.3.2
All Poutini Ngai
Tahu policies;
Water policies 8.1-
1.3 and 8.2.1-2.4**

- foams, or floatable or suspended materials;*
- c) Any conspicuous change in the colour or visual clarity;*
 - d) Any emission of objectionable odours;*
 - e) The rendering of fresh water unsuitable for consumption by farm animals;*
 - f) Any significant adverse effects on aquatic life;*
 - g) Loss of ecological, cultural, aesthetic, fishery, amenity and recreational values; and*
 - h) The relationship of Poutini Ngai Tahu and their culture and traditions with ancestral water and other taonga to be compromised.*

Policy 8.3.2 corresponds with Water Policy 8.2.1 and Coastal Environment Policy 10.5.1.

METHODS

- 8.3.1 Consult with potential users of geothermal water to determine foreseeable future needs and concerns as to their use, value and environmental sensitivity.
- 8.3.2 Discuss and review with Poutini Ngai Tahu the development of guidelines as to the nature of potential adverse effects that may occur through the exercise of the provisions of section 14(3)(c) of the Act.
- 8.3.3 Collect information on the nature and extent of the region's significant geothermal areas. A significant information source is the Geological Society of New Zealand (1993).
- 8.3.4 Requests to take, use or discharge geothermal water will be subject to rules outlined in a Regional Water Management Plan.
- 8.3.5 Consider the use of economic instruments such as bonds and levies.

EXPLANATION

Both policies provide for the sustainable management of the unique character and special values of geothermal water. These include the direct and indirect value to tourism and recreation and their scientific values. Policy 3.2 recognises that the discharge of geothermal water into water can have adverse effects.

Both policies also meet the Regional Council's obligations to Poutini Ngai Tahu under sections 6(e), 7(a) and 8 of the Act. The unique right is recognised that permits Poutini Ngai Tahu to take or use geothermal water for their communal benefit and, as required, to ensure that adverse environmental effects are avoided, remedied or mitigated.

ANTICIPATED ENVIRONMENTAL RESULT

- 8.3.1 The sustained management of the region's geothermal water

resources in a manner that ensures the avoidance, remedying or mitigation of adverse environmental effects.

Chapter 9 HABITATS AND LANDSCAPES

PREAMBLE

Sections 6 and 7 of the Act provide clear direction to all persons exercising powers and functions under it that are particularly relevant to habitats and landscapes. Section 6 provides, among other things that the coastal environment, wetlands, water bodies, outstanding natural features and landscapes, significant indigenous vegetation, and significant habitats of indigenous fauna, are matters of national importance. Section 7 requires that particular regard be given to *other matters* such as the intrinsic value of ecosystems, maintenance and enhancement of amenity values and maintenance and enhancement of environmental quality.

Section 6(b) of the Act requires outstanding natural features and landscapes to be afforded protection from inappropriate subdivision, use and development. Most of these features on the West Coast are already afforded adequate protection by their inclusion in the Department of Conservation estate. However, since human settlement, nationally important outstanding natural features and landscapes, and significant indigenous vegetation and significant habitats of indigenous fauna have been modified in much of New Zealand. The region also has the most extensive lowland forests and wetlands, but once common forest types on the West Coast, such as matai/totara or kowhai/ribbonwood, are now reduced to scattered remnants, some outside land managed by the Department of Conservation. Some of the nation's most significant habitats such as wetlands exist on the West Coast. Wetlands, including estuaries, have what is possibly the highest ecological productivity and diversity. Many of these areas are subject to pressure from development. The objectives, policies and methods in this chapter are intended to manage the effects of activities on the values of these areas such as wetlands.

A number of issues which arise out of habitat and landscape modification follow. These are in connection with conflicts in land use, changing ecosystems and a decline in some indigenous species, and impacts on the character of water bodies. These issues and the backgrounds to them follow.

ISSUE 9.1:

- a) **Adverse effects on the natural character of wetlands, lakes and rivers and their margins, and on outstanding natural features and landscapes, resulting from inappropriate subdivision, use and development.**
- b) **Adverse effects on ecosystems have impacts within the wider catchment.**

- c) **In some areas public access to lakes and rivers and their margins is inadequate.**
- d) **Adverse effects of activities including damage to significant indigenous vegetation and impacts on the significant habitats of indigenous fauna.**

The primary issue in respect of the management of habitats and landscapes arises from conflicts in land use. Conservation of land for ecological, hydrological, cultural, and landscape values may not always be compatible with use for agriculture, forestry, waste disposal, or mining. Habitats and landscapes can also have commercial value. These include sphagnum moss, forestry, and eel and whitebait fisheries. They can also be important as feeding areas for waterfowl and often provide passive recreational values.

The ecological sustainability of wetlands, lakes, rivers and their margins, as well as other outstanding natural features, can be directly, or indirectly, threatened by a variety of land uses. The Regional Council will promote catchment management practices that are consistent with the protection of these outstanding features.

Section 6(d) of the Act states that maintenance and enhancement of public access to and along the Coastal Marine Area, lakes and rivers is a matter of national importance. Access can be provided through the establishment of esplanade reserves and strips, the use of unformed legal roads and access agreements with land owners.

ISSUE 9.2

- a) **Changing ecosystems and a decline of some indigenous species.**
- b) **Reduced biodiversity and modification of existing indigenous ecosystems as a result of introduced pests and weeds.**

The West Coast enjoys a reputation as a largely unspoiled region. However, some indigenous ecosystems and species are threatened, endangered or are extinct. Introduced predators such as rats, stoats, possums and weasels have caused some bird species to disappear from certain areas. Possums, as well as being predators of bird nests, have significantly modified most of the rata-kamahi forests in the central West Coast. In attempts to reverse the trend of ecosystem change, the Department of Conservation is carrying out active management within remaining strongholds of species or ecosystems that have become rare or, elsewhere, disappeared. Known as *mainland habitat islands* such areas will be more intensively managed with the aim of maintaining or restoring ecosystems/communities in a manner similar to that carried out on some offshore islands for the purpose of restoring populations of kakapo, saddleback, and tuatara.

The Regional Council has, under the Biosecurity Act 1993, prepared a proposed regional pest management strategy. This will contribute to the management, control and eradication of plant pests within the region.

Indigenous forests not protected by the Department of Conservation, or by virtue of some other form of public ownership, deserve special mention. Where landowners agree that indigenous forest or other ecosystems on their land should be protected, financial assistance may be available from organisations such as the Department of Conservation-administered Forest Heritage Fund and the Queen Elizabeth the Second Trust.

The Forests Act 1949 (*Part IIIA Provisions Relating to Indigenous Forests*) is a potential mechanism for the perpetuation of indigenous forest on privately owned land. Its purpose is to promote sustainable forest management of indigenous forest land. This is a significant matter on the West Coast as an estimated 37% of private land consists of indigenous forest, in one form or another. This Act provides for controls on felling and export of indigenous timber and forest products, by requiring forest owners to manage their indigenous forests according to registered sustainable management plans that must be approved and registered by the Ministry of Forestry. It also recognises the need to protect associated ecological, soil and water quality, amenity and commercial values.

The West Coast's Crown indigenous production forests, which are the major national source of indigenous wood, are not subject to the Forests Act (Part IIIA) but are subject to the West Coast Accord contract. This requires that certain designated podocarp forests may be overcut during the transition period until adequate exotic species are available to maintain the sawmilling industry at its 1986 equivalent level of cut. Thereafter podocarp production forests will be sustainably managed, and those beech and beech podocarp forests which are identified for a sustained yield beech industry will be maintained as beech forests in perpetuity. These indigenous forests are separate from those administered for conservation purposes by the Department of Conservation, which administers 90% of such forests in the region.

Forests, when managed on a sustainable basis, have a number of benefits or uses. These include maintenance of landscape and aesthetic values, soil conservation, land rehabilitation, protection of water quality and quantity. Forests can act as carbon sinks, protect and sustain biodiversity, and provide for a sustainable livelihood through being the source of a range of forest products.

ISSUE 9.3 Water bodies.

Effects on the natural character of wetlands, lakes and rivers and their margins arising from land uses.

Lakes, wetlands and rivers together with their beds, islands, floodplains and terrestrial margins are all important elements of aquatic ecosystems. Most indigenous fish species are migratory. They depend on some vegetation along the margins of waterways for the maintenance of habitat values, including shade, cover and food for all, or part, of their life cycle. New Zealand also has a distinctive aquatic invertebrate fauna, which is dependent

on habitat protection.

There will always be a legitimate need for gravel extraction and other activities that can have impacts on flood protection works, structures in riverbeds and diversion of waterways. The important aim is to manage their use or construction in such a way as to avoid, remedy or mitigate adverse effects on aquatic ecosystems.

OBJECTIVES

9.1 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.

9.2 To protect the outstanding natural features and landscapes of the West Coast from inappropriate subdivision, use and development.

9.3 To preserve the natural character of the wetlands, lakes and rivers.

9.4 To maintain and enhance public access to the coastal marine area, rivers, lakes and their margins.

HABITAT AND LANDSCAPE POLICIES

POLICY 9.1

Preserve the natural character of the West Coast's wetlands, lakes and rivers and their margins and protect them, and outstanding natural features and landscapes, from inappropriate subdivision, use and development.

In deciding whether subdivision, use and development are inappropriate matters to be considered will include the following:

- a) The degree to which the adverse effects of the discharge of contaminants can be avoided, remedied or mitigated, through provision of adequate services, particularly the disposal of wastes;*
- b) The extent of sporadic development and its effects on natural character;*
- c) The degree and significance of actual, potential and cumulative effects on natural character that arise;*
- d) The extent to which the subdivision, use and development recognises and provides for the relationship of Poutini Ngai Tahu and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;*
- e) The practicality of locating any subdivision, use or development away from the areas of significant indigenous vegetation and significant habitats of indigenous fauna (policy 9.2), the coastal environment, wetlands, lakes, and rivers and their margins, where adverse effects on natural character can be avoided, remedied or mitigated to a greater degree or extent;*
- f) The extent to which any subdivision, use or development provides a public benefit;*

Cross reference policy 9.1

Heritage policy 6; Soil Conservation and Rivers policy 7; Water policies 8.1.1, 8.2.1 – 8.2.3; Solid and Hazardous Waste policies 12.1.2, 1.8 and 3.1; Natural Hazards policies 11.1 – 11.4.

- g) *The degree to which the subdivision, use or development will be threatened by, or contribute to, the occurrence of natural hazards; and*
- h) *Where rehabilitation plantings are required, the practicality of using indigenous species, preferably of locally derived stock.*

In deciding whether a natural feature or landscape is outstanding matters to be considered will include the following:

- (a) *Its use, value or degree of representativeness of/for scenic, amenity, recreational, heritage, intrinsic and scientific purposes;*
- (b) *Its association with areas of significant indigenous vegetation and significant habitats of indigenous fauna (see policy 9.2);*
- (c) *The significance of its association with the coastal environment, wetlands, lakes and rivers and their margins;*
- (d) *The relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and*
- (e) *The inclusion or exclusion of a water body from a water conservation order.*

Policy 9.1 corresponds with policy Coastal Environment Policy 10.1.1.

POLICY 9.2 *Recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous fauna. Matters to be considered as a guide for decision making include those that follow, any one of which may determine whether areas of indigenous vegetation and/or habitats of indigenous fauna are “significant”.*

- a) *The desirability for their protection by statute or covenant;*
- b) *Protection status, including reserves created under the West Coast Accord;*
- c) *The degree to which the area is representative of an association of species or an ecosystem that is typical of the region;*
- d) *The likelihood of the area retaining its viability, quality and integrity of processes over a long time period;*
- e) *The presence or absence of an indigenous species or community of indigenous species that is rare or threatened regionally or nationally;*
- f) *The degree to which the area is distinctive in terms of indigenous species that are unusual, endemic, or that reach a distribution limit in the region;*
- g) *The extent to which the area has been modified from a natural state or affected by weeds or pest species;*
- h) *Its connection with other areas of significant indigenous vegetation or significant habitats of indigenous fauna;*
- i) *Its contribution to the avoidance or mitigation of natural hazards;*
- j) *Its use or value on a local, regional or national scale for public access, recreation, amenity and heritage purposes;*
- k) *The relationship of Poutini Ngai Tahu and their culture and traditions with their ancestral lands, water, sites, waahi tapu, mahinga kai and other taonga;*
- l) *The contribution of the area or habitat to maintenance and*

Cross reference policy 9.2

*Heritage policy 6;
Soil Conservation and Rivers policy 7;
Water policies 8.1.1, 8.2.1 – 8.2.3;
Natural Hazards policies 11.1-4;
Solid and Hazardous Waste policies 12.1.2, 12.1.8 and 12.3.1;*

water flow and soil conservation;

- m) The relationship of the area or habitat to any water body included in a water conservation order;*
- n) Whether they occur near wetlands and estuaries;*
- o) The importance to migratory species, including whitebait; and*
- p) The relevance of ecological districts in relation to matters (c), (e) and (f).*

Policy 9.2 corresponds with Coastal Environment policy 10.1.2.

POLICY 9.3 Have particular regard to the protection of the habitat of trout and salmon.

POLICY 9.4 Enable the continued development, use and maintenance of network utilities in or near habitats and landscapes..

POLICY 9.5 Promote, and where necessary require land use practices which avoid, remedy or mitigate offsite adverse effects on areas of significant vegetation and significant habitats of indigenous fauna and outstanding natural features and landscapes. Such practices include:

- a) The judicious application of fertiliser and agrichemicals;*
- b) Reducing discharge of contaminants into water from land uses; and*
- c) Stock control procedures to prevent excessive stock entry into water bodies and into significant indigenous vegetation.*

POLICY 9.6 Promote the containment and reduction of noxious and potentially noxious pests and weeds in situations where they cause, or are likely to cause, adverse effects, including:

- a) Destruction or degradation of indigenous flora or fauna;*
- b) Reduction in biodiversity;*
- c) Land instability; and*
- d) Spread within waterways.*

POLICY 9.7 Facilitate the maintenance and enhancement of public access to and along the margins of lakes and rivers, except where restrictions are necessary to:

- a) Protect or maintain areas of significant vegetation and significant habitats of indigenous fauna;*
- b) Protect the cultural and spiritual values of Poutini Ngai Tahu including mahinga kai;*
- c) Protect public health and safety;*
- d) Ensure a level of security consistent with the purpose for a resource consent; and*
- e) In other exceptional circumstances sufficient to justify the restriction, notwithstanding the national importance of maintaining that access.*

Policy 9.7 corresponds with Coastal Environment policy 10.1.4.

Cross reference policy 9.3

Heritage policies; Soils and Rivers policy 8, Water policies 8.1.1, 8.2.1-8.2.3; Solid and Hazardous Waste policies 12.1.2, 12.1.6 and 12.3.1

Cross reference policy 9.4

Energy policy 14.1 and Network Utilities policy 15.2.

Cross reference Policy 9.5

Soils and Rivers n policy 7; Water 8.2.1-2.3; Coastal Environment policies 10.5.1-5.4; Solid and Hazardous Waste 12.1.2, 12.1.6 and 3.1,

Cross reference policy 9.6

Cross Boundary policy 4.1; Soils and Rivers policies 7 and Natural Hazards policies 11.1.2, 11.4 & 11.6.

Cross reference policy 9.7

All Poutini Ngai Tahu policies and Network Utilities policy 15.1.

POLICY 9.8 *To promote and encourage the restoration, where appropriate, of degraded wetlands, and where practicable, creation of artificial wetlands.*

METHODS

- 9.1 Support the development of inventories, schedules and catchment plans of outstanding natural features and landscapes and areas of significant indigenous vegetation and significant habitats of indigenous fauna for use in regional plans and as checklists when considering resource consent applications. Territorial authorities will be required to use these and to insert relevant provisions in district plans. Where information is not readily available, support the establishment of consultative “landcare groups” to identify important areas.
- 9.2 Consult with Poutini Ngai Tahu, the West Coast Fish and Game Council, the Department of Conservation and other organisations, to identify in the relevant regional plan, those rivers, or sections of rivers, from which gravel extraction can be allowed and at what rate.
- 9.3 Educate land managers through means such as news media articles, information sheets and field days on appropriate land use.
- 9.4 Consider the use of selected codes of practice as a means of ensuring compliance with regional rules.
- 9.5 Have regard to management plans and strategies prepared by the Department of Conservation, Poutini Ngai Tahu and others for the protection of outstanding habitats and landscapes.
- 9.6 Use bonds as appropriate to ensure compliance with resource consent conditions and as a means of financing remedial work.
- 9.7 Provide landowners and occupiers with materials, information, expertise or the manpower required to control or eradicate noxious plants on their land. These resources will be provided on a cost recovery basis. Monitor, as required, the spread of noxious plants and pests. Where necessary, the Regional Council will carry out appropriate control measures. Pest management strategies may be prepared as provided by the Biosecurity Act 1993.
- 9.8 Make representations to the Crown for funding the control of pests and weeds.
- 9.9 In conjunction with territorial authorities promote, encourage and where necessary require the inclusion of appropriate mechanisms in regional and district plans and through the resource consent process to take into account the need for maintaining and enhancing public access to and along water bodies.

- 9.10 Use economic instruments where appropriate and encourage their use in district plans.
- 9.11 Include provisions in relevant regional plans, which will recognise and provide for the preservation of the natural character of wetlands.

EXPLANATION

These objectives, policies and methods apply to a wide range of land uses, such as disturbance of the land, gravel extraction from riverbeds, construction of structures in water bodies, flood protection works and the diversion of water bodies. While recognising that such land uses are important, appropriate checks and balances are required in order to ensure that adverse effects are avoided, remedied or mitigated.

Policies 9.1 and 9.2 include the terms *significant*, *outstanding* and *inappropriate*. Although they are difficult to define, with respect to habitats, the matters listed under these policies will be used by the Regional Council to determine what is significant, outstanding or inappropriate. This will assist the council to consider resource consent applications in a consistent manner. It will in turn give resource users more certainty as to their definition and application. These policies also address most of the matters of national importance as required under section 6 of the Act.

It is likely that some land uses will necessitate restoration plantings after their completion. Where this is the case, it is preferable that indigenous species from locally derived stock be used.

Policy 9.1, among other things, includes as matters to be considered, the extent to which subdivision, use or development provides a public benefit and the degree to which it is practicable to avoid, remedy or mitigate any adverse effects because of the need to maintain infrastructure. For example an essential part of the maintenance of high voltage transmission lines is the need to remove or trim vegetation that grows over time in order to ensure that integrity of supply is maintained. On the other hand inappropriate development should be avoided because it could lead to a proliferation of structures such as masts, huts and lines which can adversely affect visual, amenity, habitat and landscape values (See Policy 9.4 and policies in Chapters 14 and 15 on Energy and Network Utilities respectively).

In respect of subdivision, use and development, Policy 9.1 also recognises that well thought out landscaping, including indigenous species, and erosion control can significantly enhance landscape values.

The word *subdivision* appears in policies 9.1 and 9.3 because of the Regional Council's broad functions provided in section 30 of the Act. The council does not have control of the subdivision of land itself as this is a territorial authority function under section 31(c) of the Act.

On the West Coast, in most situations, more than one of the matters listed under policy 9.2 may apply. However in some situations only one matter may be sufficient for an area to be deemed “significant” and the list is not intended to be exhaustive.

Policy 9.3 recognises the importance of the West Coast’s trout and salmon habitats and is intended to give particular regard to the protection of their habitats as specifically provided for by section 7(h) of the Act.

Policy 9.4 recognises that to meet social and economic goals, activities in outstanding habitats and landscapes are important to people and communities. The Act enables these to take place, provided that natural and physical resources are sustainably managed and that they are contained within the limits of the other policies set out in this RPS.

In order to satisfy section 7(b) of the Act the Regional Council will seek to ensure efficient use of infrastructure (e.g. upgrading existing utilities) is considered before new facilities are constructed. This should make it possible to avoid adverse environmental effects on habitats and landscapes. Where new structures are required and avoidance is shown to be impracticable, any adverse effects should be remedied and/or mitigated. For example high voltage transmission towers and lines cannot be readily screened from view, but rationalisation of lines, site rehabilitation, and judicious route selection and location of structures may offer acceptable ways of remedying or mitigating their adverse effects. (See policies in Chapter 14 and 15).

Most of Policy 9.5 is closely related to water quality and must be read in conjunction with that section of this RPS. It is included here because there are cases where matters of national importance need to be provided for by the appropriate management of catchments. The Regional Council will ensure that relevant resource consents have performance standards that will prevent the deterioration of water quality.

Pests and weeds are covered by Policy 9.6. Their effects on economic values, principally farming, are not acknowledged in the policy as these matters are provided for in the Biosecurity Act 1993. The Regional Council receives Crown funding to carry out control of possums for such purposes because of its role under that Act. This funding is likely to be withdrawn. The Biosecurity Act makes provision for preparation of pest management strategies to enable a more co-ordinated approach to alleviating the problems posed by pests and weeds.

The Department of Conservation also receives funding to control possums to protect conservation values. The Regional Council supports this because there is a spin-off in the protection of natural and physical resources it is responsible for.

Although there have been recent increases in the level of government funding for controlling possums, this has been sufficient to carry out control operations in only a few of the many key areas of the West Coast’s

conservation estate. This is one reason why the Regional Council will advocate more funding for this activity. Increased funding for the protection of the conservation estate should improve co-ordination with the Regional Council's operations on farmland, and ensure that re-infestation does not recur as quickly.

Some pest and weed control is paid for by landowners.

Policy 9.7 covers a further matter of national importance that must be recognised and provided for under section 6(d) of the Act.

Policies 9.1, 9.2, 9.3, 9.4, and 9.7 correspond with policies in Chapter 10. (The Coastal Environment) because of the need for integrated management of natural and physical resources across the administrative boundary of the Coastal Marine Area.

There is a need for a logical system of defining which habitats of fauna, and vegetation, as well as landscapes, are of significance in the context of the policies in this chapter. Schedules or inventories, like the New Zealand Geological Society (1993) need to be further identified or developed. These could be used as checklists when processing resource consent applications.

Subject to funding being available, the Regional Council supports the compilation of these inventories.

Economic instruments to help achieve the objectives could be used by the application of bonds or rates relief.

There are some rivers on the West Coast from which only limited amounts of gravel can be extracted such as the Punakaiki River because of the potential for erosion. In those situations the Regional Council will set limits on volumes and rates of extraction.

Management of the margins of water bodies is a complex matter. While well-vegetated riparian margins have benefits (described in the Explanation in Chapter 8.2 on Water) the use of vegetated riparian strips is not always practical and their potential for generating adverse effects on other values should not be overlooked. For example, trees falling into a river could cause it to be diverted causing erosion. The roots of willows can have the potential to spread along waterways and this is undesirable. While recognising its obligations under section 6(a) of the Act, for these reasons the Regional Council prefers not to impose blanket controls on the management of wetlands, lakes and rivers and their margins. Policies 8.2.3 and 8.2.4 in Chapter 8 address this matter.

Gravel removal may be managed by either a district council as a *land use* or by the Regional Council as an *activity* in the bed of a river. To facilitate integrated management with its soil conservation and water management functions and because significant impacts on the water and soil may arise from extraction of gravel, it is appropriate that the Regional Council manage

its removal.

As provided in section 30(1)(c) of the Act the Regional Council will control the management of the effects of habitat and landscape modification, land use for the purpose of soil conservation, maintenance of water quality and water quantity, and the avoidance and mitigation of natural hazards. This role includes management of the ecological impacts of works in waterways such as gravel extraction, flood protection works and diversions.

ANTICIPATED ENVIRONMENTAL RESULTS

- 9.1 Ensuring that relevant regional and district plans, management plans and resource consents contain conditions to adequately protect significant indigenous vegetation and habitats of indigenous fauna, together with outstanding natural features and landscapes.
- 9.2 Ensuring that the habitats of trout and salmon are similarly protected.
- 9.3 Maintenance and enhancement of public access to and along the margins of water bodies.
- 9.4 The containment and reduction of noxious, and potentially noxious, pests and weeds while protecting the above values.

Chapter 10

THE COASTAL ENVIRONMENT

PREAMBLE

As discussed in Chapter 2 the West Coast Region includes the territorial sea lying between Kahurangi and Awarua Points.

For administrative purposes the Act defines the region's seaward area as the *coastal marine area* (CMA). Section 2 of the Act defines the CMA as:

...the foreshore, seabed, and coastal water and the air space above the water -

(a) Of which the seaward boundary is the outer limits of the territorial sea:

(b) Of which the landward boundary is the line of mean high water springs, except where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of-

(i) One kilometre upstream from the mouth of the river; or

(ii) The point upstream that is calculated by multiplying the width of the river mouth by 5:...

Because the environmental interaction between the sea and the land knows no precise boundaries it is necessary to ensure that objectives and policies on either side of the landward boundary of the CMA, are, in this RPS consistent and compatible. Therefore in the context of this RPS, the coastal environment refers to areas where the coast is a significant part or element. This will vary from place to place depending on the extent to which it affects, or is directly affected by coastal processes and the management issue of concern. The coastal environment includes the CMA, coastal wetlands and estuaries, foredunes, beaches, rocky shores, sandplains and tidal reaches. It can also include coastal terraces and associated hillslopes in close proximity to the coast.

The management function of the CMA is shared between the Regional Council and the Minister of Conservation. The Minister's role is to approve the regional coastal plan (RCP), or its relevant coastal sections. The Minister is also required to make decisions on certain resource consent applications in the CMA. The Council's role is two-fold - allocating the right to occupy space in the CMA, and promoting the sustainable management of natural and physical resources in the CMA. The allocation and sustainable utilisation of fisheries resources (including Maori customary fisheries) are managed by the Ministry of Fisheries.

The area that includes the CMA and the landward portion of the region that interacts with it, is in this RPS, called the *coastal environment*. There is no statutory definition of its boundaries.

Section 62(2) of the Act requires that this RPS shall, among other things, not be inconsistent with the New Zealand Coastal Policy Statement (NZCPS).

The NZCPS was prepared following public submissions and review. It was given effect to by the Minister of Conservation by notice in the *NZ Gazette* on 5 May 1994. The NZCPS identifies its purpose as stating policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand.

The policies pertaining to the coastal environment in this RPS are, accordingly, consistent with the NZCPS.

The NZCPS, while being prescriptive in terms of policy, does not define the term 'coastal environment'. However some guidance is offered in a commentary on the statement by Nugent and Solomon (1994).

In that commentary the authors draw on decisions by the Planning Tribunal in 1977 and 1982 under the Town and Country Planning Acts 1953 and 1977 respectively. These were that the coastal environment is:

an environment in which the coast is a significant element or part

and

what constitutes a coastal environment will vary from place to place and according to the position from which a place is viewed. Where there are hills behind the coast it will generally extend to the dominant ridge behind the coast

and

the environment is one's surrounding; what one perceives at a particular time and place. Coastal environment means an environment in which the coast is a significant element or part.

Nugent and Solomon argue that these definitions have stood the test of time and that, because the Act does not define or modify them, they are generally applicable today. Section 6(a) of the Act makes it clear that the coastal environment *includes* the CMA.

Sections 63 and 64 of the Act make it clear that, for the CMA, there shall be a *regional coastal plan* prepared by the regional council in conjunction with the Minister of Conservation. Section 67(2)(c) makes it clear that a regional plan shall not be inconsistent with a regional policy statement.

For the land including the coastal environment on the landward side of the CMA, the relevant territorial authority has the responsibility to prepare and administer the appropriate district plan. Section 75(2)(c) requires that a district plan shall not be inconsistent with a regional policy statement.

Thus, for the coastal environment this RPS should contain objectives and policies that are consistently reflected in the regional coastal plan and the district plans of the region's territorial authorities.

The definitions of the coastal environment established by the Planning Tribunal and Environment Court, are in themselves, open to wide interpretation and debate - even if the intent is clear. Their practical application in the context of the West Coast necessitates judgements, which may well be open to challenge.

For those parts of the coastal environment outside the CMA the Act contemplates that an activity is permitted - unless it is specifically prohibited by legislation or rules in a regional or district plan. By contrast, within the CMA, an activity is considered to be non-complying unless it is specifically approved in the regional coastal plan. For this reason, the regional coastal plan should be sufficiently embracing to include all existing and potential activities that do, or could, have an effect on the coastal environment.

In the CMA resource consents will be required for activities prohibited by the Act unless expressly permitted by a rule in the Regional Coastal Plan. Where the plan identifies activities as restricted coastal activities, as required under the NZCPS, the Minister of Conservation is the consent authority for resource consent applications. In such instances the Minister has the power to override the recommendations of the Regional Council, or, if there is an appeal from that recommendation, of the Environment Court.

The control which the Regional Council may exercise over discharges in the CMA is limited by legislation enacted to satisfy New Zealand's international obligations under the International Convention for Prevention of Pollution from Ships (MARPOL) and the Convention of Marine Pollution by Dumping of Wastes and Other Matter (The London Dumping Convention).

Accordingly, sections 15A, 15B and 15C of the Act specifically relate to discharges into the CMA (other than Biosecurity Act matters). Section 15A provides for restrictions on dumping and incineration of waste or other matter. Section 15B pertains to discharges of harmful substances or other contaminants. Section 15C prohibits the dumping of radioactive waste or matter.

The Resource Management (Marine Pollution) Regulations 1998 provide further controls for dumping, discharges and incineration in the CMA.

The discharge of ballast water from ships that has the potential to introduce foreign organisms is dealt with under the Biosecurity Act 1993. Because of this overriding national regime governing the introduction of such organisms to New Zealand waters, the RPS does not contain objectives, policies and methods to deal with this issue.

There are a number of other issues which are relevant to the coastal environment which have also been dealt with in other chapters of this RPS because their primary focus is elsewhere. A typical example is the issue of discharges to water.

The coastal environment contains culturally significant resources which are regarded as taonga by Poutini Ngai Tahu, including pingao and flax. These are highly valued as raw materials for weaving. Food resources, such as whitebait and shellfish, are also important.

The objectives, policies and methods in this RPS are intended to be consistent with the NZCPS, as required by section 62(2) of the Act. Should any doubts or inconsistencies arise between the two, the coastal policy will be considered to be authoritative. This also applies to any matters addressed in the NZCPS but not in this RPS.

A number of terms used in this chapter are explained in Figure 2 below. The seaward limit of entities extending to the left side of Figure 2 corresponds to the 12 mile limit.

*FIGURE 2 ARRANGEMENTS FOR COASTAL MANAGEMENT AND
EXPLANATION OF TERMS*

ISSUE 10.1:

- (a) Adverse effects of inappropriate subdivision, use and development on the natural character of the coastal environment and on outstanding natural features and coastal landscapes.**
- (b) Activities that may result in damage or destruction to significant areas of indigenous vegetation and significant habitats of indigenous fauna.**
- (c) Maintenance and development of the coastal environment for the benefit of people and communities.**
- (d) Restriction of public access to the coastal environment through subdivision, use or development.**
- (e) Adverse effects on the relationship between Poutini Ngai Tahu and their customary resources or values in the coastal environment.**

Activities may occur in the coastal environment, which have the potential to impact on the CMA. These include recreational activities, marine farming, reclamation and dredging associated with port maintenance and development, navigation, and subdivision. Land development in dune areas can cause increased coastal erosion or change sand deposition patterns, generating a wide range of consequential adverse effects.

Estuaries are sensitive ecosystems. Reclamations and the erection of structures have the potential to change current flow and patterns of silt deposition and erosion in them. These can bring about profound changes in both their ecology and navigability. For example, training walls at the mouths of the Buller and Grey Rivers have resulted in accretion of the coastline adjacent to them.

Estuaries are wetlands and the preservation of wetlands from inappropriate subdivision, use, and development, is considered a matter of national importance under section 6 of the Act. Whitebait habitats are important estuarine resources on the West Coast. Their vulnerability to damage from reclamation and development is of particular concern.

The NZCPS requires plans and decisions relating to the area above mean high water spring tides to take into account potential adverse effects on the CMA.

Most ports on the West Coast are at the mouths of rivers. The frequently high sediment load in many rivers and longshore drift means that there is a constant battle to keep the harbours and river mouths free of gravel. In some instances this requires maintenance dredging. The subsequent disposal of spoil has the potential to affect the marine environment and its users. Some controls are therefore appropriate. The NZCPS notes that any activity involving the disturbance, removal or deposition of any material on the foreshore and seabed which involves quantities exceeding 50,000 cubic metres in any one site within any 12 month period in the CMA is a *restricted coastal activity*.

Normal harbour operations bring with them the potential for marine

pollution, particularly oil spills. The Maritime Transport Act 1994 requires port authorities to prepare contingency plans to deal with these events. These are subject to approval by the Regional Council.

Coastal erosion and accretion are ongoing processes. However, on the West Coast there are areas where coastal erosion is inordinately severe and development is under threat. It is important to control further development in such areas.

Inundation of low lying areas near the coast remains a possibility if predictions of sea level rise prove to be correct.

OBJECTIVE 10.1: Allow appropriate subdivision, use and development in the coastal environment which avoids, remedies or mitigates adverse effects on the natural character of the coastal environment and on any outstanding natural features and landscapes.

COASTAL ENVIRONMENT POLICIES

POLICY 10.1.1

Preserve the natural character of the West Coast's coastal environment and protect it, and outstanding natural features and landscapes, from inappropriate subdivision, use and development.

In deciding whether subdivision, use and development are inappropriate matters to be considered will include those listed under the corresponding part of Habitats and Landscapes Policy 9.1 and the following:

- (a) The extent of noise generated by activities in the CMA;***
- (b) The contribution that open space makes to amenity values in the coastal environment; and***
- (c) The relevance of NZCPS policies 1.1.1-1.1.4.***

In determining whether a natural feature or landscape is outstanding matters to be considered will include those listed under the corresponding part of Habitat and Landscape Policy 9.1.

POLICY 10.1.2 Recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment.

In determining whether indigenous vegetation and habitats of indigenous fauna are "significant" the matters to be considered will include those under the corresponding part of Habitat and Landscape Policy 9.2.

POLICY 10.1.3 Enable the continued development and maintenance of ports, related facilities and infrastructure (including network utilities, and safe and efficient navigation within the coastal environment.

Cross reference policy 10.1.1 and policy 10.1.2
Heritage policy 6; Soils and Rivers policy 7, Water policies 8.1.1, 8.2.1-2.3; Natural Hazards policies 11.1-1.3; Solid and Hazardous Waste policies 12.1.2, 12.1.6 and 12.3.1.

Cross reference policy 10.1..3
Network Utilities and Energy policies

Policy 10.1.3 correspond with Habitats and Landscapes policy 9.4.

POLICY 10.1.4 Facilitate the maintenance and enhancement of public access to and along the coastal environment except where restrictions are necessary to:

- a) Maintain or facilitate port development and operations;***
- b) Protect or maintain areas of significant conservation value;***
- c) Protect the cultural and spiritual values of Poutini Ngai Tahu, including mahinga kai;***
- d) Protect public health and safety;***
- e) Ensure a level of security consistent with the purpose for a resource consent;***
- f) In other exceptional circumstances sufficient to justify the restriction, notwithstanding the national importance of maintaining that access.***

Cross reference
policy 10.1. 4
Poutini Ngai Tahu
policies, Heritage
policies.

Policy 10.1.4 corresponds with Habitat and Landscape policy 9.7.

METHODS

- 10.1.1 Compile or support the compilation of inventories, schedules or maps of significant or outstanding areas within the coastal environment.
- 10.1.2 Use these inventories, schedules and maps in the evaluation of resource consent applications in the coastal environment.
- 10.1.3 In consultation with Poutini Ngai Tahu, the West Coast Fish and Game Council, the Department of Conservation and other organisations, identify in the regional coastal plan coastal hazard areas that will need to be recognised and taken into account when considering activities in or around those areas.
- 10.1.4 Educate land owners through news media articles.
- 10.1.5 Consider adopting selected codes of practice as a means of ensuring compliance with rules in the regional coastal plan.
- 10.1.6 Consider the use of economic instruments and bonds.
- 10.1.7 Encourage territorial authorities to make provisions in their district plans for appropriate places for papakainga housing and marae development in the coastal environment.
- 10.1.8 In accordance with tikanga Maori, consult with Poutini Ngai Tahu in the preparation of the regional coastal plan and when considering resource consent applications in the coastal environment.
- 10.1.9 Provide coastal hazard information on a user pays basis.
- 10.1.10 Make available information to developers on their statutory

responsibilities in the coastal environment.

- 10.1.11 Ensure that the regional coastal plan provides appropriate rules for development in areas prone to coastal hazards and the discharge of contaminants that may have an effect on the CMA.
- 10.1.12 Ensure that the regional coastal plan provides appropriate rules for activities that require a coastal marine area location.
- 10.1.13 Notify the Maritime Safety Authority and the Royal New Zealand Navy Hydrographic Office of new structures and works in the CMA at the time permission is given for their construction.
- 10.1.14 Have regard to any available alternatives (including the use of alternative sites), and the applicant's reasons for making the proposed choice when considering applications for reclamations, the removal of natural material, and rights to occupy the CMA.
- 10.1.15 In conjunction with territorial authorities promote, encourage and where necessary require the inclusion of appropriate mechanisms in regional and district plans and resource consents to take into account the need for maintaining and enhancing public access to and along water bodies.

EXPLANATION

The objective, policies and methods for managing the effects of the use, development and protection of natural and physical resources in the coastal environment apply equally to a wide range of land uses. These include disturbance of the land surface, gravel extraction, construction of structures in water bodies, erosion protection works and reclamations. While recognising that such land uses are important, appropriate checks and balances are required in order to ensure that the coastal environment is sustainably managed.

Because activities in the CMA should be integrated with those that apply on the land the policies correspond to their counterparts in Chapter 9 (Habitats and Landscapes).

Policies 10.1.1 and 10.1.2 include the terms *significant*, *outstanding* and *inappropriate*. To determine whether these terms are applicable, the Regional Council will use the matters to be considered under the complementary policies in Chapter 9 for assessing resource consent applications. This should provide consistency. The only exception to this is noise because the Regional Council is specifically responsible for managing its effects in the CMA under the Act.

Policies 10.1.1 and 10.1.2 also address most of the matters of national importance as required under section 6 of the Act.

The NZCPS states that this RPS should identify (in the coastal environment)

“...those scenic, recreational and historic areas, areas of spiritual significance, and those scientific and landscape features which are important to the region...”. The location of these areas is described in the Proposed Regional Coastal Plan. They are still subject to submissions and therefore they are not yet finalised. Consequently, it is not possible to insert such a list in the RPS at this time.

Policy 10.1.3 recognises that social and economic goals and activities are necessary to people and communities. The Act enables these to be achieved, provided that natural and physical resources are sustainably managed as required by the Act - within the limits of the other policies in this document.

The maintenance and development of ports, other infrastructure and navigation is covered in recognition of the social and economic importance of fishing and maritime transport to the West Coast's economy. Section 5(2) of the Act enables these activities to be provided for. The NZCPS requires the Regional Council to notify the Maritime Transport Authority and the Hydrographic Office of the Royal New Zealand Navy when it approves new structures or works in the CMA.

Policy 10.1.4 provides for the maintenance and enhancement of public access to, and along the CMA as a matter of national importance under the Act.

The compilation of inventories, schedules and maps, defining areas of significance in the coastal environment, will be useful. It will enable more efficient processing of resource consent applications. Subject to funding being available, the Regional Council supports this activity.

Economic instruments are designed to achieve the objective through the application of resource use levies and bonds and the consideration of rates relief. For example, by monitoring of accretion or erosion from beaches used for sand and gravel supply, the Regional Council can set limits on extraction rates. Resource users may be levied to fund this monitoring.

The Regional Council will control the effects of activities in the coastal environment, for the purpose of protecting water quality and water quantity. This includes control of riparian areas, and avoidance and mitigation of natural hazards. Examples are the management of the ecological impacts of works in waterways such as gravel extraction, erosion protection works and port development. The Regional Coastal Plan provides the management framework within which activities may be located in the coastal environment.

In the CMA licences to prospect, explore and mine minerals are issued by the Ministry of Commerce under the Crown Minerals Act 1991. However, control of the environmental effects of these activities is gained through the application of the resource consent process.

Fisheries administration, including the establishment of *taiapure* and *mahinga mataitai reserves*, is the responsibility of the Ministry of Fisheries under the Fisheries Act 1983 and its various amendments.

The NZCPS requires that applications for coastal permits for reclamations, removal of natural materials for commercial purposes and rights to occupy should have regard to available alternatives and the reasoning behind the proposed choice. Resource consents for activities sought in the CMA are, under section 87(c) of the Act termed *coastal permits*.

ANTICIPATED ENVIRONMENTAL RESULTS

- 10.1.1 Ecological sustainability of areas of the coastal environment assured through the resource consent process.
- 10.1.2 Maintenance and enhancement of public access to and along the coastline.
- 10.1.3 The maintenance and improvement in amenity and landscape values, and of the relationship between Poutini Ngai Tahu and their customary resources or values in the coastal environment. .

ISSUE 10.2: The potential for damage to or destruction of whitebait habitats from land use activities.

Whitebait are partially covered in policies under Issue 1 of this chapter and in corresponding policies in Chapter 9 (Habitats and Landscapes). However, they are considered to be significant to the extent that they warrant coverage as a specific issue. As well as being an indigenous species whose habitat deserves protection, they are a part of West Coast lifestyle and folklore and have an important place in Poutini Ngai Tahu custom and diet. They are also an important recreational and commercial resource. For example the sale of whitebait caught on the West Coast generates substantial local revenue (estimated by the Department of Conservation to be over \$7 million in 1991). The Department of Conservation is responsible for administering the current regulations relating to the whitebait fishery.

Whitebait are the juvenile form of five native fish (*Galaxias spp.*). The bulk of the catch are the offspring of the inanga, *Galaxias maculatus*. Peak spawning of inanga occurs in coastal wetlands at the interface between freshwater and the sea at high water spring tides in February, March and April. These tides are much higher than normal. Eggs are laid among the stream bank vegetation. The young hatch at the next high water spring tide and move out to sea.

Egg survival is dependent upon the availability of substantial mats of vegetation. Without these mats the eggs dry out and die. Recent experiments have shown that fencing off the spawning areas during the spawning season to prevent grazing and trampling, greatly enhances breeding success.

The West Coast has some of the best examples of coastal wetlands in New Zealand and, accordingly, some of the best whitebait habitats. Some of these are on freehold land and their voluntary protection under this tenure needs to be encouraged. The fact that spawning is known to take place in drains, suggests that it may be possible to artificially increase the number and quality of whitebait spawning areas and habitats.

The definition of the CMA in the Act includes whitebait habitats because they occur in areas covered by mean high water spring tides.

OBJECTIVE 10.2. The control of practices which damage whitebait habitats and the promotion of practices that enhance them.

COASTAL ENVIRONMENT POLICIES 10.2

POLICY 10.2.1 To avoid remedy or mitigate the effects of activities which have the potential to reduce whitebait habitats including:

- a) Further inappropriate, subdivision, use or development of relevant rivers, streams and wetlands and their margins (see Habitats and Landscapes Policy 9.1 for matters to be considered when determining what is inappropriate);***
- b) Drainage, impoundment, reclamation or diversion of water; and***
- c) Discharge of contaminants into water.***

POLICY 10.2.2 Ensure that the Department of Conservation and Poutini Ngai Tahu are consulted over all aspects of the protection and enhancement of habitat to support the whitebait fishery.

**Cross reference
policy 10.2.1**
*Poutini Ngai Tahu
policies; Soil
Conservation and
Rivers policy 7;
Water Policies
8.2.1 and 8.2.2
Habitat and
Landscapes policy
9.2; Coastal
Environment policy
10.1.2*

**Cross reference
policy 10.2.2**
*Poutini Ngai Tahu
policies*

METHODS

- 10.2.1 Promote the protection of whitebait habitats through discussion with the public, territorial authorities, developers and land owners/occupiers.
- 10.2.2 Consider the use of economic instruments.
- 10.2.3 Promote the practice of excluding grazing animals from whitebait spawning areas during February, March and April.
- 10.2.4 Liaise with territorial authorities and the Department of Conservation concerning management of the whitebait fishery.
- 10.2.5 Use a register of whitebait spawning areas and habitats for use in the consideration of resource consents.
- 10.2.6 Consult with Poutini Ngai Tahu over all aspects of the protection and enhancement of the whitebait fishery.

10.2.7 Consider applying levies on whitebait stand permit holders to fund the protection of whitebait habitats.

EXPLANATION

It is appropriate to control modification and damage of whitebait habitats through the resource consent process. Policy 10.2.1 lists a number of adverse effects that should be considered when assessing resource consent applications. Some land uses can also have indirect effects on water and/or habitat quality (for example higher turbidity and nutrient levels in water and in-stream effects such as siltation).

Policy 10.2.2 recognises the importance of whitebait to Poutini Ngai Tahu custom. Their involvement in the management of whitebait habitats to support the fishery is, therefore, important.

Promotion and education are considered very important. Central to this is the need to inform developers and land owners of problems the fisheries face if unrestricted grazing and other damaging uses continue. This could be done in conjunction with the Department of Conservation, which has statutory responsibility for administering the regulations relating to whitebait fisheries. This would also consist of informing land managers of the extent of whitebait habitats, including spawning areas, which are on their property, of the habitat requirements of inanga and the problems that may occur if unrestricted grazing or other damaging land uses takes place. Inventories and schedules of whitebait habitats, could be used as checklists when processing resource consent applications.

ANTICIPATED ENVIRONMENTAL RESULTS

10.2.1 Prevention of damage to whitebait spawning sites during the spawning season.

10.2.2 Reduction in adverse effects of activities on whitebait habitats.

ISSUE 10.3: Effects of whitebait stands on river bank stability.

The Regional Council administers over 600 coastal permits authorising construction and maintenance of whitebait stands on the rivers provided for in the Whitebait Fishing (West Coast) Regulations, during the period 15 August to 30 November (ie 15 days before and after the commencement and conclusion of the season respectively). Renewals are processed as resource consent applications under Section 94 of the Act.

As the boundaries are currently defined, the bulk of whitebait stands lie within the CMA and will require coastal permits. Stands which lie upstream of the CMA will require land use consents.

OBJECTIVE 10.3: Prevent riverbank and bed erosion arising from the location of whitebait stands.

COASTAL ENVIRONMENT POLICY 10.3

POLICY 10.3. Avoid, remedy or mitigate river bank damage from whitebait stand construction and operation.

Cross reference
policy 3.1
Soils and Rivers
policy 7.

METHODS

- 10.3.1 Informing the public of the requirement for land use consents or coastal permits, to be obtained from the Regional Council for the purpose of erecting whitebait stands.
- 10.3.2 Repair damage to banks and recover costs from permit holders.
- 10.3.3. Conditions applying to the erection, operation and removal of whitebait stands will be attached to land use consents or coastal permits in accordance with rules in the regional coastal plan.
- 10.3.4 Co-ordinate with the Department of Conservation on whitebait fishery management.
- 10.3.5 Consult with Poutini Ngai Tahu over whitebait stand licensing and management policy.
- 10.3.6 Encourage stand and licence holders to operate in a manner consistent with the Whitebait (West Coast Fishing) Regulations 1994 and subsequent amendments.

EXPLANATION

The objective and policy are intended to avoid the occurrence of erosion as a result of erection and operation of whitebait stands.

Stands are temporary, lasting only for the duration of the whitebait season. It is necessary to monitor them to ensure they are located and constructed correctly and removed from the riverbed at the end of each season. These requirements will be part of the conditions placed on land use consents or coastal permits. As stands may also cause bank erosion, Regional Council officers will need to monitor this and if necessary effect repairs to the riverbank at the permit holder's cost.

The imposition of bonds and use of codes of practice to prevent erosion and ensure the timely removal of structures from riverbeds has been considered. However, the incidence of non-compliance is too low to warrant this approach.

The Department of Conservation is responsible for monitoring and policing the fishery itself.

ANTICIPATED ENVIRONMENTAL RESULT

10.3 Reduced erosion of riverbanks and beds and timely removal of structures at the conclusion of each whitebait season.

ISSUE 10.4.1: Environmental and property losses as a result of erosion and inundation.

ISSUE 10.4.2: Adverse effects caused by responses to coastal hazards, including transfer of hazards elsewhere, and inappropriate or unnecessary works.

The West Coast shoreline is a high energy environment in which the processes of accretion and erosion are accentuated. Interference with these processes can cause rapid perturbations in otherwise natural cycles of erosion or accretion. There are many instances in which coastal erosion threatens the integrity of the road system and there is an obvious need for this to be avoided. This aside, buildings, farmland and structures have been damaged or lost in the past. Some areas of the coastal environment currently known to be under threat from natural hazards include areas in or around Little Wanganui, Mokihinui River, Granity, Orowaiti, Westport, Okari, Tiromoana, Punakaiki, Barrytown, Coast Road, Rapahoe, Cobden, Greymouth, Karoro, Hokitika, Okarito, Hunts Beach, Bruce Bay, Okuru and Hannahs Clearing (Benn and Neale 1992). More specific details, including site identification is provided in the Regional Coastal Plan.

Inundation can be caused by blockage of river mouths. Okarito is a well known example.

The effects of any development or protection work will vary from place to place. It is therefore considered appropriate for it to require a coastal permit. An exception is made in the case of maintenance by network utility operators in an emergency, for example in the case of damage to roads. Each site needs to be considered on a case by case basis and in some situations, the Regional Council may not consider such work to be consistent with the purpose of the Act.

Removal of sand and gravel from the CMA of over 50,000 cubic metres per site per 12 month period is defined in the NZCPS to be a *restricted* coastal activity. The mechanism for regulating restricted coastal activities is defined in section 12 of the Act.

This section of the chapter is closely related to Chapter 11 (Natural Hazards).

OBJECTIVE 10.4 The avoidance of environmental and property losses due to erosion and inundation.

COASTAL ENVIRONMENT POLICIES 4

***POLICY 10.4.1** To avoid those forms of new development in the coastal environment that are likely to contribute to, or cause coastal erosion, or are likely to be subject to erosion or inundation, recognising that some natural features may migrate inland as the result of dynamic coastal processes (including sea level rise).*

***POLICY 10.4.2** Ensure that coastal protection works in areas of current development achieve the desired outcome while avoiding adverse environmental effects, including consequential erosion, accretion or inundation elsewhere.*

Policies 10.4.1 and 10.4.2 are intended to complement and/or correspond to Natural Hazards policies 11.1 to 11.4.

***POLICY 10.4.3:** Ensure that the best practicable options for the future are adopted to manage coastal hazards.*

***POLICY 10.4.4:** Avoid uses and developments that increase coastal hazards.*

***POLICY 10.4.5:** Adopt a precautionary approach towards proposed activities where their effects are as yet unknown or little understood, or where the effects of coastal processes on those activities are as yet unknown or little understood.*

Cross reference policies 10.4.1-4.2

Habitat and Landscape policies 9.1-9.3; Coastal Environment policies 10.1.1-10.1.4; Natural Hazards policies 11.1-1.8 and Air Quality policies 13.1 and 13.2.

Cross reference policies 10.4.3-4.5

All Natural Hazards policies

METHODS

10.4.1 Advise resource users about the need to control development within the coastal environment and make available known information on the implications of developing within the coastal environment, the need for controls and the protection measures that can be implemented.

10.4.2 Provide coastal hazards information to territorial authorities for use in determining hazards.

10.4.3 Monitor the likelihood of threats to the integrity of the coastal environment if sea level rise occurs.

10.4.4 Promote the inclusion of provisions in district plans that restrict development along shorelines at risk from coastal erosion, and inundation.

10.4.5 Exchange information on coastal erosion and inundation with

territorial authorities and other agencies.

10.4.6 Provide a design and build service for coastal protection works in cases where this is a cost effective option.

10.4.7 Regulate coastal development according to rules in the regional coastal plan.

10.4.8 Consider the use of economic instruments, such as differential rating.

EXPLANATION

Policy 10.4.1 is intended to avoid types of development within the coastal environment that contribute to, or cause, or may be subject to coastal erosion and/or that are subject to inundation, while recognising that some other types do not have such adverse effects. The Regional Council can also provide hazard information to territorial authorities. This should help ensure that inappropriate subdivision, use and development does not take place in the coastal environment. In addition Policy 10.4.1 gives effect to policies 3.4.4 and 3.4.5 of the NZCPS, while allowing non-harmful forms of development to proceed.

The Regional Council's records on areas prone to coastal erosion and inundation are continually being added to. With the exception of hard rock and elevated shorelines it is not possible to categorically predict that certain areas will be unaffected. To avoid subsequent damage and/or the need for expensive protection works, future developments should only be allowed to proceed where the risk is reduced to an acceptable level. Communication between the Regional Council, territorial authorities and relevant agencies is an effective means of aiding this assessment.

Policy 10.4.2 aims to ensure that protection works are effective, appropriate, and necessary and do not simply create another problem elsewhere. They will be funded on a user pays basis. The Regional Council may use differential rating for this purpose.

Promotion and education should be accorded priority as a means of reducing development in areas of coastal hazard and directing it towards less vulnerable areas. Policy 3.4.6 in the NZCPS states that where existing subdivision, use or development is threatened by a coastal hazard, coastal protection works should proceed only where they are the best practicable option for the future. The abandonment or relocation of existing structures should be considered among the options. Where coastal protection works are the best practicable option, they should be located and designed so as to avoid environmental effects to the extent practicable. This RPS supports that approach which is reflected in Policy 10.4.3.

Policy 10.4.4 aims to achieve section 5 of the Act, which requires the sustainable management of the coastal environment. Developments that would increase coastal hazards are not consistent with the sustainable

management of the coastal marine area.

Policy 10.4.5 has been included to give effect to Policy 3.3.1 of the NZCPS.

If the Regional Council did not have policies and methods for the management of coastal hazards and protection works, there would be no consistency in the processing of resource consent applications. This would result in uncertainty, increased costs and *ad hoc* decision making. It would also result in conflict with the concept of sustainable management of the coastal environment.

ANTICIPATED ENVIRONMENTAL RESULT

10.4 Avoiding loss of life, property and other values by inundation or erosion in the coastal environment.

ISSUE 10.5

Deterioration of coastal water quality arising from discharge of contaminants from activities at sea and/or on land.

Coastal water quality may be degraded from a variety of sources. Discharges from ships at sea include sewage, fish offal and rubbish. There is a possibility of oil spills, both from vessels running aground or colliding near the coast, and from port operations. These spills and the discharge of other contaminants from land (sewage etc) have the potential to adversely affect the coast. In addition, the siting of rubbish dumps near the coast and rivers, and the practice of disposal of wastes of various kinds on beaches can have adverse effects on marine ecology.

Biological contamination of coastal water by exotic organisms is a special issue. There are recorded instances of foreign organisms being introduced to New Zealand waters from foreign vessels either from ballast water discharge or anchor chain mud. Contamination of this nature is recognised as being quite different from most other pollution issues with which the Regional Council deals because once the infestation occurs there are generally no practical means of containing or removing the problem. However discharges of ballast water will be enforced under the Biosecurity Act 1993, not via provisions in this RPS.

Water quality issues in the coastal environment have much in common with Issue 8.2 in Chapter 8 (Water).

OBJECTIVE 10.5 To safeguard the life supporting capacity of the region's coastal water resources by:

- a) **Avoiding, remedying or mitigating adverse effects of the discharge of contaminants and the deposition of substances in the coastal environment;**
- b) **Preventing contamination of the marine environment by discharges from ships as far as is practicable, having regard for the needs of**

- shipping to take, use and discharge coastal water; and
- c) Recognising and providing for the relationship of Maori and their culture and tradition with their ancestral lands, water, sites, waahi tapu and other taonga.

COASTAL ENVIRONMENT POLICIES 10.5

POLICY 10.5.1 *To maintain, enhance or restore water quality in the coastal environment, taking into account:*

- a) *The public use of water resources.*
- b) *The sensitivity of the receiving environment to adverse effects.*
- c) *The current state of technical knowledge of treatment and disposal options for discharges.*
- d) *Existing lawful discharges.*
- e) *The relationship of Poutini Ngai Tahu and their culture and traditions with water.*
- f) *The setting of progressively higher water quality standards in water bodies that are unacceptably degraded*
- g) *The need for ships to discharge water, whilst avoiding risks associated with contamination.*

Policy 10.5.1 corresponds with Water policy 8.2.2

POLICY 10.5.2 *Ensure that the sea and the coastline remains as free from rubbish as possible.*

POLICY 10.5.3 *Protect marine life by prohibiting the dumping of non biodegradable rubbish.*

POLICY 10.5.4 *Avoid, remedy or mitigate any adverse environmental effects of depositing substances in the CMA.*

POLICY 10.5.5 *Allow the taking and use of coastal water and discharge of coastal water provided that:*

- a) *Adverse effects are avoided, remedied or mitigated and*
- b) *It is not inconsistent with other policies in this RPS.*

POLICY 10.5.6: *Encourage the adoption of land management practices that improve the quality of water in the coastal environment.*

POLICY 10.5.7: *Prepare and implement a Tier 2 Oil Spill Plan.*

METHODS

- 10.5.1 Encourage relevant authorities to inform the public of the dangers of eating polluted food gathered from the coastal environment.
- 10.5.2 Prepare publications or guidelines, in conjunction with territorial authorities, industry and other interested parties, covering:
 - a) Deposition of substances in the coastal marine area;

Cross reference policy 10.5.1
Water policy 8.2.1 –8.2.3 Habitat and Landscape policies 9.1-9.4, Soils and Rivers policy 7 and 1.2 and Solid and Hazardous Wastes policies 1.1-1.6, 12.2.1, 12. 2.4 and 12.3.1.

Cross reference policies 10.5 2 and 10.5.3
Solid and Hazardous Waste policies 12.1.6, 12.2.1, 12.2.4 and 12.3.1.

Cross reference policy 10.5.4
Soils and Rivers policy 7.

Cross reference policy 10.5.5
All other policies in this RPS.

Cross reference policy 5.6
Soils and Rivers policy 7 and Habitat and Landscape policy 9.5

Cross reference policy 10.5.7
Water policies 9.2.1 and 9.2.2

- b) Oil spill contingency planning and cleanups; and
- c) The importance of environmentally sound waste disposal methods.

- 10.5.3 Monitor water quality in the CMA.
- 10.5.4 Consult with Poutini Ngai Tahu over water quality priorities in the CMA.
- 10.5.5 Promote the adoption of adequate sewage-treatment by land based or other methods as appropriate, subject to NZCPS Policy 5.1.2.
- 10.5.6 Advocate that the Crown support the negotiation of an international convention to control the discharge of ballast water from all ships.
- 10.5.7 Work with businesses who supply or use hazardous substances and foster the interest of groups in developing means of collection or recycling.
- 10.5.8 Consider the use of selected codes of practice such as those which are currently used by commercial fishermen to restrict dumping at sea, as a means of establishing standards of good practice to protect coastal water quality.
- 10.5.9 Consider classifying waters in the coastal environment as provided by the Third Schedule of the Act.
- 10.5.10 Establish performance standards for the deposition of substances, taking and discharge of water and discharge of contaminants in the CMA in the water management plan and regional coastal plan. When these performance standards have been established, the Regional Council will, subject to sections 128, 129, 130, and 131 of the Act, review all permits to discharge a contaminant into water in the coastal environment and, where appropriate, attach new conditions to them.
- 10.5.11 Prohibit the disposal of non-biologically degradable wastes and slowly degrading wastes (such as fuel oil) through rules in the Regional Coastal Plan. Vessel and port operators will be advised of this prohibition.
- 10.5.12 Consider the use of economic instruments.
- 10.5.13 Use regional plans and the resource consent process to regulate discharges

EXPLANATION

Policy 10.5.1 recognises that it is important to manage water quality in the coastal environment. It recognises that some waters are already degraded

and that their quality needs to be improved. The discharge of raw sewage into some of the region's rivers is an example of this. Section 386(3) of the Act provides for upgrading of those discharges. However, because of excessive cost or practical difficulty, it is recognised that it may not be realistic to eliminate all unsatisfactory discharges in the short term. The discharge of human sewage direct into coastal water (see Method 10.5.6) without passing through land is subject to the requirements of NZCPS Policy 5.1.2.

Because coastal water quality issues have much in common with water quality issues elsewhere, policy 10.5.1 (a) to (e) corresponds with Water Quality policy 8.2.2 in Chapter 8 (Water). The Explanation in Chapter 9 (Habitats and Landscapes) under Issue 9.2, provides further elaboration.

One option for the Regional Council in the management of coastal waters is to classify them according to the Third Schedule of the Act. While the Regional Council has no plans at present to classify specific areas, consideration of this option is intended to signal resource users that they may well have to comply with water quality standards in the future.

Policies 10.5.1 and 10.5.5 allow for discharge of water from vessels. The Regional Council does not have authority to prevent discharges of ballast water. This is at present covered by Ministry of Agriculture (MAF) Regulatory Guidelines. The Regional Council would like to see those guidelines become mandatory and it believes that foreign vessels should be required to exchange ballast water outside New Zealand's Exclusive Economic Zone.

Policies 10.5.2 and 10.5.3 address the siting of landfills near the coast and rivers and the practice of dumping wastes of various kinds on beaches and at sea.

Although the easiest control option for the Council would be to require avoidance of all waste disposal at sea, it is accepted that some wastes, notably fish wastes, are biologically degradable and, in low concentrations, not particularly harmful. For this reason it is considered that the disposal of some biodegradable waste by-products from maritime activities be allowed, subject to rules in the Regional Coastal Plan. On the other hand, the disposal at sea of non-biodegradable or hazardous wastes, should not be permitted. It is noted that commercial fishermen have developed their own code of practice to restrict dumping at sea. It seems reasonable to incorporate some of it into the regional coastal plan.

While the disposal of untreated sewage continues from communities adjacent to the Buller and Grey rivers it is unreasonable to place a restriction on vessels in the CMA from doing likewise. For this reason it is proposed that the disposal of sewage from boating operations be allowed subject to rules in the regional coastal plan.

Carcasses of drowned livestock are periodically washed up on beaches. In situations where these are considered to be a nuisance or pose health risks,

for example if washed up adjacent to a town, arrangements have been made for territorial authorities to dispose of them on a shared cost basis with the Regional Council. Carcasses of marine mammals will be disposed of by the Department of Conservation. Rules for these activities will be contained in the regional coastal plan.

Disposal of livestock carcasses in riverbeds upstream of the CMA is addressed in the *Discharge of Contaminants to Land Plan*.

Normal harbour operations have the potential for marine pollution, particularly from oil spills. The Maritime Safety Authority has jurisdiction over the use of the type of dispersants used to clean up oil spills. The Regional Council will keep a list of acceptable dispersants for use by an *on scene commander* for clean up operations. The Maritime Transport Act 1994 requires the preparation of oil spill contingency plans. Tier 1 plans are required to be prepared by harbour and vessel operators and apply to harbours, oil rigs and spills that occur in the immediate vicinity of vessels. Tier 2 contingency plans prepared by the Regional Council apply to internal waters and territorial sea. Tier 3 plans apply to the sea beyond the twelve mile limit. It is proposed to house equipment for dealing with oil spills at all West Coast ports. If an oil spill cannot be dealt with at the local or regional level it becomes a national issue administered by the Maritime Safety Authority.

Policy 10.5.4 covers activities such as dumping of dredge waste which has the potential to affect the marine environment and its users. The NZCPS specifies that the deposition of substances in the CMA of more than 50,000 m³ at any one site in any twelve month period is a *restricted coastal activity*.

Policy 10.5.5 recognises that coastal vessels take and discharge water for a variety of purposes. These include water for cooling of propulsion and auxiliary equipment, in heat exchange equipment such as air conditioning, refrigeration and condensers, for cleaning, for production of freshwater by distillation, desalination or other processes, for ballast and for emergency needs such as fire fighting or chemical clean-up. The transitional provisions of the Act allow these uses to continue until such time as the regional coastal plan provides otherwise.

Policy 10.5.6 is included to give effect to Policy 3.2.7 of the NZCPS. The Regional Council has control over land use practices such as the discharge of contaminants and the disturbance of land, and this provides an opportunity to improve the quality of coastal water as well.

Under the Maritime Transport Act the Regional Council is required to prepare a Tier 2 Oil Spill Plan for the region, and Policy 10.5.7 reiterates this requirement.

The Regional Council considers education, liaison, and consultation with territorial authorities, port operators, the Maritime Safety Authority, Ministry of Fisheries, the Department of Conservation and resource users as

important ways to achieve coastal water quality objectives.

The Regional Council in conjunction with the Minister of Conservation has control of the discharge of water into water and contaminants into or onto water in the CMA under section 30(1)(d)(iv) of the Act.

ANTICIPATED ENVIRONMENTAL RESULTS

- 10.5.1 Maintenance and enhancement of water quality in the coastal environment.
- 10.5.2 Reduced contamination of West Coast coastal waters caused by water discharge from vessels in the CMA.

Chapter 11 NATURAL HAZARDS

PREAMBLE

Section 2 of the Act 1991 defines “natural hazard” as meaning:

...any atmospheric, or earth, or water related occurrence (including, earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding), the action of which adversely affects or may affect human life, property or aspects of the environment.

Section 30(c)(iv) of the Act provides that the Regional Council shall have control over the use of land for the purpose of avoiding or mitigating natural hazards. Under section 30(1)(g)(iv), the Act provides that the Regional Council has the function of controlling the introduction or planting of plants on the bed of any water body for the purpose of avoiding or mitigating natural hazards.

Clause 1(e)(iv) of Part I of the Second Schedule of the Act provides that the use of the land for the avoidance or mitigation of natural hazards may be a matter provided for in a RPS.

Section 62(1)(ha)(i) of the Act provides that a RPS shall state:

For the region or any part of the region, which local authority shall have responsibility within its own area for developing objectives, policies, and rules relating to the control of the use of the land for-
(i) the avoidance or mitigation of natural hazards:..
(ii)...and may state particular responsibilities for particular hazards... ..or groups of hazards... ..but if no responsibilities for a hazard... ..are identified in the policy statement, the regional council shall retain primary responsibility for the hazard...

The West Coast presents a range of high risk environments where natural hazards have occurred and will continue to do so. Flood plains are subject to periodic floods. Low lying ground in coastal areas occasionally experiences sea flooding from tsunamis and storm surges. Coastal erosion may cause general problems, particularly through the loss of land and the undermining of structures. Elevated sites can suffer slope failure. A few sites may be at risk from dam failure during extreme events. The region is also seismically active and damaging earthquakes commonly occur.

ISSUE 11. Loss of life and damage to property and environmental values from natural hazards.

Extremes of weather

The West Coast region is often subject to intense and prolonged periods of rain. Surface flooding is common and in recent years there have been a series of floods which have caused widespread damage. In 1988 major flooding of the Grey River had catastrophic effects on Greymouth.

Historically, flood protection works, formerly funded to a large extent by the Crown, took up a major portion of the resources of the Regional Council's predecessor - the Westland Catchment Board. With the new directions of the Act this is no longer the case with the Regional Council. Although the Crown still provides limited funds for flood protection, in general, a user-pays philosophy applies. Consequently, those who choose to invest in a flood prone area now are responsible for protecting their own investments.

It is possible that the Regional Council will apply restrictions on further development in such areas.

While local knowledge is of great importance in planning activities in flood prone areas, the full extent of risk is not usually known. The Regional Council has mapped flood hazard areas in the Karamea, Buller, Grey, Arahura and Hokitika catchments (Benn 1991a, 1991b, 1992a and 1993a) and may extend this coverage as staffing and funds permit. It has also prepared a chronology of flooding on the West Coast (Benn 1990). It is important that such information be made available to territorial authorities to help them make informed planning and resource consent decisions. In addition the Regional Council operates a flood warning system, which gives West Coast residents, particularly in Westport, Greymouth and Hokitika several hours warning of major flood events.

Electrical storms and high winds cause damage to property and disrupt communications and power. In winter, snow and ice can make driving conditions hazardous, particularly through the alpine routes to Canterbury when road closures due to snow, ice or avalanches can occur.

Earthquakes

Earthquakes on the West Coast are associated with the region's tectonic setting across the boundary of the Indian and Pacific plates. The Alpine Fault - the surface expression of the plate boundary - extends the entire length of the region.

Several large earthquakes have occurred in the region during its short history of human occupation. Earthquakes in the north - at Murchison in 1929 and Inangahua in 1968 - caused human fatalities and widespread damage. Those centred in South Westland this century have produced little damage, a fact partly due to the low population in the south of the region and generally lower earthquake intensities.

Statistical estimates from seismic models show that moderate damage from

earthquakes can be expected to occur on the West Coast, on average, about once a decade. This makes the threat of earthquakes very real. The surface geology of the Alpine Fault along the Southern Alps indicates a violent history of surface rupture and associated large magnitude earthquakes. Yet no movement along this part of the fault has been recorded during the last 500 years. A large earthquake along this fault on the West Coast is, however, likely. (Benn 1992b).

Physical phenomena associated with movement on faults include landslides, damming of valleys where landslides have occurred, liquefaction, subsequent mass movement of soils, and tsunamis.

Climate change and possible sea level rise

The West Coast has a long coastline and is subject to natural cycles of erosion and deposition. Scientific research indicates that mean sea levels around the New Zealand shoreline have been rising constantly since the turn of the century at the rate of 1.2 mm per year (Hannah, 1988). However, conclusive evidence has yet to emerge that this is due to global warming and it may be the result of land subsidence through tectonic processes. Nonetheless, the possible consequences of global warming and the postulated link with greenhouse gas emissions are serious enough to deserve the adoption of a precautionary approach to development along the coastline.

Coastal erosion and inundation are covered in Chapter 10 under Issue 10.4 because of their relationship with the coastal environment. The management of these natural hazards has much in common with the management of those in this chapter.

Fire/Dry spells

Although the West Coast has a high rainfall, occasional dry spells do occur, during which there is an increased fire risk.

Land Instability

Inappropriate land development activities, including those on the coastline and the beds of lakes and rivers may cause or aggravate land instability and erosion. Landslides and rockfalls occur in mountainous terrain and hill country, where slopes are unstable. At Little Wanganui, in the north of the region a number of dwellings are under threat from unstable cliffs. These effects are further aggravated during floods, storms and earthquakes.

The combined effects of land instability resulting from earthquakes and high rainfall can cause large quantities of material to be released, causing a rise in the level of riverbeds downstream.

Dam safety

The West Coast Regional Council has recently compiled an inventory of dams (Benn 1993b). The inventory gives details of some previous dam failures including the failure of Bell Dam, Okuku, in 1991 when a 100 m length of State Highway 73 was washed out. Nonetheless, few of the 84 dams recorded in the inventory were considered to present any potential danger of structural failure.

The need for works in an emergency

Apart from the obvious need to safeguard human life, property and environmental values, there will be a need to restore transport routes and communication facilities that have been damaged by natural events. Section 330 of the Act provides for such works to be carried out as a matter of emergency. A retrospective resource consent may be required.

OBJECTIVE 11. The protection of human life and the avoidance or mitigation of damage to property and environmental values resulting from natural hazards.

NATURAL HAZARDS POLICIES

POLICY 11.1 Promote appropriate responses when a natural hazard is possible, likely to occur or imminent including:

- a) Timely warning and advice;***
- b) Evacuation of people and stock from high risk areas;***
- c) Mobilisation of rescue and welfare groups; and***
- d) Identification of at risk areas.***

POLICY 11.2 Recognise the risks to proposed and existing development from natural hazards and promote measures to reduce this risk to an acceptable level. Where necessary further development in hazard-prone areas will be restricted (refer Policy 1.3).

POLICY 11.3 Consult with people and communities directly affected when making decisions on levels of risk from natural hazards. When making decisions on levels of risk matters to be considered will include:

- a) The probability of occurrence, magnitude and location of events;***
- b) The potential consequence of an event including potential loss of life, injury, social and economic disruption, civil defence implications and cost to the community;***
- c) The measures proposed to avoid or mitigate the effects of the event, the degree of mitigation they will provide and effects on the environment from adopting such measures;***
- d) The benefits and costs of alternative mitigation measures; and***
- e) The possibility of locating activities away from areas at risk.***

The Regional Council will carry out a review of particular local authority

Cross reference policies
Cross Boundary Issues and Integrated Management policies, Soils and Rivers policy 7; Habitat and Landscape policies 9.1 and 9.2; Coastal Environment policies 10.1.1 and 10.1.2 and Air Quality policies 12.1.1 and 12.1.2.

responsibilities for the development of objectives, policies and methods for the avoidance or mitigation of natural hazards. This review will be carried out in consultation with the region's territorial authorities to determine the need for re-assigning responsibility. Until this review is completed responsibilities for the control of the use of the land for the purpose of the avoidance or mitigation of natural hazards shall remain where they lie. Pending the outcome of the review above, where local authority responsibility for natural hazard management is not clear, the Regional Council shall retain primary responsibility as provided under section 62(1)(ha) of the Act.

The outcome of this review will be notified as a change to this RPS, as provided for in the First Schedule of the Act. Territorial authorities are responsible under section 36 of the Building Act for imposing building controls in areas known to be subject to natural hazards.

With respect to the CMA, section 30(1)(d) of the Act states that the control of the use of land for the purpose of avoidance and mitigation of natural hazards is a function of the Regional Council, in conjunction with the Minister of Conservation.

POLICY 11.4 *Adopt a user pays approach to hazard avoidance or mitigation.*

Policies 11.1 – 11.4 are intended to correspond with/and or complement Coastal Environment policies 10.4.1 and 10.4.2.

METHODS

- 11.1 Identification of areas at risk from natural hazards by the Regional Council through exchange of information between other agencies and consultation with the public. The Regional Council will liaise with and provide information to territorial authorities and promote the inclusion of natural hazard information in district plans, through the resource consent process and land information memoranda.
- 11.2 Encourage improved public awareness of hazards within the region.
- 11.3 When requested, the Regional Council will provide regional civil defence and disaster recovery assistance to the region's territorial authorities. This will include seeking assistance from the Crown.
- 11.4 Operate a regional flood warning network.
- 11.5 Place controls on development in areas subject to risk from natural hazards, through rules in relevant regional and district plans.
- 11.6 Monitor and review the cost efficiency and effectiveness of catchment flood and channel management in consultation with all parties and rating districts, or as part of the Regional Council's river management responsibilities.

EXPLANATION

Policy 11.1 aims to reduce the risks to people and communities by ensuring that people are aware of risks and able to take appropriate measures, including evacuation, when a damaging natural event is about to occur or has occurred. The flood warning system provides territorial authorities and the residents in low lying areas in the valleys of the Karamea, Buller, Grey, Hokitika, Whataroa and Haast rivers with sufficient warning to adequately respond to the threat of flooding.

Identification of areas that are at risk and the exchange and distribution of natural hazard information are important ways of implementing this policy.

Policy 11.2 recognises the need to provide directions on how to deal with the risks posed by natural hazards to existing and proposed development. Permanent development in some areas may need to be restricted.

Policy 11.3 lists criteria the Regional Council will use for determining the degree of risk from natural hazards for any particular area. It also describes the need to review respective territorial authority and Regional Council functions.

A Court of Appeal decision (CA 99/95) states that regional councils may develop objectives, policies and methods by way of a RPS or regional plan for the avoidance or mitigation of natural hazards in specific areas. When hazards extend across territorial authority boundaries or natural catchments, regional hazard plans may need to be developed to achieve the integrated management of resources. The boundaries of responsibility between the local authorities will need to be defined in a regional natural hazards plan.

A regional civil defence capability will provide people with information on the extent of a large-scale civil emergency and enable informed decisions to be made on how the effects of a hazard can be lessened or avoided. The Regional Council's civil defence function will be limited to a co-ordination role in times of regional emergency. Flood warnings and civil defence assistance to territorial authorities are also appropriate promotion functions for the Regional Council.

Recognition of potential and actual coastal hazards is also important. Some natural systems such as dunes provide a natural defence against erosion. Damage to dunes may cause them to migrate inland. Any proposals for subdivision, use or development should take this into account. There is also the possibility of future sea level rise. This could cause erosion to increase and low lying areas to be inundated.

Policy 11.4 sets out the philosophy of who is responsible for meeting the expenses of hazard avoidance or mitigation.

Natural hazards give rise to emergencies, for example cutting of essential services. In such situations the Act provides for activities to be carried out

immediately to alleviate the emergency, with any needs for resource consents to be addressed retrospectively. This applies to network utility operators (See Chapter 15 on Network Utilities) who have responsibilities for the operation and supply of telecommunications, radio, electricity, water supply, sewerage, road and rail networks, airports and other essential services.

Promotion, provision of information and education are the main methods for fulfilling the objectives and policies. Responsibility for control of the use of land for the purpose of avoiding or mitigating natural hazards is shared between the region's four local authorities. The Regional Council also has controls through its Soil Conservation and Erosion Control Plan.

Links between emissions of greenhouse gases, global warming and possible sea level rise have not been conclusively established. It appears premature to plan or implement contingency measures other than limiting the emissions of greenhouse gases (see Chapter 13 on Air Quality under Issue 1). The Regional Council will, however, keep abreast of the latest scientific information in this area and, meanwhile, warn developers of the consequences of possible sea level rise.

The Regional Council is also responsible for the siting of structures in waterways for the purpose of avoiding or mitigating the effects of natural hazards. However the Building Act 1991 places responsibility on territorial authorities to issue consents that ensure the safety of buildings.

The last method recognises that the Regional Council has a major role in river channel management and flood mitigation. Significant funds and time have been invested in achieving the considerable degree of protection that existing works provide to communities and landowners. However natural hazard avoidance and mitigation measures can only be provided on a user pays basis.

ANTICIPATED ENVIRONMENTAL RESULTS

- 11.1 Appropriate development within areas subject to natural hazards provided for in regional and district plans.
- 11.2 An effective response to the threat of flood events and other natural hazards.
- 11.3 Preparation of and dissemination of natural hazard information.
- 11.4 A reduction in actual or potential losses to people, property and the environment from natural hazards.
- 11.5 An increase in community awareness, certainty and responsibility for natural hazard avoidance and mitigation.

Chapter 12

SOLID AND HAZARDOUS WASTE

PREAMBLE

Section 62(1)(ha)(i) of the Act provides that a RPS shall state:

For the region, or any part of the region, which local authority shall have responsibility within its own area for developing objectives, policies and rules relating to the control of the use of land for -

...(ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances...

...and may state particular responsibilities for particular hazards or hazardous substances or groups of hazards, or hazardous substances; but if no responsibilities for a hazard or hazardous substances are identified in the policy statement, the regional council shall retain primary responsibility for the hazard or hazardous substance;...

In the meantime in accordance with the above, responsibility for hazardous substances shall rest with the Regional Council. This is subject to review. Subsequent consultation with the territorial authorities will be required to determine which part of these responsibilities will be transferred to them and the extent of the transfer. This will be notified as a variation or change to the RPS as provided for in the First Schedule of the Act.

A 1989 regional waste survey (West Coast United Council, 1989) found that the region's 32 disposal sites were substandard in terms of operation and ten of them were substandard as far as siting was concerned.

There are currently 28 local authority waste disposal sites in the region - or one for about every 1100 people. The number of sites is a direct result of the widely dispersed population of the region. All of these sites are the subject of resource consent applications under section 418(1)(c) of the Act.

Some of the larger waste disposal sites are full and alternative sites are being sought. This presents an opportunity to resolve those problems associated with substandard siting and management and to implement more environmentally acceptable approaches to waste management.

One of the recommendations of the 1989 survey was the preparation of a Regional Solid Waste Management Strategy (West Coast United Council, 1991). The strategy covered a number of waste management issues which were centred around:

- ◇ Provision of cost effective services.
- ◇ Integrated disposal for the full spectrum of wastes.

- ◇ Public involvement.
- ◇ Cultural values.
- ◇ Public and environmental health protection and nuisance prevention.
- ◇ Environmental protection.
- ◇ Natural water protection.
- ◇ Provision for land use planning.
- ◇ Waste reduction.
- ◇ Resource conservation and recovery.
- ◇ Hazardous wastes.

Key recommendations arising from the strategy were the necessity to establish alternative sites for the three landfills currently serving Westport, Greymouth and Hokitika, the need to establish a regional hazardous wastes facility and the need to close some of the rural landfills. The recommendations are in the process of being implemented.

The region's low and scattered population poses special challenges with respect to waste management. While it is desirable for all landfills to conform to national guidelines with respect to design, siting and operation, these may impose costs that are too high for small communities to sustain. The issue needs to be considered on a case-by-case basis. Mobile skips are used to service some communities, where local landfills have closed. Their use is not entirely without problems, due to their limited volume and the high cost of transport. Illegal dumping is a significant problem in some communities.

A Regional Council inventory of potentially contaminated sites, including waste disposal and industrial sites, has been completed. These include existing sites which may have an accumulation of hazardous substances that are affecting water and soil quality. Excluding current and abandoned mines, it is estimated that there are well in excess of 300 such sites on the West Coast. Monitoring and rehabilitation will be required of any actual contaminated sites which pose threats to human health or to water and soil values.

Occasionally, accidents result in spills of hazardous substances such as fuel from road tankers. These substances inevitably find their way into surface and ground water, adversely affecting ecological and aquatic values.

The Act requires sustainable management of natural and physical resources. To achieve this, landfill sites should be located and managed in such a way that adverse effects in terms of surface and groundwater contamination are avoided, remedied or mitigated. Another outcome of this requirement will be the development of facilities for the safe management and disposal of hazardous wastes.

At least half the volume of the waste stream is a useful resource that should

not find its way into landfills. Many of the problems of waste disposal can be avoided by the adoption of waste reduction, reuse and recycling. However recycling can only be considered where it is economic.

Poutini Ngai Tahu view the restoration of all degraded environments, including those affected by waste disposal to be a resource management priority. The Regional Council will consult with Poutini Ngai Tahu in development of regional plans dealing with adverse effects of waste disposal.

ISSUE 12.1: Effects on human health, ecosystems surface and groundwater resources and land as a result of:

- a) **The storage, use, transportation, disposal or spills of hazardous substances.**
- b) **Contaminated sites and substandard waste disposal facilities.**

Examples of hazardous substances, and wastes are liquid fuels, agricultural sprays, paint strippers, solvents, batteries, transformer oils, asbestos and timber treatment chemicals. A number of matters arise from the transport, storage, use and disposal of hazardous substances and wastes:

- ◇ The 1989 survey described the total annual quantity of hazardous wastes being disposed of as small, being approximately 9 tonnes per year. Although some of this waste may be suitable for controlled disposal with other refuse at a suitable landfill rather than simply mixing with other refuse, real concerns remain as to the fate of such wastes and the consequent effects on soil and water resources. There are no sites on the West Coast which are designed to accept and manage such wastes. This makes the need for a regional system for the storage, treatment and disposal of hazardous wastes all the more apparent.
- ◇ It is known that some industries and farmers hold stocks of unwanted hazardous substances. For example a 1993 survey of the region's 321 dairy farms (West Coast Regional Council 1993) indicated that 5.5% of farmers had unwanted agricultural or other chemicals on their property. Some of these could not be identified. It is reasonable to assume that similar proportions apply to all 1300 West Coast farms. Although the quantities of these chemicals are thought to be low, the Regional Council needs to ensure that unwanted chemicals are either recycled or safely disposed of.
- ◇ Spillage or leaks of hazardous substances occur from time to time through accidents or equipment failure. These have occasionally resulted in danger to human lives and property as well as contamination of soil and water. Emergency situations can involve the intervention of all or any of the emergency services including the fire service, police, ambulance, civil defence, the Maritime Safety Authority, Coast Health Care and the territorial authorities' dangerous goods inspectors. The Regional Council becomes involved through its obligation to manage

discharges into water, soil or air. If disposal of emergency spills or leaks proves necessary, their management and disposal at any regional disposal site would be the Regional Council's responsibility. Any regional disposal site will need special storage or containment facilities to deal with these substances.

- ◇ There is also a need to prepare contingency plans for emergency responses to threats or occurrences of leaks or spills of hazardous substances and to determine responsibilities for clean-ups. This need includes incidents related to ships at sea. The issue is one affecting the whole region. Accordingly, the Regional Council should facilitate the preparation of appropriate contingency plans in co-ordination with other affected agencies (see Issue 5 in Chapter 11 on the Coastal Environment).

The liability for any clean-up of contaminated sites is a complex issue. It is not always possible to establish responsibility for a particular site. In these situations, an assessment of risk is needed before embarking on a clean up of such "orphan sites". Assistance for funding will be sought from the Crown.

OBJECTIVE 12.1: To avoid, remedy or mitigate adverse effects of hazardous substances and contaminated sites on human health, ecosystems, surface and groundwater resources.

SOLID AND HAZARDOUS WASTE POLICIES 12.1

POLICY 12.1.1 Co-ordinate with territorial authorities the establishment of an adequate regional storage and disposal system for hazardous wastes.

POLICY 12.1.2 In conjunction with other affected parties manage the use, transport and disposal of hazardous substances in a manner which avoids, remedies or mitigates adverse effects on:

- a) Public health;***
- b) Water quality;***
- c) Habitats of indigenous flora and fauna;***
- d) Amenity values;***
- e) Natural character;***
- f) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;***
- g) The coastal environment, and***
- h) Air quality.***

POLICY 12.1.3 Promote an awareness of the risks associated with the handling and transport of hazardous substances.

POLICY 12.1.4 Ensure the closure and rehabilitation of any existing waste disposal facility where the discharge of contaminants has significant adverse effects unless those effects can be avoided, remedied or mitigated. Matters to be considered when determining if an effect is

Cross reference policies
 Poutini Ngai Tahu policies; Heritage policy 6.1;
 Soils and Rivers policy 7; Water policies 8.2.1 and 8.2.2;
 Habitat and Landscapes policies 9.1 – 9.6;
 Coastal Environment policies 11.1.1 – 11.1.6

“significant” will include the need to protect the values listed in Policy 12.1.2.

POLICY 12.1.5 To address the adverse effects of past waste disposal practices through the identification and rehabilitation of contaminated sites.

POLICY 12.1.6 Require the siting, design, construction and management of waste management facilities to avoid, remedy or mitigate the adverse effects of contaminants on:

- a) Public health;***
- b) Water quality;***
- c) Habitats of indigenous flora and fauna;***
- d) Amenity values;***
- e) Natural character;***
- f) The relationship of Poutini Ngai Tahu and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;***
- g) The coastal environment;***
- h) Air quality;***

and have regard to national guidelines on their siting, design, construction and management.

METHODS

12.1.1 Encourage landfill operators to analyse the waste stream, using, for example, the New Zealand Waste Analysis Protocol (Ministry for the Environment, 1992a).

12.1.2 Encourage waste generators through a user pays approach, to reduce, re-use and recycle waste and to adopt more appropriate methods of production, to achieve these objectives.

12.1.3 Co-ordinate with territorial authorities, neighbouring regional councils and the Ministry for the Environment concerning new approaches to be adopted for hazardous substance management. This may require a centrally located West Coast facility for treatment and disposal or, alternatively, the transport of hazardous wastes to outside the region for treatment and disposal.

12.1.4 Encourage responsible management of hazardous wastes and substances through news media releases, education programmes and direct contact with significant waste generators.

12.1.5 Co-ordinate the preparation of contingency plans or procedures to prevent or deal with emergency spills of hazardous substances.

12.1.6 Include in the review of the Regional Land Transport Strategy, the adoption of methods to avoid, remedy or mitigate any adverse effects of the transportation of hazardous substances.

12.1.7 Liaise with industry groups and other representative organisations

about hazardous substance management.

- 12.1.8 Consider the use of selected codes of practice as a means of ensuring compliance with regional rules.
- 12.1.9 Encourage territorial authorities to collect information on the origin, types, quantities and the present fate of waste.
- 12.1.10 Continue the collection of information on the nature and significance of contaminated sites. Provide information to territorial authorities on such sites for use in land use decision making and the dissemination of information about such sites.
- 12.1.11 Consider providing a collection, recycling, storage and disposal service for hazardous wastes.
- 12.1.12 The Proposed *Discharge of Contaminants to Land Plan* contains policies and rules for contaminated sites and closed landfills. When such sites are identified, risk assessments and rehabilitation may be required. Territorial authorities will be encouraged to include appropriate provisions in district plans.
- 12.1.13 Assess the suitability of adhering to national technical guidelines or standards (e.g. Ministry for the Environment 1992b) for siting, design, management and operation of waste disposal facilities on a case by case basis.

EXPLANATION

Policy 12.1.1 recognises the need for an adequate regional storage and disposal system for the management of hazardous wastes. Both this policy and policy 12.1.2 recognise that promotion and development of such systems will need to be achieved by a process of co-operation between agencies either responsible now and/or who may become responsible in the future.

Policy 12.1.2 requires a co-ordinated approach by those who generate, share, use, transport or dispose of hazardous wastes in order to avoid, remedy or mitigate adverse effects.

Policies 12.1.2 and 12.1.3 recognise that hazardous substances can adversely affect environmental and cultural values, public health and safety. Air quality is specifically mentioned in policy 12.1.2 because burning is a method of waste disposal. This can lead to emission of toxic substances and unpleasant odours and for these reasons it is an unacceptable practice. It can also present a risk of fire and explosion. Policy 12.1.3 also recognises that those involved with the transport, handling and disposal of hazardous substances, should be aware of the risks involved and know what to do in an emergency.

Policy 12.1.4 provides a mechanism that will ensure that adverse effects from any existing landfill will be kept to the minimum practicable level.

Policy 12.1.5 is aimed at providing information about contaminated sites, their rehabilitation and aftercare.

Policy 12.1.6 is aimed at existing landfills and new waste management facilities by encouraging operators of these to adhere to national guidelines in order to avoid, remedy or mitigate the listed adverse effects. However, while the need for national standards guidelines is not disputed, the high number of landfill or waste disposal sites required to service the West Coast means that there may be difficulties in imposing costly national guidelines on a low population. Where national technical guidelines and standards are not usable the standards will be determined through the resource consent process.

Once contingency plans for clean up of spills or leaks of hazardous substances are in place, procedures will be more clear and the responsibilities of affected agencies defined.

Information collected on the origin, types, quantities and fate of hazardous substances used in the region will make it possible to identify the degree to which quantities of such wastes can be reduced, re-used or recycled. This can, in itself, result in economic and environmental benefits. Adoption of the New Zealand Waste Analysis Protocol and waste audits will enable this to be carried out in a standard manner.

Regulation is important in order to ensure that unwanted hazardous substances are safely disposed of at sites that meet acceptable environmental standards. It will also ensure that any contaminated sites which pose a high level of risk are adequately rehabilitated - or safely closed down.

The management and disposal of hazardous substances in a manner that protects human health, safety and the environment will continue to be promoted. Inappropriate disposal practices continue in some areas. This makes regulation a necessary option for avoiding, remedying or mitigating adverse effects of hazardous waste disposal. With new landfills about to be commissioned for Westport, Greymouth and Hokitika - which will service two thirds of the West Coast population - the opportunity exists now to address current and future problems.

While the Regional Council supports the principle of waste generators paying for treatment and disposal, this approach needs to be carefully assessed and kept in balance to avoid it acting as a disincentive and resulting in illegal or improper methods of waste disposal. A collection service for unwanted hazardous substances from farms, industry and households could be provided. This will only be done if those wastes can be appropriately managed afterwards.

The Regional Council is responsible for developing objectives, policies and rules relating to the control of the use of land for the prevention or

mitigation of the adverse effects of the storage, use, or transportation of hazardous substances. It (the Regional Council) will co-ordinate with territorial authorities and others who are involved with hazardous substances to develop a regional approach to management and disposal systems for hazardous substances.

ANTICIPATED ENVIRONMENTAL RESULTS

- 12.1.1 Contingency plans with appropriate response procedures in place to deal with likely and actual hazardous substance spills, leaks or seepage.
- 12.1.2 Reduced contamination of ground and surface water from hazardous substances.
- 12.1.3 Reduced adverse effects from land contamination, particularly from landfills.

ISSUE 12.2 Solid wastes which are disposed of via landfills for which alternative options are available, including waste reduction, reuse and recycling.

Although there will always be a need to dispose of waste, there are several reasons for promoting the four “R’s” in the waste management hierarchy (resource recovery, reduction, reuse and recycling). These include longer landfill life, reduced surface and groundwater pollution, decreased threats to ecological values and to the health of people, improved visual and amenity values and a lower likelihood of unpleasant odours and rubbish fires.

In recent years there has been a growing regional awareness of the need to minimise waste. Some community groups have responded by initiating kerbside recycling schemes for items such as paper and glass. At some landfills organic waste is being stockpiled for composting. Yet much of the material discarded by householders, trade and industry is still wasted by disposing of it in landfills. A recent amendment to the Local Government Act gives territorial authorities clear responsibilities for the preparation of waste management plans which include implementation of the four R’s.

High transport costs, limited volumes of recyclable resources and fluctuating demand for some items have led to the closure of some recycling activities.

Although the objectives and policies below concern solid wastes, they also have application to liquid and gaseous contaminants.

OBJECTIVE 12.2 The reduction of the amount of solid waste which requires disposal.

SOLID AND HAZARDOUS WASTE POLICIES 12.2

POLICY 12.2.1 Encourage solid waste generators to produce less waste.

POLICY 12.2.2 Promote disposal of recyclable or re-useable wastes at purpose-built facilities.

POLICY 12.2.3 Promote the development of community-based refuse collection, disposal and reduction services.

Cross reference
policies
Water policies
8.2.1-8.2.4.

METHODS

- 12.2.1 In conjunction with territorial authorities, the Regional Council will promote waste reduction, reuse and recycling via recycling directories, press releases, displays and liaison with community groups.
- 12.2.2 Encourage analysis of the solid waste stream on the West Coast using the New Zealand Waste Analysis Protocol.
- 12.2.3 Investigate the benefits and costs of using economic instruments such as a user pays approach to waste disposal.
- 12.2.4 Liaise with other regional councils and industry on waste outlets.

EXPLANATION

Policies 12.2.1 and 12.2.2 recognise that a significant proportion of waste can be reduced through not producing it in the first place. Organic waste comprises at least 50% of the waste stream and can usually be composted. Other wastes can be re-used. For example, wood can be used for domestic fires. Some waste, such as newspaper, can also be recycled.

Policy 12.2.3 recognises that some West Coast communities are successfully running their own waste management schemes. These incorporate waste reduction, re-use and recycling. These models could have wider application on the West Coast.

Waste reduction, reuse and recycling rely almost wholly on public support. The importance of promotion and provision of information cannot be understated. The Regional Council will continue to investigate and promote waste reduction measures by providing information on commercial opportunities, for example on recycling (Stengs 1991), and by assisting community groups such as the West Coast Recycling Coalition to implement the objective. Measurement and classification of the solid waste stream using nationally accepted standard methodology will help to identify how the volume of waste can be reduced.

Regulation is not considered a desirable method of achieving the objective.

This is because waste reduction, reuse and recycling measures rely on a strong degree of public support. Unlike most other parts of New Zealand, recycling of materials such as plastic, glass and cardboard is currently uneconomic due to high transport costs, economies of scale and low demand. Practicalities make the ideals of the 4R's difficult to implement but territorial authorities should retain a positive and proactive liaison role. Communities can pursue waste management goals via submissions to local authority annual plans.

Territorial authorities have a role to publicise and promote ways of reducing waste and recycling. This should be done in consultation with community groups and co-ordinated so as to avoid duplication. Territorial authorities have primary responsibilities in this area.

ANTICIPATED ENVIRONMENTAL RESULTS

1. Less waste entering landfills.
2. Measurement and classification of the solid waste stream in the region, to determine options for waste management and a subsequent reduction of the volume of solid waste that is disposed of.

ISSUE 12.3 Environmental effects of disposal of human and stock effluent on land and into water from mobile sources.

West Coasters consider the disposal of toilet waste from mobile sources such as road and rail vehicles at other than approved disposal sites, to be unacceptable. Adverse effects on aquatic and ecological values, health hazards (such as the spread of *Giardia sp.*), aesthetic degradation, impacts upon mahinga kai resources and the relationship of Maori with ancestral land, water and other taonga, all contribute to this view. With the region attracting high numbers of tourist travellers by rail and road, this is a significant resource management issue.

Campervans and caravans are one source of such waste. Many campervans now have portable toilets or containment facilities which can be emptied at specifically designed sites. The Regional Council believes that all registered camping grounds on the West Coast should provide waste disposal facilities for emptying containment tanks. The number of camping grounds providing this facility on the West Coast is steadily increasing. This trend, together with education of travellers by the tourist industry and other organisations, suggests that the extent of the problem should decrease.

Roadside dumping of campervan waste and non-use of toilets is a problem, particularly around rest areas. Rest areas that have no adequate toilet facilities are frequently used for overnight camp sites. Greater use of existing toilet facilities would also reduce health hazards and adverse environmental effects. This is not always practicable for recreational groups such as trampers and touring cyclists. The Regional Council will support any moves by organisations such as the Department of Conservation,

Transit New Zealand, and the territorial authorities to install additional facilities, and the encouragement of their use.

Discharge of waste from vehicles carrying livestock can damage road surfaces, be a danger to other road users and affect both surface and ground water quality.

OBJECTIVE 12.3 To encourage the disposal of human and stock effluent from mobile sources at official disposal sites and the provision of adequate public toilet facilities along tourist routes or areas.

SOLID AND HAZARDOUS WASTE POLICIES 12.3

POLICY 12.3.1 Avoid, remedy or mitigate the adverse effects of waste discharges on water quality from vehicles carrying stock or passengers, campervans and vehicle washing facilities.

POLICY 12.3.2 Encourage the provision of adequate public toilet and toilet pump out facilities.

Cross reference policies

*Water policies
8.2.1.-8.2.3,
Habitat and
Landscape policies
9.1-9.4 and Coastal
Environment
policies 10.1.1-
10.1.4*

METHODS

- 12.3.1 The importance of disposing of human wastes only at official disposal sites will be stressed in promotional material prepared in consultation with the West Coast Tourism Council, the Department of Conservation and companies operating campervans. The Regional Council will ask the Minister for the Environment to promulgate national guidelines for disposal of sewage from mobile sources. It may be effective to erect signs at campsites and along appropriate points on the highways servicing the West Coast indicating the illegality of haphazard disposal.
- 12.3.2 Promotion will also consist of widely advertising the location of approved disposal sites. This is already being carried out by the tourism industry and camping ground operators. The Regional Council will actively seek to increase the number of official disposal stations on the West Coast by liaising with commercial caravan and motor camp operators, promoting the use of road signs to indicate the presence of disposal stations, and encouraging the use of the standard disposal site symbol.
- 12.3.3 Further development of public toilet facilities at strategic locations will be encouraged through consultation with Transit New Zealand, the territorial authorities and the Department of Conservation. Use of toilets that allow for breakdown of wastes on site will be encouraged where there is no adequate sewage disposal system.
- 12.3.4 Advocate adherence to the New Zealand Environmental Care Code - especially by people who do not have access to normal toilet facilities whilst pursuing outdoor activities.

12.3.5 The Regional Council in association with territorial authorities will encourage camping ground operators to provide facilities for emptying sewage from campervan and caravan containment tanks.

12.3.6 Advocate to Central Government the need to regulate discharges from vehicles.

EXPLANATION

Policy 12.3.1 deals with the range of adverse effects arising from the disposal of human sewage and stock effluent on land or into water from mobile sources.

As most problems associated with toilet wastes along transport routes are caused by travellers, voluntary adherence through public education is considered extremely important. Travellers must be made aware that alternative and environmentally safe methods of toilet waste disposal exist. These should include provision of suitable disposal facilities at commercial campervan and caravan sites and toilet facilities at strategic locations such as along principal tourist routes. Policy 12.3.2 addresses the problem associated with non use or lack of strategically located public toilet facilities.

The Regional Council is responsible for controlling the disposal of contaminants onto land or into water. The territorial authorities are responsible for managing the disposal of toilet waste to sewage treatment facilities and directing commercial campervan and caravan park operators to provide for suitable sewage collection and disposal facilities for users of their sites.

ANTICIPATED ENVIRONMENTAL RESULT

12.3.1 Reduced risks to health, degradation of ecological and aesthetic values arising from disposal of toilet wastes and effluent from vehicles carrying livestock.

Chapter 13 AIR QUALITY

PREAMBLE

Air pollution is a form of waste disposal. Like the oceans, the atmosphere has often been treated as a bottomless sink into which pollutants can be poured. Because atmospheric air pollution knows no regional or national boundaries, it is appropriate to consider air pollution in a different category from other waste management problems. Even though interrelated, air pollution is discussed separately from other waste management concerns.

While the international issue of air quality is of considerable interest to the Regional Council, local issues which contribute to the problem are also important. The recent catch phrase "think global, act local" is of relevance here. It is now well substantiated that *greenhouse gases* such as carbon dioxide, are increasing in atmospheric concentrations. This, it is thought, may contribute to global warming. The effects of global warming on the West Coast region are not yet known with any precision but there may ultimately be some climate change and rise in sea level. Also of concern are substances, principally refrigerants, whose effect is depletion of the ozone layer. This layer screens out harmful ultra violet radiation. More immediately pressing air pollution problems stem from aerial drift of fertilisers or pesticides, smoke and dust.

Local effects arise on some winter days, when several West Coast towns have a smog problem. This may manifest itself in the higher incidence of respiratory disorders and poorer health for those at risk. At the same time, the carbon dioxide from domestic and industrial fires contributes to the greenhouse effect. There is a need to encourage a move towards use of more efficient solid fuel burners and use of energy generally. Each of these should result in less pollution.

ISSUE 13.1 The possible effects of greenhouse gas emissions on global climate.

Over the past thirty years it has been evident that the quantity of carbon dioxide and other "greenhouse" gases in the atmosphere has increased. There are a number of scientists who believe that global temperature will rise as a result of this.

The extent of the rise (and indeed its existence) is still being debated but most scientists in this field accept that a one to two degree temperature increase is inevitable. It is still not possible to predict with any certainty what the implications of this are. It is possible that such an increase in temperature may place many low-lying areas at risk from natural hazards such as coastal erosion and flooding. A precautionary approach to development in the coastal environment should therefore be adopted (see

development in the coastal environment should therefore be adopted (see policy 10.4.5).

Therefore the possibility of needing to avoid further development in such areas or to retreat from areas prone to such events should not be discounted. If the climate changes there could be an increase in the severity and frequency of such events. However it will be difficult to attribute these solely to greenhouse gas emissions. It is possible that natural processes such as volcanic activity and decaying vegetation in wetlands are significant contributions to greenhouse gas emissions.

The gases emitted from motor vehicles contribute to the greenhouse effect by changing the atmospheric chemistry in ways that either allow more of the sun's radiation to reach the surface of the earth or increase the ability of the atmosphere to retain heat.

The coal industry is vital to the West Coast economy and the Regional Council recognises its importance. The West Coast also has potential for further electricity generation, which can offset the use of fossil fuels such as coal.

OBJECTIVE 13.1 Avoidance or mitigation of natural hazards that may result from possible global warming.

AIR QUALITY POLICIES 13.1

POLICY 13.1.1 Stabilise greenhouse gas emissions from the region in line with national policy.

POLICY 13.1.2 Ensure that coastal planning decisions take into account the possibility of sea level change.

METHODS

- 13.1.1 Promote technologies and voluntary initiatives with industry which reduce the production of greenhouse gases, and encourage energy efficiency measures.
- 13.1.2 Any activity which requires a resource consent for the purpose of discharging contaminants into the air, may be required to limit or reduce such emissions.
- 13.1.3 Consider preparing an inventory of controllable West Coast greenhouse gas sources and sinks.
- 13.1.4 Consideration of methods in regional and district plans to limit development in the coastal environment and any other areas which may become vulnerable to flooding and erosion as a result of possible climate change.

Cross reference policy 13.1.1
Habitat and Landscape policies 9.1 and 9. 2; Coastal Environment policies 10.1.1, 10.1.2 and ,10.1.4; Natural Hazards policies; Solid and Hazardous Waste policies 12.1.2 and 12.1.6 and Energy policy 14.3

Cross reference policy 13.1.2
Coastal Environment policies 10.4 and all Natural Hazards policies.

EXPLANATION

New Zealand has ratified the international Framework Convention on Climate Change and accepted a commitment to reduce greenhouse gas emissions. The Government has made a commitment to stabilise net carbon dioxide emissions at 1990 levels by the year 2000. Policy 13.1.1 is intended to show that the Regional Council will support the Government in this area. The Regional Council could then implement measures to bring about a reduction in carbon emissions, for example through performance standards in appropriate resource consents.

Policy 13.1.2 acknowledges that problems may arise from locating development in areas prone to sea level rise. It may become necessary to locate permanent development away from such areas.

Although there is little it can do to reduce global emissions of greenhouse gases, the Regional Council is obliged to support the directions of central government. These include reducing greenhouse gas emissions from the West Coast by performance standards on relevant resource consents. If the evidence for possible sea level rise becomes conclusive, methods of limiting development in areas vulnerable to coastal hazards will be implemented through regional rules.

ANTICIPATED ENVIRONMENTAL RESULTS

13.1 Reductions of carbon dioxide emissions.

ISSUE 13.2 Effects of emissions of particles, odour and gases (except greenhouse gases) on air quality, human health and the environment.
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Particulate emissions include smoke, dust and debris, whilst unpleasant odours can be generated from sites such as pig farms, freezing works and landfills. Some gases can be directly toxic such as those emitted from rubbish fires or motor vehicle exhaust fumes. Others such as ozone depleting substances can, ultimately, have secondary health effects.

New Zealand has ratified an international agreement to reduce emission of these ozone depleting substances. The Ozone Layer Protection Act 1996 provides for the phasing out in New Zealand by the year 2000 of all but essential uses of *controlled substances* (such as chlorofluorocarbons (CFCs), halons, methyl chloroform and carbon tetrachloride). It calls for restrictions in the use of other, less common, ozone depleting substances.

Disposal of disused refrigerators, and to a lesser extent, air conditioning plant from domestic, industrial, commercial and mobile sources at landfills presents a particular problem with potential for release of ozone depleting substances to the atmosphere.

Three sources of potentially troublesome emissions are considered here.

Domestic area sources

Observations and monitoring of West Coast towns during calm winter weather indicate that emissions from domestic fires sometimes cause smoke to blanket urban areas, often drastically cutting down on visibility. This may be a contributing factor to the region's high incidence of hospitalisation due to respiratory disease. Differences in micro climate mean that the problem is likely to be worse in some West Coast towns than in others.

It is part of the West Coast tradition and lifestyle to use coal and wood for home heating. Both fuels are cheap and readily available. Many homes have open fire places, which burn less efficiently and produce more smoke than enclosed burners.

Recent monitoring of air quality in Greymouth and Reefton indicates that in calm weather air quality is affected by smoke and sulphur dioxide pollution from wood and coal fires. Pollution, on some days, was at levels where adverse effects on people's health could be expected. Subject to the availability of funding, further air quality monitoring will be carried out by the Regional Council.

There is also the option of promoting greater use of electricity for heating. However, this is often perceived as being more expensive than heating by burning solid fuel. Although that view can be changed through a public education process, it may not be the best option in terms of energy conservation.

Backyard rubbish fires are an issue because they cause smoke and offensive odours. A large quantity of household rubbish is compostable or recyclable.

Non-domestic point sources

It is estimated that there are several hundred sources of industrial and other non-domestic sources of contaminant discharge into the air throughout the West Coast. On their own most of these are insignificant but on a cumulative basis they may be of concern. The larger of these have resource consents. There have been complaints arising from a number of activities. Most, but not all, of these are the result of the operation of coal-fired boilers. Other complaints relate to smoke from landfills and nuisance or adverse health effects from dust, offensive odours, spray painting and sand blasting.

Mobile sources

Motor vehicles, while a major cause of air pollution in cities, are unlikely to be a problem on the West Coast due to its low and scattered population. The exhausts of these vehicles emit carbon dioxide, carbon monoxide, hydrocarbons, nitrogen oxides and other toxic substances. New Zealand is one of the few developed countries that does not yet have emission standards for motor vehicles.

The Regional Council recognises the need to use agrichemicals. However their inappropriate use can cause spray drift away from target areas resulting in adverse effects elsewhere. Examples include water pollution, damage to indigenous habitats and the killing of bees and other non-target fauna and flora. Human health could be affected if drift occurs into areas frequented by the public. Some land owners want to keep their land free of agrichemical spraying. Procedures for achieving this may need to be developed.

Off target effects of spray drift can be prevented by various methods which include spraying only in appropriate weather conditions, using shelter belts to confine drift, using the correct equipment, ensuring that the target area is positively identified (for aerial spraying) and careful planning of target locations. Spraying from aircraft and other motorised equipment needs to be carried out with particular care because of the greater volumes of spray and the increased potential for drift.

OBJECTIVE 13.2 Maintenance or improvement of air quality at or to levels that safeguard human health, environmental quality and amenity values.

AIR QUALITY POLICY 13.2

Standards in the Ambient Air Quality Guidelines will be used as the lowest allowable limit of air quality on the West Coast.

METHODS

- 13.2.1 Promote the need to maintain or improve air quality through education, publicity and displays.
- 13.2.2 Promote the use and correct operation of cleaner solid fuel burners in place of less efficient forms of heating, such as open fires.
- 13.2.3 Support any national guidelines or initiatives to limit emissions from motor vehicle exhausts.
- 13.2.4 Monitor ambient air quality. Preparation of inventories of area air pollution sources is also a possibility.
- 13.2.5 Consider the preparation of a register of areas sensitive to agrichemical spraying.
- 13.2.6 Manage air quality through rules in the *Regional Air Quality Management Plan* and encouraging compliance with selected codes of practice.
- 13.2.7 Promote the use of West Coast collection facilities for ozone-depleting refrigerants.

Cross reference policy 13.2.1
Habitat and Landscape policies 9.1, 9.2 and 9.4; Coastal Environment policies 11.1.1, 11.1.2 and 11.1.4; Solid and Hazardous Wastes policies 12.1.2 and 12.1.6 and Air Quality policies.

- 13.2.8 Support any national and international initiatives to limit emissions of ozone depleting substances.
- 13.2.9 Consider the use of economic instruments such as tradeable air discharge permits to ensure that the discharge of contaminants from multiple sources does not result in the lowering of air quality beyond a defined threshold.
- 13.2.10 Ensure that the emission of greenhouse gases caused by land transport are addressed in the Regional Land Transport Strategy.

EXPLANATION

Ambient air quality monitoring is important because it indicates the presence or absence of situations likely to adversely affect human and environmental health. Results can also be used to decide what measures, if any, are needed to combat adverse effects. Policy 2.1 is intended to ensure that air quality meets national guidelines (Ministry for the Environment, 1994), which have been set mainly for the protection of human health.

Consideration will be given to the preparation of inventories of air pollution sources where air quality has been found to be low. Where problems are seen to exist, promotion, encouragement and education will be the preferred methods of improving air quality.

There is a public expectation that air quality needs to be maintained. Experience has shown that the full range of options, including regulation, needs to be available to the Regional Council. Resource users require clear policy directions on air quality management. An absence of policy would reduce decision making to an *ad hoc* basis.

Development of regional objectives and policies on ozone depletion in this RPS have been considered but this would result in duplication of provisions of the Ozone Layer Protection Act 1990. The Regional Council will direct those decommissioning air conditioning and refrigeration plants to make use of existing CFC recovery facilities in the region.

ANTICIPATED ENVIRONMENTAL RESULTS

- 13.2.1 Enhancement of urban air quality.
- 13.2.2 Increased numbers or increased frequency of use of regional CFC degassing facilities.
- 13.2.3 Maintenance of air quality at levels compatible with national guidelines.

Chapter 14 ENERGY

PREAMBLE

Section 2 of the Act includes *energy* within the meaning of natural and physical resources.

Section 5(2)(a) of the Act identifies sustainable management as including:

sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations.

Section 7(b) of the Act requires the Regional Council in achieving the purpose of the Act, to have particular regard to:

the efficient use and development of natural and physical resources.

Clause 1 of Part 1 of the Second Schedule of the Act provides that a RPS may include any matter relating to the use, development or protection of any natural and physical resources for which the regional council has responsibility.

Accordingly, energy on the West Coast is a topic that should be considered within this RPS.

Like any other region, the West Coast is reliant on an adequate supply of energy for its social and economic well being. Currently the region is a net importer of energy in the form of electricity, gas and petroleum products. It does, however, have at least 350 million tonnes of recoverable coal resources. Several small hydro electricity generation facilities on the Arnold River, and at Kumara-Dillmans, Duffers, Kaniere Forks, McKays Creek, Lake Wahapo, Fox Glacier and Turnbull supply some of the region's needs. Many of the region's rivers have potential for hydroelectric development. The West Coast could become not only self sufficient, but also a significant contributor to the nation's energy requirements.

While the provision of energy has obvious social and economic benefits there is also potential for adverse environmental effects to arise from its

generation, supply and use. Depending on the source of energy, adverse effects might include use of a non renewable resource, air pollution, visual effects, occupation of space for structures associated with energy capture and transmission, destruction of natural values and effects on recreation. No particular source is entirely free of disadvantages.

ISSUES:

- 1. The need for an adequate supply of energy to meet the demands of the West Coast and to contribute to national energy requirements.**
- 2. The use of renewable versus non- renewable sources of energy.**
- 3. Adverse environmental effects arising from the production, transmission, distribution and use of energy.**
- 4. Inefficient use of energy.**

With respect to the commentary that follows the Regional Council is not involved in the generation and supply of energy. Its role is to ensure the sustainable management of energy as a natural and physical resource, provide for the sustainable management of the natural and physical resources from which energy is obtained, and deal with the environmental effects of the production, transmission and use of energy.

Most of the region's electricity demand is met through long distance transmission via the national grid. Possible new industries such as titanium processing at Cape Foulwind and the Globe Progress gold mine at Reefton may necessitate the upgrading of transmission facilities or development of further electricity generation potential in the region.

Development of further hydro-electric schemes on some of the region's many suitable rivers would alleviate the degree of its dependence on energy imported from outside the region. This could result in more efficient use of electricity, as losses associated with large transmission distances would be reduced. Hydro power also has the perceived advantage of being more environmentally acceptable than production from non-renewable sources. This, however, needs to be weighed against the possible disadvantages such as the flooding of areas of land, destruction of natural values and changes in water flows or levels. There may be ways of lessening these effects by careful design and location of structures. The potential for development of hydro electric schemes on the West Coast is described in reports by the Ministry of Works and Development (1985 and 1987) and Tonkin and Taylor (1987).

Regional self sufficiency in electricity requirements could also be attained by using coal. A 480 MW coal-fired power station near Westport was considered in the 1970's and some of the transmission structures were built at the time. As the Maui gas field becomes depleted, the use of West Coast coal for electricity production could become an attractive prospect. If a coal-fired plant is constructed to replace a gas-fired plant of similar capacity

it may be possible using new, efficient technology to use West Coast coal resources in a way which does not add to the carbon dioxide emission levels that occurred in 1990.

Currently, about 1.2 million tonnes of coal per year are exported from the West Coast, mostly overseas, where it is used mainly for steel production. It is also an important regional and national energy source.

Alternative electricity sources include solar and wind power. However, available sites for these are likely to be limited. Again there are trade offs, when sites intrude on the landscape.

The West Coast is totally dependent on imported liquid fuels to run its transport system. The environmental effects of using these include the generation of greenhouse gas emissions (See Chapter 13 on Air Quality). As yet there is no practicable substitute for petroleum fuels. Like other parts of New Zealand, the use of liquid fuels for transport represents the largest source of energy demand on the West Coast.

Savings in the use of energy from transport, which is reliant on non-renewable fossil fuels, could be made by greater use of more energy efficient forms of transport. However, the West Coast's low and widely scattered population makes operation of additional viable public transport services difficult. The development of new services will be encouraged via the Regional Land Transport Strategy.

Greater efficiency in the use of energy will be promoted by the Regional Council. As well as in transport, savings can also be made in industry. Reductions in waste heat emissions, as well as reducing air pollution, also lessen the use of non-renewable resources. Other benefits of improved energy efficiency will be greater community safety and health.

Achieving energy efficiency in buildings could involve more appropriate location, siting and design to take advantage of solar heating and improved insulation. Fitting existing buildings with more efficient forms of heating such as the replacement of open fires with closed solid fuel burners is another option.

OBJECTIVE 14 To promote the sustainable management of energy resources.

ENERGY POLICIES

POLICY 14.1 Recognise the importance of an adequate supply of energy resources for the needs of people and communities on the West Coast, provided that this is not inconsistent with other policies in this RPS.

Policy 14.1 corresponds with Network Utilities policy 15.1

POLICY 14.2 Promote the sustainable management and efficient use of energy within the region

Cross reference policies 14.1-14.3
Soils and Rivers policy 7;
Water policy 8.1.1;
Habitat and Landscape policies 9.1-9.3;
Coastal Environment policies 10.1-10.3;
Air Quality policy

energy within the region.

Policy 14.2 corresponds with Network Utilities policy 15.2

POLICY 14.3 Co-operate with any Crown initiatives and policies, where practicable, that seek to promote greater energy conservation, efficiency and the use of renewable energy sources including the Government's Voluntary Agreements Scheme for reduction of CO₂ emissions.

POLICY 14.4 Promote energy conservation through appropriate modes of transport, including ride sharing, minivans and co-ordinated public transport.

*13.2 and Network
Utilities policy
15.1.*

**Cross reference
policy 14.4
Network Utilities
policy 15.2**

METHODS

- 14.1 Through publications, encourage energy efficiency in the design, location and siting of buildings, including encouraging the fitting of existing buildings with improved methods of insulation and more efficient heating systems.
- 14.2 Encourage territorial authorities to make adequate provision in district plans for the distribution of energy by allowing for the siting of necessary structures.
- 14.3 Promote a consistent approach to the use of energy with neighbouring regions through liaison with other regional councils.
- 14.4 Adopt complementary provisions under the Regional Land Transport Strategy, when it is next reviewed, to promote energy efficiency.
- 14.5 Manage the adverse effects of energy production, transmission and use through regional and district plan, and the resource consent process.

EXPLANATION

Policy 14.1 recognises the importance of production and use of energy to the West Coast and the possibility of adverse effects on other resources that might arise. Accordingly, consistency with other policies in this RPS is needed in the context of the establishment, operation and maintenance of the energy infrastructure. This policy corresponds with policy 15.1 because energy is closely related to network utility operations.

Policy 14.2 complies with an obligation under section 7(b) of the Act requiring the Regional Council to have particular regard to the efficient use of natural and physical resources.

Policies 14.1 and 14.2 recognise the overlap between energy and network utilities. Accordingly they correspond with policies in chapter 15 (Energy)

Readers may also find it helpful to refer to the explanation of Policy 9.4 in Chapter 9 (Habitats and Landscapes).

Efficient management of energy suggests that, where constraints allow it, renewable sources of energy should be used before resorting to the use of fossil fuels in thermal power stations. As the demand for electricity increases, present and potential use of the waters of the West Coast for electricity generation may have a significant impact on the management of the region's and nation's energy resources.

Policy 14.3 recognises that the region needs to be prepared to support any national directives on energy conservation that might emerge from the Crown.

It is important that the West Coast Regional Land Transport Strategy, when reviewed, promotes ways in which the consumption of petroleum products can be reduced.

The Regional Council is responsible for preparing and reviewing the West Coast Regional Land Transport Strategy as provided for in the Transit New Zealand Act 1994. It is also responsible for assessing resource consent applications which may be required for proposed new energy generation facilities, that fall within the scope of section 30 of the Act. Territorial authorities are responsible for the siting and location of structures which produce, distribute or use energy.

ANTICIPATED ENVIRONMENTAL RESULTS

- 14.1 The more efficient use of renewable and non renewable energy sources.
- 14.2 A reduction in the adverse effects on the environment from energy production, use and development.
- 14.3 Reductions of carbon dioxide emissions.

Chapter 15

NETWORK UTILITIES AND TRANSPORT SYSTEMS

PREAMBLE

Section 5 of the Act states that:

The purpose of this Act is to promote the sustainable management of natural and physical resources.

This section also makes it clear that this should be conducted:

in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while...

Certain activities and functions designed to serve people and communities are essential if these criteria are to be met. To this end the Act accords those undertaking them special status as *network utility operators*.

Section 166 of the Act defines a network utility operator as a person who:

- (a) Undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy; or*
- (b) Operates or proposes to operate a network for the purpose of telecommunication or radio communication as defined in section 2(1) of the Telecommunications Act 1987; or*
- (c) Is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or*
- (d) Undertakes or proposes to undertake the distribution of water for supply (including irrigation); or*
- (e) Undertakes or proposes to undertake a drainage or sewerage system; or*
- (f) Constructs, operates or proposes to construct or operate, a road or railway line; or*
- (g) Is an airport authority as defined by the Airport Authorities Act 1966 for the purpose of operating an airport as defined by the Act; or*
- (h) Is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or...*

Because of similarities and overlap between transport and network utilities, the title and content of this chapter includes “transport systems”. However transport systems include ports which are not part of section 166.

Returning to network utilities, the principal effect is that, in sections 167 to

186 of the Act, mechanisms are set whereby a network utility operator may become a *requiring authority* and require that a territorial authority create a *designation* in its district plan to enable the operator to undertake necessary works for the proper functioning of the network utility.

Notwithstanding the creation of a designation in a district plan, a network utility operator may still be required to secure a resource consent from the Regional Council for works that affect matters over which it has jurisdiction - as set out in section 30 of the Act. Whether or not resource consents are granted, and if so on what conditions, will be determined by the Act and having regard to the provisions of this RPS and any relevant regional or district plans.

Having said that, the Regional Council recognises the importance of network utilities and transport systems to the region's social and cultural well being and for the health and safety of its inhabitants.

In recognition that the definition of "Network Utility Operator" is used for a specific purpose in the Act as set out above, in the context of this RPS "Network Utility" shall have a similar meaning to "Network Utility Operator", but for the purpose of clarification shall include:

- (a) The use, development or protection of natural and physical resources associated with a network and/or uses associated directly with a network, not just the actions undertaken by a "network utility operator"; and
- (b) All the activities ancillary and secondary to the use, development or protection of the natural and physical resources associated with a network utility.

ISSUES:

15.1 The functioning of network utilities and transport systems for the region's well being.

15.2 Adverse effects on natural and physical resources that may arise from the functioning of network utilities and transport systems including those on soil conservation, water quantity and quality, habitats, and visual, amenity and landscape values and the coastal environment.

Although the region is linked to other parts of New Zealand by road, rail, sea and air services it remains physically and geographically remote. The population is low and is widely dispersed over a distance of 650 km. This highlights the importance of network utilities and transport systems, both intra and interregionally.

Network utilities and transport systems provide essential services which have considerable social and economic benefits both regionally and

nationally. It is important that people and communities within the region are adequately served by network utilities and transport systems. There are provisions in the Act for emergency work to be undertaken immediately to restore the works or structures associated with network utilities if damaged or destroyed. After the work is done, the network utility operator may be required to apply for a retrospective resource consent. It is important that the essential roles and functions of network utility operations are given due and proper recognition and that they are protected from other land use activities. However, it is also important that the construction, maintenance and enhancement of their facilities do not adversely affect other natural and physical resources. Therefore, like any structures associated with transport systems, they need to be considered in the context of the objectives and policies in other chapters of this RPS. For example the movement of heavy or bulky goods by road, both within the region and to other regions, may have a greater adverse effect on the environment than the transport of the same goods by rail or sea.

Resource consent applications involving network utility or transport systems will be assessed on the basis of their environmental effects.

OBJECTIVE 15: Enable the functioning of network utilities and transport systems, while avoiding, remedying or mitigating adverse environmental effects.

NETWORK UTILITIES POLICIES

***POLICY 15.1** Recognise the importance of network utilities and transport systems for the needs of people and communities, provided that this is not inconsistent with other policies in this RPS.*

Policy 15.1 corresponds with Energy Policy 14.1.

***POLICY 15.2** Promote the sustainable management and efficient use of network utilities and transport systems within the region.*

Policy 15.2 corresponds with Energy Policy 14.2.

Cross reference policy
15.1
*Habitats and Landscapes
policy 9.4, Coastal
Environment policy
10.1.3.*

Cross reference policy
15.2
*Energy policy 14.2;
Habitats and Landscapes
policy 9.4 and Coastal
Environment policy
10.1.3*

METHODS

- 15.1 Liaise with network utility and transport managers/operators through the planning process and make available information about this RPS.
- 15.2 When considering requirements and resource consent applications relating to network utilities and transport systems, ensure that people and communities within the region are adequately served in order to provide for their social, economic and cultural well being and their health and safety. Decision makers should also have regard to the need to avoid, remedy or mitigate any adverse effects on the environment. District councils will be encouraged to include relevant provisions in district plans. Energy efficiency may be

another relevant factor. Operations such as vegetation removal or trimming, required to ensure integrity of the network utility or transport system, also need to be allowed for.

- 15.3 Promote compliance with selected industry codes of practice.
- 15.4 Encourage provisions in regional and district plans for the siting of structures owned and operated by network utility and transport managers/operators in order to:
 - (a) avoid, remedy or mitigate adverse effects of other land use activities; and
 - (b) ensure that land use activities do not adversely affect the safe and efficient operation of network utilities and transport systems.
- 15.5 Communicate with adjacent regional councils in order to develop consistent approaches to network utility and transport operations, particularly those whose functions cross regional boundaries.
- 15.6 Apply section 330 of the Act to enable network utility operators to carry out emergency repair works.
- 15.7 Include provisions relating to land transport in the Regional Land Transport Strategy.

EXPLANATION

Network utilities and transport systems are essential elements of the region's infrastructure. Their continued operation and expansion, where this contributes to both the needs of the community and the efficiency of the particular network concerned, should be provided for and protected from the adverse effects of other land use activities. As an example, the state highway and rail networks are important national and regional links, for tourism and linking communities. In recognition of this there should be provisions, relating to emergency situations, that allow drainage, winning of material, construction and movement of material. Aspects of these will be included in regional and district plans, and the Regional Land Transport Strategy. However, the Regional Council has some responsibility for management of any adverse effects on the environment. Policies 15.1 and 15.2 acknowledge both the importance of network utilities and transport systems and the possibility of adverse effects arising from their operation, maintenance and construction (see explanation to Policy 9.4).

Both policies recognise the overlap between network utilities and energy. Accordingly they correspond with policies in chapter 14 (Energy)

Sections 29F to 29M of the Land Transport Act 1993 require the Regional Council to have a Regional Land Transport Strategy (RLTS) for the West Coast. This Strategy identifies future land transport needs, the safest and most cost effective ways of responding to such needs (having regard to environmental effects) and identification of the role of each mode of land transport in the region. It must also include any regional passenger

transport plan. The RLTS relates to network utilities and transport systems because they include those persons who construct operate or propose to construct or operate a road or railway line under section 166 of the Act. The Land Transport Act also states that nothing in the RLTS shall be inconsistent with the provisions of this RPS.

When considering resource consent applications by network utility operators, the Regional Council will be responsible for managing the effects of activities that affect river channel, land and structure stability or involve land disturbance, earthworks and, in the CMA, the creation of noise. These activities will be classified according to criteria in the Soil Conservation and Erosion Control Plan. The Regional Council is also responsible for managing the effects of discharges of contaminants that arise from the activities of network utility and transport operators.

ANTICIPATED ENVIRONMENTAL RESULTS

15. Safe and efficient operation and expansion of network utilities and transport systems, while adverse effects on the environment associated with the maintenance, enhancement and operation of network utilities and transport systems are avoided, remedied or mitigated.

Chapter 16 MINERALS

PREAMBLE

The purpose of the Act is to promote the sustainable management of natural and physical resources (See Chapter 1 on the Resource Management Framework).

Natural and physical resources are defined in section 2 of the Act as including:

...land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

Minerals have the same meaning as in section 2(1) of the Crown Minerals Act, which:

means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.

Maori were drawn to the West Coast by the beauty and power of pounamu (greenstone). To them it was a taonga of immense material and spiritual value. It remains so today. The Crown has returned the ownership of this mineral to Ngai Tahu.

The discovery of gold in 1864 led to the first of a number of gold rushes on the West Coast and was the beginning of the mining industry in the region. Gold and other forms of mining are part of the tradition and folk lore of the West Coast. The sites of many West Coast towns and the associated infrastructure is the direct result of mining. In particular the towns of Westport, Reefton, Greymouth and Hokitika owed their existence to mining and continue, in part, to do so today.

Since the early gold rushes other minerals have been extracted, notably coal, limestone and aggregate. Mining has been, and will continue to be, a significant contributor to the region's economy, both in terms of income and employment. The level of mineral reserves remains high and new discoveries continue to be made. Certain of these reserves are of high national strategic and economic importance.

Mineral resources will continue to be important for the people and communities of the West Coast in providing for their present and future well-being. This chapter overviews the two resource management issues

identified and the objectives, policies and methods to address these.

ISSUE 16.1 Reduction in the ability to evaluate, use and develop mineral resources as a result of land uses above or in close proximity to mineral deposits.

ISSUE 16.2 Adverse effects of the use and development of mineral resources on other natural and physical resources.

Minerals are fixed in location and can only be extracted from where they are found. Most other forms of development are flexible in this respect. Land uses, developments and protective land status over and near minerals can be incompatible with mineral extraction and vice versa. In practice this can mean that the ability to extract minerals may become compromised.

The use and development of minerals is governed by factors such as topography, flora, fauna, overlying and neighbouring land use patterns, and market forces, all of which impact on the environmental, social and economic viability of the resource. As such present and future land use patterns affect or will affect resource availability, which will in turn impact on the integrated management of natural and physical resources. The Regional Council can recognise the importance in providing for the evaluation of minerals when preparing regional plans and considering resource consent applications. However it must also balance this against the benefits associated with changing land use patterns and any adverse effects resulting from mineral use and development.

The issue of loss of opportunity is distinct from that of 'tenure' and the associated agreement or arbitration required with the land owner/manager. However the 1986 West Coast Accord specifically provides for evaluation of mineral potential on some of the land administered by the Crown within the region. For any such land where an economic resource is identified, the Accord provides for an evaluation of conservation values against the social and economic benefits of mineral extraction. If the social and economic values are found to outweigh conservation values, then conservation status can be revoked. The purpose of Objective 16.2 is to ensure this is recognised in the RPS.

The adverse effects on other natural and physical resources of activities, which include those arising from the use and development of minerals, have been addressed in Chapters 5 to 16 and relate closely to section 5 of the Act. Objective 16.1 and Policy 16.2 clearly reflect this. The allocation of minerals, including physical access is subject to provisions under the Crown Minerals Act 1991. This leaves only one outstanding matter the RPS can address - the reduction in options to utilise minerals as a result of the use and development of other natural and physical resources.

OBJECTIVE 16.1 Options for the evaluation, use and development of mineral resources are not unnecessarily hindered while other natural and physical resources are sustainably managed.

OBJECTIVE 16.2 The ability to evaluate mineral resources is

protected.

MINERALS POLICIES

POLICY 16.1 Recognise known mineral resources and have regard to the effects of changes in land use patterns on potential options to extract them when making resource management decisions.

POLICY 16.2 Recognise that the extraction of mineral resources may be incompatible with other land uses and vice versa.

POLICY 16.3 Ensure that the adverse effects of the extraction of mineral resources are managed in a manner that is consistent with objectives, policies and other provisions elsewhere in this RPS.

Cross reference
policies 16.1 and
16.2
All policies in this
RPS.

METHODS

- 16.1 Develop an inventory of known mineral resources based on accurate and reliable information provided to the Regional Council. This information will be made available to interested parties on request.
- 16.2 When developing regional plans and considering resource consent application the Regional Council will consider the:
- (a) Importance of providing for the evaluation of mineral potential;
 - (b) Effects of allowing potentially incompatible land uses or activities to locate above or adjacent to mineral resources and the ability to extract those resources.
- 16.3 Territorial authorities will be encouraged to consider the matters stated in Method 16.2 when developing district plans and considering resource consent applications.

EXPLANATION

The West Coast contains a variety of mineral resources that are regionally and nationally significant. For example it has the most extensive bituminous coal resources in New Zealand. In 1992 it produced over 800, 000 tonnes, 30% of the national total. Recoverable reserves are in excess of 350 million tonnes and there are a number of projects being investigated which are expected to increase annual regional production to 4 million tonnes. Gold, limestone, rock and aggregate are other significant minerals extracted from the region. Aside from an expected increase in coal production, expansion of other parts of the mining industry is possible.

It is important to enable opportunities for the extraction and utilisation of minerals to continue while meeting the purpose and principles of the Act. Section 30(1)(a) of the Act gives the Regional Council the function of establishment, implementation and review of objectives, policies and methods to achieve the integrated management of natural and physical resources of the region. Section 31(a) of the Act gives territorial authorities

the function of establishment, implementation and review of objectives, policies and methods to achieve the integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district. Failure to consider minerals in the RPS in this chapter by way of objectives, policies and methods, could mean that reduction in land use options for the extraction would not be explicitly considered in relevant planning documents at regional and district council levels, nor when considering resource consent applications. This could in turn hinder the efficient use and development of natural and physical resources, and consideration of their finite characteristics, matters which the Regional Council is required to have particular regard to under sections 7(b) and 7(g) of the Act.

ANTICIPATED ENVIRONMENTAL RESULTS

16. Consideration of the importance of mineral resources in resource management decision making, while other natural and physical resources are sustainably managed.

Chapter 17 INFORMATION, MONITORING AND REVIEW

PREAMBLE

Section 35 of the Act requires the Regional Council to gather information, monitor and keep records as follows:

- (1) *Every local authority shall gather such information, and undertake or commission such research, as is necessary to carry out effectively its functions under this Act.*
- (2) *Every local authority shall monitor-*
 - (a) *The state of the whole or any part of the environment of its region or district to the extent that is appropriate to enable the local authority to effectively carry out its functions under this Act; and*
 - (b) *The suitability and effectiveness of any policy statement or plan for its region or district; and*
 - (c) *The exercise of any functions, powers, or duties delegated or transferred by it; and*
 - (d) *The exercise of the resource consents that have effect in its region or district as the case may be-*
and take appropriate action (having regard to the methods available to it under this Act) where this is shown to be necessary.

Section 35(3), (4) and (5) requires local authorities to keep this and other information relevant to the administration of policy statements, plans and the monitoring of resource consents at its principal office and to enable this to be available for scrutiny by the public.

Section 62(1)(i) requires the Regional Council to state the procedures it will use to monitor the effectiveness of this RPS as a means of achieving its objectives and policies.

Section 79 requires that a full review of any regional policy statement or plan be commenced no later than 10 years after it becomes operative.

ISSUE 17: Monitoring the relevance and effectiveness of the West Coast Regional Policy Statement.

It is important that this RPS, and any regional plan, remains appropriate and relevant to any changing needs of the West Coast while also meeting statutory requirements. Further, anticipated environmental results should be met (see Chapters 5 to 16 and the end of this chapter). If they are not, the reasons will need to be investigated and appropriate changes made.

The RPS provides a list of issues associated with different facets of resource use and the nature of an impact on the resource, and anticipated environmental results. This list is the basis for determining the scope and extent of environmental monitoring required. Environmental monitoring will be carried out to determine whether the objectives relating to their respective issues contained here have been met.

Currently, the Regional Council is carrying out a limited range of environmental monitoring which includes the following:

- ◇ Resource consent compliance monitoring.
- ◇ River cross sections.
- ◇ Ambient air quality.
- ◇ River levels and discharges at selected sites.
- ◇ Rainfall intensities and flood levels in catchments.

A *Regional Monitoring Strategy for the West Coast* has been completed. It includes state of the environment and resource consent monitoring. State of the environment monitoring will cover issues such as water quality and quantity, river channel stability, river protection works and drainage works, coastal discharges and structures, air quality, natural hazards, hazardous waste management, contaminated sites, pest plants, energy and cultural and historic resources. The Strategy also provides statements on monitoring purpose, methods, frequency and capabilities within the Regional Council and the region. The ability of the Regional Council to carry out this wider range of environmental monitoring is currently restricted by financial resources.

The Regional Council has also prepared an inventory of sites associated with hazardous substances. Information has also been compiled on natural hazards in terms of mapping areas prone to flooding. Inventories of dams and earthquake hazards have also been completed.

Regional plans will be prepared. These will establish regional rules under which activities are *permitted, controlled, discretionary, non-complying or prohibited*. They will also include appropriate performance standards. These plans will also outline criteria under which resource consent applications will be assessed.

OBJECTIVE 17 Ensure that this RPS remains effective, relevant and appropriate to the needs of the West Coast.

INFORMATION, MONITORING AND REVIEW POLICIES

POLICY 17.1 To monitor and review the effectiveness of this RPS and of regional and district plans at regular intervals.

POLICY 17.2 To adopt appropriate baseline standards for environmental monitoring that are consistent with this RPS relevant and appropriate to

Cross reference
policies 17.1-17.3
All policies in this
RPS.

the needs of the West Coast and to national programmes.

POLICY 17.3 *To promote the collection of data that is comparable regionally, nationally and over periods of time when developing environmental monitoring for the West Coast.*

METHODS

- 17.1 Evaluate and respond to complaints received from the public.
- 17.2 Consult with and review commentary from the public, resource users and other affected parties.
- 17.3 Review the effectiveness of this RPS and of regional and district plans in achieving their stated objectives, policies and anticipated environmental results at regular intervals.
- 17.4 Ensure that, where appropriate, conditions for resource consents include conditions for monitoring and that they are consistent with the objectives, policies and anticipated environmental results in this RPS.
- 17.5 Report on the state of the region's environment at two-yearly intervals.
- 17.6 Exchange data on the state of the environment with other local authorities and the Crown and have regard to their data collection programmes and techniques when developing environmental monitoring for the West Coast.
- 17.7 Implement the *Regional Monitoring Strategy for the West Coast*.
- 17.8 Carry out compliance monitoring and environmental monitoring, including that of the state of the coastal environment as required under the NZCPS.
- 17.9 Liaise with territorial authorities on a regular basis regarding the effectiveness of the RPS.

EXPLANATION

The Regional Council's environmental monitoring function has two components:

1. An understanding of the resources identified in this RPS in sufficient depth to formulate the procedures and rules necessary for their management.
2. A determination of whether the anticipated environmental results have been met. This provides a means of evaluating how well the objectives of this RPS have been achieved.

The process of review and monitoring will provide information on the effectiveness of this RPS, reveal long term environmental trends and determine whether natural and physical resources are being sustainably managed. It may also reveal the degree to which environmental changes are due to human activities or natural processes. This should enable any review to be based on factual information and data. Seeking to ensure, as far as practicable, that the data collected is comparable nationally, regionally and over time will assist in providing a consistent response to cross boundary resource management issues and improved inter regional understanding of them.

If further national policy statements are issued it may be necessary to review this document sooner than the maximum ten year period the Act presently requires.

Adoption of baseline standards in regional plans is necessary because they provide a measure against which environmental trends can be compared. This will enable alteration of the objectives, policies and rules to be undertaken on a rational basis.

ANTICIPATED ENVIRONMENTAL RESULTS

- 17.1 Regular reports on the state of the West Coast environment.
- 17.2 Effectiveness of resource consent and monitoring conditions assessed at regular intervals.

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GLOSSARY

This glossary is an aid to understanding the terms used in this RPS. Italicised definitions of those terms below are from the Act.

Archaeological site	means any place in New Zealand that- (a) Either- (i) Was associated with human activity that occurred before 1900; and (ii) Is the site of the wreck of any vessel where that wreck occurred before 1900; and (b) Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.
Carbon sink	means a plant that locks up carbon dioxide in the form of carbon (wood). Refers specifically to forests.
Coastal hazard	any coastal process or event which has the potential to damage the foreshore and/or the coastal environment.
Consent authority	<i>means the Minister of Conservation, a regional council, a territorial authority, or a local authority that is both a regional council and a territorial authority, whose permission is required to carry out an activity for which a resource consent is required under this Act.</i>
Consent	the right to carry out an activity which may have an impact on the environment.
Contaminant	<i>includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat - (a) When discharged into water, changes or is likely to change the physical, chemical or biological condition of water; (b) when discharges onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.</i>

- Controlled activity** *means any activity which -*
- (a) Is provided for, as a controlled activity, by a rule in a plan or proposed plan; and*
 - (b) complies with standards and terms specified in a plan or proposed plan for such activities; and*
 - (c) Is assessed according to the matters the consent authority has reserved control over in the plan or proposed plan; and*
 - (d) Is allowed only if a resource consent is obtained in respect of the activity.*
- Discretionary activity** *means an activity -*
- (a) Which is provided for, as a discretionary activity, by a rule in the plan or proposed plan; and*
 - (b) Which is allowed only if a resource consent is obtained in respect of that activity; and*
 - (c) Which may have standards and terms specified in a plan or proposed plan; and*
 - (d) In respect of which the consent authority may restrict the exercise of its discretion to those matters specified in the plan or proposed plan for that activity.*
- District Plan** *means an operative plan approved by a territorial authority under the First Schedule; and includes all operative changes to such a plan (whether arising from a review or otherwise).*
- Ecological District** A local part of New Zealand where the physical and biological features and human induced patterns produce a characteristic pattern. They are used as a tool for identifying and defining natural ecological systems and landscapes in order to protect representative examples of these. Boundaries were drawn on the understanding that ecological and physical changes may be along a continuum, rather than a clearly defined line. Therefore some boundaries are lines of convenience, for example those along rivers or a ridge, while others clearly correspond with the edge of particular landforms, geological features or vegetation types.

Effect	<p><i>Unless the context otherwise requires, the term “effect” includes-</i></p> <p><i>(a) Any positive or adverse effect; and</i></p> <p><i>(b) any temporary or permanent effect; and</i></p> <p><i>(c) Any past, present, or future effect; and</i></p> <p><i>(d) Any cumulative effect which arises over time or in combination with other effects - regardless of the scale, intensity, duration, or frequency of the effect, and also includes-</i></p> <p><i>(e) Any potential effect of high probability; and</i></p> <p><i>(f) any potential effect of low probability which has a high potential impact.</i></p>
Environment	<p><i>Includes</i></p> <p><i>(a) Ecosystems and their constituent parts, including people and communities; and</i></p> <p><i>(b) all natural and physical resources; and</i></p> <p><i>(c) Amenity values; and</i></p> <p><i>(d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition which are affected by those matters.</i></p>
Hapu	Subtribe.
Hazardous substances	<p>means any substance -</p> <p>(a) with one or more of the following properties: explosiveness, flammability, a capacity to oxidise, corrosiveness, toxicity (both acute and chronic) and ecotoxicity, with or without bioaccumulation; or</p> <p>(b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased), generates a substance with any one or more of the properties specified in paragraph (a) of this definition.</p>
Heritage Protection Order	Heritage order means a provision made in a District plan to give effect to a requirement made by a heritage protection authority under section 189 or section 189a of the RM Act.

Heritage Protection Authority	<p>- Means</p> <p>(a) Any Minister of the Crown including-</p> <p>(i) The minister of Conservation acting either on his or her own motion or on the recommendation of the New Zealand Conservation Authority, a local conservation board, the New Zealand Fish and Game Council; and</p> <p>(ii) The Minister of Maori Affairs acting either on his or her own motion or on the recommendation of an iwi authority;</p> <p>(b) A local authority acting either on its own motion or on the recommendation of an iwi authority ;</p> <p>(c) The New Zealand Historic Places Trust in so far as it exercises its functions under the Historic Places Trust Act 1993 :</p> <p>(d) A body corporate that is approved as a heritage protection authority under section 188.</p>
Heritage value	The special interest, character, intrinsic or amenity value or visual appeal or special significance to tangata whenua for spiritual, cultural or historic reasons, of sites, buildings places or areas.
Intrinsic values	<p><i>in relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including -</i></p> <p>(a) <i>Their biological and genetic diversity; and</i></p> <p>(b) <i>The essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience.</i></p>
Iwi Authority	<i>means the authority which represents an iwi and which is recognised by that iwi as having authority to do so.</i>
Kaika	the special interest, character, intrinsic or amenity value or visual appeal or special significance for spiritual, cultural or historic reasons, of sites, buildings, places or areas.
Kainga	Home village.
Kaitiaki	Guardians.
Kaitiakitanga	means the exercise of guardianship; and in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.
Kawanatanga	Governorship, government.

Komiti Rangapu	the former standing committee of the West Coast Regional Council which provided representation for Poutini Ngai Tahu organisations, and West Coast Regional Council, and with the Te Tai Poutini member of the Ngai Tahu Maori Trust Board as an adviser.
Mahinga kai	places where food and other resources are gathered and the food or resources themselves.
Maori	normal, ordinary, and in the post European era means the indigenous people of New Zealand.
Marae	area or courtyard in front of a meeting house, now can refer to the building and land complex as a whole.
Mauri	life force, essence of life.
National Policy Statement	<i>means a statement issued under section 52 (sic) of the Act.</i>
Natural and physical resources	<i>includes land, water, air, soil, minerals and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.</i>
Natural hazard	<i>means any atmospheric, or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affect human life, property or other aspects of the environment.</i>
Non-complying activity	<i>means an activity (not being a prohibited activity) which</i> <i>(a) Contravenes a rule in a plan or proposed plan; and</i> <i>(b) is allowed only if a resource consent is obtained in respect of that activity.</i>
Permitted activity	<i>means an activity that is allowed by a plan without a resource consent if it complies in all respects with any conditions (including any conditions in relation to any matter described in section 108 or section 220 (sic) of the Act).</i>

Papakāinga housing	Housing development on Maori land under multiple ownership.
Plan	Means a regional plan or a district plan.
Poutini Ngai Tahu	The section of Ngai Tahu who, by their whakapapa, derive their status as tangata whenua from their ancestors who held the customary title and rights to the lands of Westland (West Coast) at the time of the signing of the Treaty of Waitangi in 1840.
Prohibited activity	<i>Means an activity which a plan expressly prohibits and describes as an activity for which no resource consent shall be granted; and includes any activity prohibited by section 105(2) of the Historic Places Trust Act 1993.</i>
Regional coastal plan	<i>Means an operative plan approved by the Minister of Conservation under the First Schedule and includes all operative changes to such a plan (whether arising from a review or otherwise).</i>
Regional plan	<i>Means an operative plan (including a regional coastal plan) approved by a regional council or the Minister of Conservation under the First Schedule; and includes all operative changes to such a plan (whether arising from a review or otherwise).</i>
Resource consent	<i>Has the meaning set out in section 87; (of the Act) and includes all the conditions to which the consent is subject.</i>
Riparian areas	Are those vegetated buffer zones between water bodies and land affected by human or environmental activity.
Runanga	Tribal assembly or council.
Territorial authority	<i>Has the same meaning as in section 2(1) of the Local Government Act 1974.</i>
Tangata whenua	<i>In relation to a particular area, means the iwi, or hapu, which holds mana whenua over that area.</i>
Taonga	Tangible and intangible treasured possessions, including, for example, the Maori language.
Te Tai Poutini	The Maori name for the West Coast region.

Tikanga maori	<i>Means Maori customary values and practices.</i>
Tsunami	A very swiftly travelling sea wave that can attain considerable height. Generated by earthquakes.
Waimaori	Normal, running freshwater for human use.
Waahi tapu	Means a place which is particularly sacred or spiritually meaningful to tangata whenua. It includes burial grounds and places where significant events have taken place.
Waimataitai	Estuarine waters.
Waitohi	Waters used for naming children and other special ceremonies.
Water	<p><i>(a) Means water in all its physical forms whether flowing or not and whether over or under the ground:</i></p> <p><i>(b) Includes fresh water, coastal water, and geothermal water:</i></p> <p><i>(c) Does not include water in any form while in any pipe, tank or cistern.</i></p>
Wetland	<i>Includes any permanently or intermittently wet areas, shallow water and land water margins that support a natural ecosystem of plants and animals adapted to wet conditions.</i>
Whanui	Extended or wider family group.
Whitebait stand	Any structure built and used for standing on by persons engaged in whitebait fishing. The structure may extend over the foreshore, the bed of a navigable river or the bed of a watercourse subject to tidal influence.

APPENDIX 1: SECTIONS 6, 7 AND 8 OF THE ACT

6. Matters of national importance - *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources shall recognise and provide for the following matters of national importance:*

(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers:

(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

7. Other matters - *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to-*

(a) Kaitiakitanga:

(b) The efficient use and development of natural and physical resources:

(c) The maintenance and enhancement of amenity values:

(d) Intrinsic values of ecosystems:

(e) Recognition and protection of the heritage values of sites, buildings, places, or areas:

(f) The maintenance and enhancement of the quality of the environment:

(g) Any finite characteristics of natural and physical resources:

(h) The protection of the habitat of trout and salmon.

8. Treaty of Waitangi - *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

APPENDIX 2. CONSULTATIVE MEETINGS AND PROCESS IN PREPARATION OF THE REGIONAL POLICY STATEMENT

The West Coast Regional Council consulted with a number of individuals and organisations during the preparation of this RPS. An outline of the process followed and who was consulted follows.

Invitations to contribute issues for inclusion in the Regional Policy Statement were sent to Buller, Grey, Westland and Tasman District Councils on 8 October 1991.

Invitations to all Ministers of the Crown to contribute issues for inclusion into the West Coast Regional Policy Statement and request for names of liaison persons for this purpose on 15 October 1991.

Workshop with Council to identify issues on 30 October 1991.

Meeting with Westland District councillors on 21 November 1991.

Meeting with Tasman District Council Mayor and staff on 25 November 1991.

Discussion of issues for inclusion into Regional Policy Statement between Council, staff, West Coast Gold Miners Associate, West Coast Sphagnum Moss Association, Department of Conservation, West Coast Fish and Game Council and Federated Farmers on 30 November 1991.

Meeting with Mayors and Managers of Buller, Grey and Westland district councils on 3 December 1991.

Council meeting to identify and discuss further issues on 17 February and 30 April 1992.

Preliminary draft released for consultation to 18 persons or organisations in June 1992.

Copies circulated to Komiti Rangapu for comment in August 1992.

Meeting with Council and Ministry for the Environment on 7 -8 July 1992.

Meeting with Grey District Council staff on 14 July 1992.

Meeting with Department of Conservation on 23 July 1992.

Meeting with Timberlands West Coast Ltd on 7 August 1992.

Meeting with Westland District Council staff on 21 August 1992.

Meeting with Harbours Management Unit of Ministry of Transport Maritime Division on 23 August 1992.

Meeting with Grey District Council staff on 27 August 1992.

Meeting with Buller District Council staff on 28 August 1992.

Consultation with Ministry for the Environment, Department of Conservation, Federated Farmers, iwi and territorial authorities July to September 1992

Draft West Coast Regional Policy Statement sent for comment to 47 persons and organisations on 8 October 1992.

Closure date for comments on 13 November 1993.

Meeting between West Coast Regional Council and Ministry for the Environment on 17 November 1992.

Draft West Coast Regional Policy Statement released for second round of consultation in November 1992.

Meeting with Grey District Council staff in December 1992.

Draft released to Komiti Rangapu in March 1993.

Notification of Proposed West Coast Regional Policy Statement on 18 August 1993.

Talkback on Radio Scenicland on 1 October 1993.

November 1993 Notification of extended time for submissions to 5 January 1994.

Public meetings:

- 1 December 1993 Hokitika;
- 1 December 1993 HariHari;
- 2 December 1993 Reefton;
- 8 December 1993 Karamea;
- 8 December 1993 Westport;
- 9 December 1993 Greymouth.

Submissions closed on 5 January 1994.

Submissions and staff report released for further submissions on 24 June 1994

Closure date for further submissions 5 August 1994.

Hearings 31 October -3 November 1994.

Legal review following redrafting during August 1995.

Withdrawal of Proposed Regional Policy Statement (18 August 1993 version) and renotification during May 1996. Closure date for submissions 12 July.

Submissions and staff report released for further submissions in August 1996

Closure date for further submissions 25 September 1996.

Draft staff reports showing staff recommendations on submissions and recommended amendments to Proposed West Coast Regional Policy Statement released to submitters for pre-hearing consultation May 1997.

Pre-hearing consultation between staff and submitters May-July 1997.

Hearings 15-17 and 21 September 1997.

Committee's deliberations and decisions 21 September 1997, 5 December 1997, 2-3 March 1998.

Release of Council decisions in May 1998.

Resolution of appeals to Environment Court, June 1998 - December 1999.

SUMMARY OF CONSULTATION WITH TANGATA WHENUA

An inaugural meeting of the Komiti Rangapu was held in July 1991 as a result of a joint working party to establish a mechanism to give effect to the Treaty relationship between the Regional Council and tangata whenua.

Preliminary Komiti Rangapu discussion held in December 1991.

Workshop held in January 1992 on the Regional Policy Statement and Regional Coastal Plan. Komiti Rangapu deliberations and direct negotiation between the Regional Council and local runanga directed the consultation process, which involved contracts with tangata whenua individuals (supported by participating runanga) to facilitate consultation. Comments from kaumatua, runanga members, and other tangata whenua were obtained during the consultation process.

The proceedings of two hui held in June 1992 were incorporated into a discussion document "*Early Indications of Tangata Whenua Concerns to be Addressed in the Draft Regional Policy Statement*".

"Poutini Ngai Tahu Regional Policy Statement Workshop" in August 1992. Draft policy options regarding tangata whenua interests and concerns were discussed with Komiti Rangapu and runanga representatives.

In October 1992 a Regional Policy Statement Discussion Draft *including "Resource Management Issues of Significance to the Tangata Whenua"* was provided to tangata whenua for further consultation through Komiti Rangapu, local runanga, the West Coast member of the Ngai Tahu Maori Trust Board, the Ngai Tahu Unit at the Canterbury Regional Council and Te Runanganui o Tahu. Te Runaka o Katiwaewae confirmed a preference to participate in the public submissions stage.

In November 1992 the Regional Council met with the Kaiwhakahaere of Runanganui o Tahu and the West Coast member of the Ngai Tahu Maori Trust Board. Following this a Draft Regional Policy Statement was provided to tangata whenua, and meetings were subsequently held to discuss it.

The Proposed Regional Policy Statement was notified and copies provided to tangata whenua, through Komiti Rangapu, runanga and the West Coast member of the Ngai Tahu Maori Trust Board. They were encouraged to make submissions over any issues they felt were not adequately dealt with.

Komiti Rangapu were informed of the submissions received.

APPENDIX 3 THE TREATY OF WAITANGI (TE TIRITI O WAITANGI)

The full text of the Treaty of Waitangi (Te Tiriti o Waitangi) as defined in section 2 of the Treaty of Waitangi Act 1985 follows, covering three versions, the Maori text, a translation of the Maori text and the English version.

TE TIRITI O WAITANGI

HE KUPU WHAKATAKI,

Ko Wikitorā, Te Kuini o Ingaranui, i tana mahara atawai ki nga Rangatira me nga Hapu o No Tirani i tana hiahia hoki kia tohungia ki a ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua waka(a)ro ia he mea tika kia tukua mai tetahi Rangatira hei kai wakarite ki nga Tangata Maori o Nu Tirani. Kia wakaaetia e nga Rangatira Maori te Kanawatanga o te Kuini ki nga wahikatoa o te wenua nei me nga Motu-na te mea hoki he tokomaha ke nga tangata o tona iwi Kua noho ki tenei wenua, a e haera mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kanawatanga, kia kaua ai nga ino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na kua pai te Kuini kia tukua a hau, a Wiremu Hopihona, he Kapitana i te Roiara Nawi, hei Kanawa mo nga wahi katoa o Nu Tirani tukua aianei amua ki te Kuini: e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani, me era Rangatira atu enei ture ka korerotia nei.

KO TE TUATAHI

Ko nga Rangatira o te Wakaminenga, me nga Rangatira, katoa hoki ki hai i uru ki taua wakaminenga, ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu-te Kanawatanga katoa o o ratou wenua.

KO TE TUARUA

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga Hapu-ki nga katoa o Nu Tirani, te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua-ki te ritenga o te utu e wakrite ai e ratou, ko te kai hoko e

meatia nei e te Kuini hei kaihoko mona.

KO TE TUATORU

He wakaritenga mai hoki tenei mo te wakaatanga ki te Kanwatanga o te Kuini-Ka tiakina e te Kuini o Ingarani nga tangata Maori katoa o Nu tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

William Hobson

TRANSLATION OF MAORI TEXT (Professor Sir Hugh Kawharu 1987)

Victoria, the Queen of England, in her concern to protect the Chiefs and the subtribes of New Zealand and in her desire to preserve their chieftainship and their lands to them and to maintain peace and good order considers it necessary to appoint an administrator one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen's government being established over all parts of this land and (adjoining) islands and also because there are many of her subjects already living on this land and others still to come. So the Queen desires to establish a government so that no evil will come to the Maori and European living in a state of lawlessness.

So the Queen has appointed me, William Hobson a Captain in the Royal Navy to be Governor for all parts of New Zealand (both these) shortly to be received by the Queen and (those) to be received hereafter and presents to the chiefs of the Confederation chiefs of the subtribes and other chiefs these laws set out here.

The first

The Chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England forever the complete government over their land.

The second

The queen of England agrees to protect the Chiefs, the Subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and the Chiefs will sell land to the queen at a price agreed to by the person owning it and the person buying it (the latter being) appointed by the Queen as her purchase agent.

The third

For this agreed arrangement therefore concerning the Government of

the Queen, the Queen of England will protect all the ordinary people of New Zealand (ie the Maori) and will give them the same rights and duties of citizenship as the people of England.

ENGLISH VERSION

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid expansion of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands - Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her Subjects has been graciously pleased to empower and authorise me William Hobson a captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

ARTICLE THE FIRST

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

ARTICLE THE SECOND

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full and exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over

such lands as the Proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat them in that behalf.

ARTICLE THE THIRD

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her Royal protection and imparts to them all the Rights and Privileges of British Subjects.

W HOBSON, Lieutenant Governor

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which we have attached our signatures or marks at the places and dates respectively specified.

Done at Waitangi this Sixth Day of February in the year of Our Lord One thousand eight hundred and forty.

(Signatures, dates etc. follow)